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Civil parties start boycott of KR tribunal **Chean Sokha and Robbie Corey-Boulet** **September 4, 2009**

The Khmer Rouge tribunal lost some familiar faces this week as a group of civil parties - some of whom had been attending almost daily - launched a boycott protesting a decision they said unfairly restricted their participation.

The Trial Chamber last week ruled that civil party lawyers would not be allowed to question character witnesses, prompting criticism that judges were renegeing on their promise to allow for "enhanced recognition of victims" in proceedings, which is billed on the tribunal's Web site as one of its "major innovations".

During a press conference Monday, 28 civil parties complained that the tribunal was weighing the interests of Tuol Sleng prison chief Kaing Guek Eav, alias Duch, over their own. An open letter to Trial Chamber President Nil Nonn listed examples of this "unbalanced" treatment, including the fact that Duch has been able to respond to all civil party testimony. Civil party Chum Sirath said Monday that the group would boycott until the chamber reconsidered its decision.

Court spokesman Reach Sambath said Thursday that the Trial Chamber had given no indication as to when it would explain the decision.

Civil party lawyer Kong Pisey said Thursday the decision was indefensible, adding that he had been hoping to ask questions about Duch's thinking and motives that had not been covered in earlier testimony.

Asked to provide an example, he said: "Duch converted to Christianity, so we want to ask him whether he thinks that cleared him of all the crimes he has committed."

Chum Mey, 79, a civil party who has attended nearly every day of the proceedings, also said he wanted to ask more questions about Duch's motives.

Nil Nonn this week repeatedly stonewalled efforts by civil party lawyers to raise the issue in court.

On Tuesday, for instance, civil party lawyer Alain Werner requested to read the open letter out for the judges. That request - along with three separate attempts by lawyers to

explain to witnesses why the civil parties were not present - was denied, and by the end of the day Nil Nonn seemed to have grown tired of entertaining them.

"Alain Werner, you seem to have made the repetitive statement," he said. "We are not repetitious on this matter, and we will not allow you to raise this matter again."

The decision has effectively been finalised for the Duch trial. According to a press release issued Thursday, victim participation will be discussed during next week's plenary session, though only with respect to the court's second case. Civil party lawyers could file an appeal with the Supreme Court Chamber, but this would not be processed before character testimony in the Duch trial concludes.

Long Panhavuth, a monitor for the Cambodia Justice Initiative, said Thursday that the dispute over civil party participation reflected widespread confusion about what their role should be.

UN court spokesman Lars Olsen said he did not believe there had been much confusion, though he noted that the system was new and thus led to "new experiences every day".

He said there is "always a balance between the rights of the accused and the rights of the victims", though he noted that "there is no other court in the world that has granted civil parties rights to the extent that this court has".

He added: "The court will welcome back the civil parties to attend the proceedings anytime."