



## **Cambodia Khmer Rouge court leaves victims disappointed**

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Hav Sophea hoped for a sense of closure after telling Cambodia's UN-backed war crimes tribunal how her father was killed in the late 1970s at the Khmer Rouge's Tuol Sleng prison.

But after testifying at the ongoing trial of former prison chief Kaing Guek Eav, better known as Duch, she is worried she was not allowed to properly put her father's memory to rest.

"The court does not treat civil parties like me, who are victims of the Khmer Rouge regime, well enough. They don't give us enough privileges to speak up about our pain," the 33-year-old told AFP.

Hav Sophea is one of 93 regime victims known as civil parties participating in the unique initiative at Duch's trial in which they have brought parallel civil cases against him.

The process has allowed them the right to be represented by lawyers, be part of investigations, call witnesses and ask questions during trial proceedings.

Most observers, however, conclude the well-intentioned experiment in victim participation, once touted as a possible model for future international criminal proceedings, has gone very badly.

Duch began his trial in March by accepting responsibility and apologising for overseeing the torture and execution of more than 15,000 people at the regime's main prison, Tuol Sleng.

But civil party lawyers have often bogged down the process, taking individual turns posing often repetitive and irrelevant questions.

Furthermore, the defence has sought to dismiss 24 out of the 93 civil parties from the case against Duch after a number of them were given dubious testimony in court.

Youk Chhang, director of the Documentation Centre of Cambodia, which gathers details of Khmer Rouge crimes, said many victim applications had not been properly vetted because the initiative was understaffed and lacked funds.

"The affected civil parties have no doubt been traumatised to some extent by these events," he said.

A number of court observers have also raised concerns about the June appointment of the head of the victims unit, Helen Jarvis, for her lack of experience and for her membership of Australia's Leninist Party Faction (LPF).

Jarvis signed a 2006 LPF statement which proclaimed: "Against the bourgeoisie and their state agencies we don't respect their laws and their fake moral principles."

The court recognised many shortcomings in the process when it announced earlier this month it would streamline victim participation for its next case against four more senior Khmer Rouge leaders.

Former Khmer Rouge "Brother Number Two" Nuon Chea, ex-head of state Khieu Samphan, former foreign minister Ieng Sary and his wife Ieng Thirith, who was minister of social affairs, are also awaiting trial at the war crimes court.

Analysts say the victims unit will require an overhaul so it is not overwhelmed by applications in a country that lost a quarter of its population to overwork, starvation, execution and torture under the Khmer Rouge.

Yet while future proceedings could be smoother, judges' efforts to rein in the role of civil parties has stoked the emotions of many who were worst affected by Cambodia's tragedy.

Chum Mey, one of the handful who survived imprisonment at Tuol Sleng, boycotted with some two dozen other victims after civil party lawyers were not allowed to ask Duch questions about his character and personality.

"I am very disappointed and that's why I had boycotted the court. The court the decision was very unjust," the 79-year-old said.

"Since the very beginning, the court has allowed us to participate in every proceeding but as the trial nears its end the court banned us."

Many of the victims are also frustrated that they have not been granted financial compensation for their suffering, as civil claimants would be in a normal trial.

"For the accused person, he can now live well enough...(but) what about us victims? We have been left traumatised. Who should look after us?," said Neth Phally, 52, who testified that his brother was killed at Tuol Sleng.

Peter Maguire, historian of international justice and author of "Facing Death in Cambodia", says the civil parties have been a distracting social agenda when the court's main purpose ought to be weighing criminal evidence.

"Some new details have been revealed, but the salient facts remain the same," Maguire said. "There's nothing earth-shattering. We know who Duch is. We know what he did."

