



## **CIVIL PARTIES REMINDED TO FOCUS TESTIMONY ON RELEVANT FACTS**

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The court began by acknowledging the progress it has made in the past week in the trial of Kaing Guek Eav (alias Duch). Accordingly, the chamber announced that it planned to hear the final civil party testimonies today, followed by expert witness testimony tomorrow on the issue of civil party claims for reparation. The chamber will then spend approximately two days to hear the defense challenges of civil party applications. Finally, it will receive testimony relating to the character of the accused before scheduling closing statements.

Today's proceedings did not progress as quickly as anticipated due in large part to civil parties straying from relevant facts during their testimonies. Pursuant to the Internal Rules, they were instructed to testify to specific physical, material, or psychological injury sustained as a direct consequence of the crimes of the accused. This typically involves establishing a family link between the civil party and a victim of Tuol Sleng prison (S-21). The judges as well as the attorneys are cognizant of the fact that a major purpose of civil party participation in these proceedings is to help them deal with their tragic losses. Therefore, the judges have refrained from interrupting civil party testimonies throughout the past week even when they ran longer than the time allotted. While civil parties in the past week have certainly strayed from relevant facts on occasion, today they did so over prolonged periods. This prompted numerous requests from the President that the civil parties refocus their testimony and it slowed down the overall progress of today's session.

The chamber also informed the public that civil party lawyer Silke Studzinsky was hospitalized this weekend and likely will be absent from the courtroom for an extended period. The other civil party lawyers will cooperate and coordinate as much as possible to enable to the trial to proceed expeditiously.

### **Civil Party Testimony Continues**

Chum Neou resumed her testimony this morning by describing the final period of her detention at Prey Sar (S-24). After her baby died, she was put to work full-time as a laborer in the fields until Vietnamese troops captured Phnom Penh on January 7, 1979. During her evacuation she met Duch in the forest where the group had taken refuge. As she approached him, Duch removed his pistol from its holster and pointed it directly at her temple. (Duch later disputed the accuracy of this account.) He told her that he was surprised that she had remained at S-24 for two years and stayed in good health. Their meeting was cut short by gunfire in the distance which forced the group to continue its evacuation.

Judge Lavergne inquired further about her meeting with Duch. He noted that even though the meeting occurred after the events for which the court has jurisdiction, her account was nonetheless relevant to the issue of Duch's character. She explained that she had seen Duch two times prior to their meeting in the forest. On those days, she was warned to be careful because the chief was coming to monitor the work. She saw Duch walking alone with no bodyguards and according to her, he looked happy and worry-free. It did not appear as if he cared about the hardship or suffering at S-24. Duch also disputed this aspect of her testimony, stating that he never appeared at S-24 when detainees would be able to see him.

The afternoon session began with the testimony of Chhin Navy whose husband perished at S-21. Chhin Navy was separated from her husband after Phnom Penh was evacuated on April 17, 1975. Her husband had to stay behind but before they separated he asked his wife to promise to take care of herself and to take care of the kids. She described a feeling of despair, thinking that her husband would not return and that they would be separated forever.

Later, Khmer Rouge officials came to her house to question her about her husband. During that meeting, her sister-in-law accused him of being part of the CIA. Chhin Navy never understood why her sister-in-law would betray the family with such lies and broke down into tears when recounting this specific event. Later, she and her children were sent to re-education camps where they were put to work and warned that if they did not do as they were told then they would not survive.

After the liberation of Phnom Penh, Chhin Navy returned to the city in hopes of reuniting with her husband. She received no news about him until 1980 when she visited S-21. While there, she saw many of the detention cells and was told of some of the horrors that occurred in the prison. She fainted when she found a photograph of her husband and documents showing that he had been arrested and "smashed" at S-21. She still does not have the courage to return to the prison. She tried to remain strong for her children but raising them without a father was an extreme struggle. She explained that nothing can cure her suffering because she cannot escape the image of her husband being tortured and executed at S-21. After a long and emotional testimony, the President intervened by thanking her and noting that the chamber had heard sufficient testimony.

The civil party Touch Monin took the stand late in the afternoon. He began to describe in detail the events surrounding his forced evacuation from Phnom Penh. Several minutes into his testimony, the defense counsel objected, noting that while the facts relating to the evacuation of Phnom Penh were historically important, they were outside of the scope of Touch Monin's testimony. The court sustained the defense objection and reiterated its previous instructions that the civil party remain focused on the relevant facts. Touch Monin resumed his testimony by explaining that he was there to pay homage to his cousin and to keep his cousin's memory alive. His cousin had received his engineering degree in Russia and was abroad when Phnom Penh fell to the Khmer Rouge, but returned about three months later. Like many others, he was arrested when he returned to Cambodia and sent to S-21 where he was eventually executed.