

Duch on Trial and Villagers' Reactions

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Duch's substantive trial began in late March 2009, and proceedings have been ongoing for more than three weeks. The Court is now hearing testimony and evidence on the issue of Khmer Rouge security office S-21, better known today as the Tuol Sleng Genocide Museum. Following discussions about a former prison, M-13 at Amleang, Kampong Speu, the Court will begin hearing testimony concerning the establishment of S-21 and the former security center at Takhmao. Those presiding over the Khmer Rouge Tribunal have attempted to make it easy for all the parties involved in the hearings to follow the proceedings by dividing issues to be discussed into sections so that the hearings go smoothly and quickly.

Standing before the tribunal, Duch discussed the establishment of the prison camp S-21. Judges, co-prosecutors, civil party and defense lawyers were all allowed to ask Duch questions. Duch told the public of the history of S-21's establishment. The prison was moved from a prison camp in Takhmao, which originally functioned as a hospital. Duch said this prison was initially under Nat's control and that Duch himself was the sub-chief. Duch explained in detail how and why he and his team turned the former Tuol Sleng School into a prison camp. During the hearing, Duch testified about who initiated the idea to establish S-21, who partook in the leadership of the center, who was selected to work at S-21, and which torture methods were used in the prison.

On April 29, 2009, the proceedings transitioned to the phase where co-prosecutors and civil party lawyers of all groups could take turns asking Duch questions. In response to questions, Duch recalled the period when he and Nat were working to form S-21. They received ideas from their superiors to select people for arrest, formed rules to apply in the prison, and created methods to interrogate and torture prisoners. The stories Duch told the court are important for all Cambodians, especially those who are victims of the Khmer Rouge. Whether or not Duch's words are truthful Cambodians should have a chance to learn about the Khmer Rouge period

In order that survivors of the Khmer Rouge regime have an opportunity to evaluate the proceedings and personally judge Duch's confession, the Documentation Center of Cambodia invited a group of 100 villagers from Por Ban commune, Koh Thom district to attend the hearing. Nat, who had been the head of Division 703, was the chief of Takhmao prison and the former security office S-21. Most survivors from Koh Thom district have heard of



Villagers wait for entering the Courtroom

Nat and knew him personally. However most of these people

never knew Duch; only those who were staff at S-21 prison were familiar with Duch. Because most people in Koh Thom remember Nat and there were still some people who were staff members of S-21, the villagers of Koh Thom became a target group for our selection to the hearing.

Even though many of those invited have never heard of Duch, observing the hearings can be a good way to help them learn about Duch. According to villagers' observations, there are both true and false account in Duch's confession. In some interviewees' opinion, Duch was trying to hide some facts and divert blame on to Nat who was his chief at the time. Chim Vang from Prek Ta Roath village commented that Duch was trying to defend himself and place more responsibility on Nat who is dead.



Villagers queue in front of ECCC Courtroom

Duch next answered co-prosecutor's questions regarding his hand written notes on prisoners' documents. Duch told the prosecution that Nat was the one who gave him his main idea and he used it to write notes in the prisoners' confession. A 55 year-old villager told the team that Duch was not a trusted person. "I don't trust in everything he said. Whatever fact making him look bad, he objected to it," said Chrech Sroem.

The next part of Duch's testimony demonstrated that decisions about which methods of torture should be used on prisoners came from Duch himself. Duch was not alone though; he discussed and decided on torture methods to use with Nat. He explained two methods to interrogate and torture the prisoners: using a wooden stick to beat prisoners and electric shock. He also acknowledged that a plastic bag was sometimes used to torture the prisoners during the early period of prison operations. However, Duch firmly rejected ordering prisoners to be hung upside-down to drown in water. He objected to the allegation and stated that no such torture method was used at S-21.

