

# The Phnom Penh Post

**Health woes slow KRT**  
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The evidence needed to deliver a verdict against the Khmer Rouge tribunal's trio of defendants is literally fading away with the memories of the trial's witnesses.

Elderly, weak and suffering from deteriorating health and – critically – failing memories, the tribunal's key eyewitnesses to the Khmer Rouge regime's actions are in a fragile state.

The Trial Chamber yesterday postponed the testimony of three civil parties due to health issues before hearing from 70-year-old Romam Yun, who answered questions for less than an hour before needing to rest. “Due to the old age and not very good health of witnesses and civil parties, unexpected things may happen,” Trial Chamber President Judge Nil Nonn said on the third day of evidence.

One of the accused, former Khmer Rouge ideologue Nuon Chea, was slated to give testimony yesterday afternoon as well, but could not due to his poor health, lawyers said.

Case 002, finally under way some 36 years after the Khmer Rouge seized control of Cambodia, has been plagued by the health woes of the co-accused and witnesses since the investigation phase began.

Former president Khieu Samphan, one of the trio of aging former leaders on trial, was arrested in November 2007, a week after he suffered a stroke. He was transported directly from his hospital bed to his detention cell.

Ieng Thirith, the Khmer Rouge regime's “first lady” and Social Action Minister, was last month found unfit to stand trial due to a degenerative mental ailment presumed to be Alzheimer's.

Even if the trio prove healthy enough to endure the potentially years-long trial, their victims and critical eyewitnesses may not.

Yesterday, lawyers for Romam Yun of Ratanakkiri, his frail body swimming underneath a white T-shirt and black cardigan and jacket, told the court the civil party had increasing trouble with his memory.

Somewhat baffled by the audio-translation technology of the court room, Ramom Yun, much like the first civil party to speak, Klan Fit, who spoke on Tuesday, struggled to deliver his testimony and required constant technological and translation assistance. Both civil parties were ethnic minority villagers from Ratanakkiri, and Khmer is not their mother tongue.

Long Norin, a civil party quizzed by judges yesterday afternoon, is confined to his home in Banteay Meanchey province due to his ill-health. His questioning, performed via video link, was punctuated by his frequent need to relieve himself.

The issue of the fitness of both witnesses and the accused is all the more pertinent due to the framework of multiple “mini-trials” that constitute Case 002. Under this framework, the charges and crimes of the case are split and will be heard in a series of separate trials. Allegations of genocide, torture, forced labour, executions and rape will not be heard until a later, as yet unspecified, date.

The prosecution yesterday requested permission from the judges to quiz civil parties on the entirety of the charges against the accused.

“This is for exceptional reasons related to the precarious health status of the witness,” Belgian prosecutor Vincent De Wilde d’Estmae said in court. “Witnesses could degenerate to the point where they cannot be examined.”

Nuon Chea’s defence counsel Adrew Ianuzzi asked the court yesterday, “What’s the Plan B?”

Judge Silvia Cartwright relied curtly: “There is no Plan B. The court must be flexible.”

Flexibility in gathering testimony will be critical for the court.

In September this year, Vann Nath, one of the key witnesses in the tribunal’s first case, passed away at just 66 years of age. Vann Nath was a prisoner at the notorious S-21 interrogation and detention facility in Phnom Penh. An accomplished artist, Vann Nath was kept in detention to paint portraits of Khmer Rouge leader Pol Pot and was one of only seven survivors of the Killing Fields’ antechamber.

Later, he used his talents to visually document the horrors he had witnessed.

Now, what insight Vann Nath could have shared on the alleged criminal enterprise of the three former Khmer Rouge leaders will never be known.