



EMOTIONALLY CHARGED DAY AS CIVIL PARTIES BEGIN TESTIFYING

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By Michael Saliba, **J.D. (Northwestern Law '09)**, Consultant to the Center for International Human Rights, Northwestern University School of Law

Today proved to be one of the most emotionally charged days to date in the trial of Kaing Guek Eav (alias Duch) as the civil parties were given the opportunity to share accounts of their suffering with the court.

Mother and Daughter; Widow and Orphan

The court first called the civil party Martine Lefevre to read her statement. By way of introduction, and pursuant to the Chamber's request, her lawyer explained that Lefevre was married to Ouk Ket, who was a prisoner and had been executed at the Tuol Sleng prison (S-21). She and Ouk Ket had met in Paris and were married in October 1971. Shortly after their marriage, the family moved to Senegal where Ouk Ket worked as a Cambodian diplomat. While there, Lefevre gave birth to two children, one son and one daughter.

In April 1977, Ouk Ket received correspondence from the foreign ministry requesting his return to Phnom Penh. According to Lefevre, Ouk Ket was looking forward to the opportunity to return to his country so that he could take part in its reconstruction. He seemed confident about the situation and was not afraid to return. However, before he left, Lefevre impulsively told her husband that if she were to find out that he died she would never believe it to be a natural death, to which her husband responded, "Honey, Cambodians are not savages."

The family received two postcards from Ouk Ket after he left but after the second correspondence they never heard from him again. After 3 months of silence Lefevre contacted the Chinese embassy (Ouk Ket's last postcard was sent from China), the International Red Cross, and Amnesty International in search of help and answers. She even contacted Prince Sihanouk whom she had met once before. Despite her efforts, she was unable to obtain any additional information about her husband.

At the beginning of 1980 she travelled to the refugee camps in Thailand to try to ascertain her husband's whereabouts. While there, she ran into an old friend who informed her that he had seen the records at S-21. He relayed to her the devastating news that her husband had been sent to S-21 as a prisoner and had later been executed.

She returned to Paris with complete despair. She tried to reorganize her life and the lives of her children, knowing that they would have to grow up without a father. Initially, she could

not even bear to tell her children the reality about what happened. Despite her best efforts, it was extraordinarily difficult to resume a normal life.

In 1990 after receiving a letter from her mother in law she returned to Cambodia with her two children. There they visited S-21 for the first time. She was overtaken by the horror. She was deeply saddened and angered. She then visited Choeung Ek where she described a feeling of complete revulsion when seeing all of the skulls piled one on top of another. In the weeks that followed she returned to S-21 to consult the records and found documentation that confirmed her worst fears – her husband had been sent to S-21 on June 15, 1977, and executed on December 9, 1977.

She described her husband as a gentle and kind man. He was an intellectual. Most of all he was a loving husband and an affectionate father. She recounted that “life with him was pure happiness.” She explained that not a day goes by that she does not think of her husband. Her husband’s suffering was, and still is her suffering, and it only intensifies with time.

She asked that the tribunal impose the “maximum” sentence because the punishment must be commensurate with the crime. She stated emotionally that she was not currently ready or able to forgive the accused. In response, Duch acknowledged the truthfulness of her testimony and nonetheless asked for her forgiveness.

Ouk Ket’s daughter, Ouk Neary, followed her mother’s testimony. She was two years old the final time she saw her father. Her testimony demonstrated that even someone who does not know her father can still sustain extreme pain and suffering due to his absence.

She testified that growing up without a father at an early age began to feel normal. This all changed at age 16 when she visited S-21 with her mother. She described the experience as the shock of her life and her later visit to Choeung Ek as the “worst place in the world.” She described the realization that she could have been one of those babies that was grabbed by the foot with her skull crushed against a tree as a “psychological journey into hell.” The images of S-21 still haunt her even though she grew up in France, proving that the suffering at S-21 was not contained within the walls of the prison or even the borders of the country.

She concluded by emphasizing that while her story was one reason to impose the maximum penalty, 17,000 other victims provided 17,000 additional reasons to impose the maximum penalty.

A Family Destroyed

The second civil party to testify was Robert Hamill, a New Zealand Olympic rower, whose brother, Kerry Hamill, had been sent to S-21 and executed during the rule of the Khmer Rouge regime. Hamill shared with the court the emotional and painful journey that he and his family endured and continue to endure as a result of his brother’s disappearance and execution. It was not the story of a tragedy experienced by just one man, but rather by a whole family. As the witness explained, “my family’s disintegration is my disintegration.”

Robert Hamill grew up with 4 siblings in a lively and loving family in New Zealand. He was the youngest of his siblings and his brother Kerry was the oldest. At age 26, Kerry embarked on a sailing journey through Southeast Asia with his girlfriend and several other friends. He

would often write home to his family who eagerly anticipated his letters. Indeed, he was in the prime of his youth and was having the time of his life.

All this tragically ended on August 13, 1978. A few weeks prior, Kerry had sent a letter home from Singapore. It was the final letter his family ever received. The subsequent silence was deafening. His mother would gaze out at sea and say “its ok - he’ll come home and surprise us.” The passage of time felt like an eternity as the family waited for news of Kerry’s whereabouts. While Robert Hamill and his family held out hope, deep down they knew something terrible had happened to Kerry. Their deepest fears were confirmed 1 year and 4 months after they received Kerry’s final letter, when they read a report in the local newspaper that Kerry had been captured, tortured, and killed. They later learned that his boat had come under attack by the Khmer Rouge, and he was sent to S-21 after his capture.

Having heard the news, the Hamill family lost all hope and began a process of disintegration. Robert’s brother John was 1 year younger than Kerry. Kerry and John were inseparable. During the 16 months between the time when Kerry disappeared and the time John heard the devastating news, he became deeply depressed. After learning about Kerry’s fate, John took his own life by throwing himself off a cliff. He was 27 years old, the same age as Kerry when he died. Robert observed that it is impossible to separate the two deaths. He asserted that if Kerry’s life had been spared, John would be alive today. He turned to the accused and stated emotionally, “Duch, when you killed my brother Kerry, you killed my brother John as well.”

Robert Hamill described his mother’s pain. While she was strong in front of her kids, the pain that she held in eventually made her sick. She stopped engaging in life. She removed herself from all social interaction. Sadly, she died in 2003, before she could see justice done on account of the death of her sons. Robert’s father also had a very difficult time coping with the loss of his sons. His mother and father had lost the ability to parent. They were paralyzed.

Robert Hamill described his own struggles and suffering. The image of the events surrounding his brother’s death has haunted him since he was 16 and still haunts him today. In what was certainly an emotional and tense moment, he was granted leave of the court to put several questions directly to the accused. Despite the pain that he has felt and the anger that he has harbored, he remained composed and professional in his questioning of the accused. He demonstrated great emotional strength. He did not address the accused in a vindictive or angry tone. Rather, he asked questions in search of answers; answers that will hopefully help him and his family deal with this unimaginable tragedy.

After listening to the accounts of unbearable suffering that the witnesses have dealt with as a result of the deaths of their family members, it is impossible not to feel sympathy for them, and hope that this process provides them with at least some sense that justice is being achieved.