A 55 year-old man, Lach Mao, did not entirely believe what Duch said about the torture methods used at S-21. He claimed that those methods were too light for a highly secret security office like S-21. Mao was once a Khmer Rouge soldier who was later arrested and sent to a prison at Chrey Pnoeu. He described how the KR tortured him, pulled out his fingernails and shackled him with iron shackles. "If Duch's claim was true, then the method used in the local level security office like Chrey Pnoeu was much more brutal, it's not possible," he commented. Chay Ry from the same commune also believed that Duch did not reveal all the fact about torturing prisoners. Ry was arrested and tortured at Koh Kanteay prison camp for about a month. Ry's head was put in a plastic bag for a few minutes before he lost consciousness. Ry was angry when he saw Duch for the first time. "If I had a chance to see Duch personally I wanted to ask him where the Angkar took rice and other agriculture product to. I wanted to know why they leave people hungry and why they jailed people who stole rice just to fill up stomach," said Ry angrily. In contrast to Duch's claim that there was

no torture like pulling prisoners' fingernails in S-21, a 48 year-old villager argued Duch's words were lies. According to him, Tuy Kin, who was also at the hearing on the same day, used to work in the interrogation unit of the prison and was responsible for pulling out prisoners' fingernails during interrogations.

Almost none of the 13 people the team interviewed had learned that Nat was the chief for a period of time in S-21, and many of them were surprised when told. Keo Heng from a village in Por Ban commune was surprised when Duch mentioned Nat in the hearing. Heng did not believe that the Nat she used to know was the same person to whom Duch was referring. Heng recalled that she knew Nat through her brother who worked in the same division in which Nat was the chief. It was also the first time that Sorn Chay realized that Nat was transferred to work at S-21. Chay knew Nat for a long time when he was still a member in Division 703. He recalled the time when he saw Nat at Chroy Changva Bridge right after the KR victory in 1975.

Interviewees generally expressed satisfaction with the work of the tribunal and were glad to see the trials of the former prison chief underway. However not all of them are satisfied with Duch's confession which, according to their observations, contained only some truth, not the whole truth. As observed by some interviewees, Duch did not take a full account of the crimes he had committed at S-21. Instead, he tried to reduce the weight of his responsibilities and place it on his superiors.

To gain a complete understanding of the villagers' opinions about Duch and the hearing on April 29, 2009, the following are some quotes from 12 interviewees who attended the hearing.

1. Chrech Sroem, male, 55.

I had never known Duch before I watched the hearing. I found his words not trustful. He was managing the prison, how come he did not know about everything? In my opinion, he must be convicted. If not, younger generations would not take the example to follow in the future. I was glad to witness the trial. I think it would be helpful for the Cambodian people to feel relieved from their suffering. I still want to follow the proceedings and see what Duch would say in the following hearings.

2. Choem Vang, male, 59.

I had heard of Duch, but never saw him like I did yesterday. I think Duch was still trying to hide the truth. What I was interested in the most was his refusal to answer the lawyers' questions. Because he was so brave to refuse to answer questions, I conclude he was a strong man and was not afraid to face the trial. However, I did not believe him when he said he did not know some facts.

3. Keo Heng, female, 53.

From the hearing, I learned that Duch was one of the leaders of the Khmer Rouge. I knew Nat a long time ago, but I had never known Duch. I was not so interested in Duch's words. His laughing seemed to hurt people's feeling. I wondered why he sometimes did not answer the lawyer's questions. I was excited to see the Courtroom and the proceedings. I think this trial could set an example for future generation and prevent a human rights violation in the future.

4. Choeng Leng, female, 52.

I think it is the right thing to put the KR leaders on trial. The hearing gave me clues about what Duch is like. I was surprised to see Duch's behavior in the Courtroom. He dared blaming directly to a [civil party] lawyer. It indicated that he was not afraid of the trial. I like the last [civil party] lawyer, he asked Duch direct questions making it difficult to refuse to answer.

5. Leng Sieng, female, 50.

I wanted to hear Duch on the trial because I was suffered so much during the Khmer Rouge regime. I wanted to see what he looked like. I told my children how hard it was to live in the KR regime. But it has been 30 years. When I learned there is a tribunal, it helped me to relieve some pain.

