

DC-Cam Queries Rebuffed

Kristin Lynch

February 7, 2012

Despite repeated attempts by Brother No 2 Nuon Chea's defence lawyers to prove the Khmer Rouge tribunal may be relying on biased documents from the Documentation Centre of Cambodia, lawyers were rebuffed by the Trial Chamber at nearly every turn yesterday, creating a delicate legal dance that seemed to end only in futility for the defence.

"I'll now conclude my part of the questioning, because there are too many questions I want to ask that I can't because of your concerns," Nuon Chea's co-defence lawyer Jasper Pauw quipped to the Trial Chamber, after more than three hours of questioning DC-CAM director Youk Chhang, who he referred to as "the most important gatekeeper of all evidence".

During Youk Chhang's last day on the stand, Pauw attempted to raise concerns about the impartiality of DC-Cam's records, which he said were a core part of the case against his client.

"This is an unprecedented situation, that a private organization has been so instrumental in the collection of evidence in a criminal case," Pauw noted, explaining why the defence team felt the issue of bias on the part of DC-Cam was "of crucial importance".

In order to prove such bias, and therefore undermine DC-Cam's documents, and by extension inculpatory evidence against Nuon Chea, Pauw introduced evidence he said conveyed the personal prejudices of DC-Cam director Youk Chhang.

Such evidence included two forewords to scholarly articles penned by Youk Chhang.

One of them, published by DC-Cam in 2010, describes the trial of the four senior Khmer Rouge leaders – Ieng Sary, Nuon Chea, Ieng Thirith and Khieu Samphan – as offering "an important chance to show that the Democratic Kampuchea regime made decisions that cost the death of two million Cambodians".

Pauw claimed there was a clear personal prejudice on the part of DC-CAM's director.

"It sounds like you have already reached an answer on an issue that this court still needs to provide a decision for," Pauw said.

However, objections to Pauw's questioning effectively prevented Youk Chhang from

addressing such pointed topics.

For his part, Youk Chhang continued to maintain his position that DC-Cam's documents were provided without discrimination.

"I give documents to any parties, including the public. Documents that are collected by DC-Cam have been done so with permission from the government of Cambodia," he said.

Visibly frustrated by the repeated rejection of his line of questioning, Pauw embarked on lengthy monologues, drawing more ire from the Trial Chamber.

"The floor is not for you to make general statements ... you cannot take advantage of this venue to put forth other statements that are not relevant," the Trial Chamber president said.

Tribunal hearings resume on Wednesday.