6. Sim, male, 66.

My only purpose for the trip was to see what the accused person looked like. I want an answer from this trial about why the KR ordered the killing of innocent people. I have lost all my family members to the KR regime. I had to struggle to live alone. I did not believe Duch's words a hundred percent because he did not acknowledge some facts connecting him to the killing directly. But, I believe that victims would be partly relieved to see Duch speaking on trial. Lastly, I am glad to hear Duch revealing facts during the trial.

7. Lach Mao, male, 55.

I used to be one of the KR soldiers under Hou Nim and Hou Yun's command. I wanted to see the trial to listen to what Duch said. I was imprisoned and tortured in a KR prison. There were many other soldiers who were arrested and sent to the prison. I did not believe Duch when he said there were only a few methods to torture prisoners. In jail, I myself was tortured when my fingernails were pulled out. I was not satisfied with Duch's confession; however, I hope it will relieve people's painful feelings. I knew Nat. He was the commander of Division 11 and 12. After the war [in 1975], I heard that he was nominated to be a diplomat to Australia. But I never heard from him again since then.

8. Ham Heng, male, 58.

I was so interested in the hearing. It was my first time to see the courtroom and the trial hearing. I never saw Duch before. I just realized he was Tuol Sleng prison's chief when I attended the hearing. Nevertheless, I do not believe Duch's words entirely. I believe that this trial will bring justice to victims as I can see it with my own eyes. Also I hope that this court will reduce the victims' anger.

9. Chhay Ry, male, 46.

I understood only some part of the hearing. I was satisfied to see Duch on trial. I know we cannot bring some victims' lives back; we can only make our effort to prevent our generation from wrongdoing again. I was put in prison during the KR because I was too hungry and stole rice from the Angkar to eat. I stayed with 20-30 others prisoners. All of us were shackled with an iron bar. Sometime our legs were injured because they inserted the bar into the shackles without telling us.

10. Kim Senh, male, 64.

At my very first time to see the trial, I paid attention to what the judges, co-prosecutors and lawyers have said and asked Duch about office S-21. I did not know who Duch was before. Just at the court room, I heard Duch confess to atrocities committed during his

time in power at S-21. I wondered why Duch agreed with the Angkar to do such cruel things to prisoners. I observed that Duch is an intelligent person, and he shouldn't be a killer. When I heard Duch's confession, I came to be relieved of anger. I hope that the tribunal can find justice for victims. I also want the tribunal to work faster than it is.

11. Sorn Chay, male, 59.

I did not know who Duch was before attending the Khmer Rouge Tribunal, but I used to hear his name during the Khmer Rouge regime while I was serving as a soldier in division 703. I wanted to see the tribunal because I want to see Duch's face and listen to what he confessed to during the trial. I noted that Duch is an arrogant person, but he should be responsible for what he did during his work at S-21. Nat was my division commander. I knew him and also met him at Chroy Changva Bridge right after the [Khmer Rouge] victory in April 1975. I also did not know he was transferred to work as chief of S-21 in 1975. I first heard this when I was observing the trial on April 29. I really want to see the trial more than one time. I am still angry at the Khmer Rouge. Even if the process of the chamber is going on, I am still angry at the Khmer Rouge leaders. I want the chamber to work harder to collect evidences and witnesses to bring all Khmer Rouge leaders to be sentenced and punished. Almost all my members of the family were killed by lower-ranking cadres in the commune, but I was not angry at them because I have learned that they received the order from the higher-ranking cadres. At the end, I believe that the trial chamber can find justice for all Cambodian victims who suffered from the regime.

12. Loch Leang, male, 48.

At a full day listening to the chamber, I observed that some of Duch confessions are true and some are untrue. The truth is: victims were not released when they were sent to office S-21, the establishment and goal of S-21 and 4 kinds of torture. Thing that was not true: Duch refused to have a torture method such as pulling out fingernail. Tuy Kin was a former cadre who was responsible for pulling out victims' fingernail in an interrogating unit of S-21. Kin was also in a court room on April 29 with other villagers.