

## Former Khmer Rouge Duch evokes torture with composure and calls the shots in his trial

Contributed by Stéphanie Gée  
Wednesday, 08 April 2009

Kambol (Phnom Penh, Cambodia). 07/04/2009: The accused on day 5 of trial at the ECCC explaining how prisoners used to be tied to a pole at M13. ©John Vink/ Magnum

Accounts about the M-13 detention centre, which former executioner Duch used to lead before being appointed as head of S-21 in 1975, continued on Tuesday April 7th at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Day five of the trial saw the opportunity for protagonists to go back over torture and executions committed in that centre. Duch still proves cooperative and shows detachment when he mentions horror, but the former torturer appears to be craft-minded when it comes to orientating debates to his liking&hellip;

### Duch, the master-hand

Duch did not only impose himself at M-13 and S-21: he did so at his own trial too. There is no doubt the accused proves cooperative and waits for interpreters to finish before continuing to speak, but he still sticks to what he planned to say and has obviously been girding up the loins of his mind for the exercise. Looking comfortable and confident, it looks like he is dictating the rules. At times, a slight smile, which one imagines as victorious, comes to disturb his legendary unblinking nature.

Tirelessly, he fills his answers with claims like &ldquo;I am liable but I did not commit the crimes with my own hands&rdquo;, &ldquo;I take responsibility&rdquo; and &ldquo;I implemented my superiors&rsquo; orders&rdquo;, like a political instructor keen on leaving the lasting imprint of elementary slogans on the mind of the public. Duch may have confessed to having put at least two persons through torture at M-13 &ndash; he claims he does not remember whether there have been others &ndash; however, he repeats that he committed no crime and was trying to respond to his superiors&rsquo; requirements, and was committed to meet these.

As for the &ldquo;smashing&rdquo; of detainees &ndash; understand &ldquo;executing&rdquo; in Khmer Rouge terminology -, Duch says his conduct was not exemplary. &ldquo;I was scared of actually doing it. I therefore assigned this function to sons of farmers whom I trained and who could do it better than I could.&rdquo; He explains, shortly after, that he recruited people from a farming background &ldquo;so that the party trust me&rdquo;. &ldquo;I do not forget that I am liable for those crimes.&rdquo; He then tries to establish a parallel with Prince Sihanouk: both of them were involved in murders but they were not the perpetrators. &ldquo;Except for the fact that when Prince Sihanouk led the country, people were entitled to trials and it was possible for them to beg for mercy&rdquo;, he takes care of pointing out. He soberly says, thus straying from the core of the week&rsquo;s debate, that he is not the one who battered Chum Mey, one of the rare survivors of the antechamber of Death, who constituted himself as a Civil Party in the trial. The latter said after the hearing that &ldquo;If Duch had been as nice during the Khmer Rouge regime as he seems to be today, S-21 would never have existed!&rdquo;

### The everyday little torture session...

At M-13, prisoners were detained in 80-inch deep pits, meant to deter them from escaping and to protect them from American bombings, Duch explains. And on the chapter of escapes, he declares he used to have &ldquo;good eyesight&rdquo;. &ldquo;I kept a check on what went on and was very good at spotting those who were trying to escape.&rdquo; He admits that the torture inflicted to prisoners was &ldquo;cruel&rdquo;.

Kambol (Phnom Penh, Cambodia). 07/04/2009: A journalist on day 5 of Duch trial at the ECCC. ©John Vink/ Magnum

When required to provide details about the techniques used to make suspects confess, the accused contents himself with mentioning the beating up with sticks and branches, or the practice consisting of tying prisoners to a pole with their hands firmly tied up in their back. They were unable to talk to their cellmates. This lasted for several days. Duch stands up and offers to show what the exact position looked like: he arches his back and stretches his arms behind him. Then, he also mentions the technique of the shower, an experiment he discontinued due to a lack of results. It consisted of showering prisoners and exposing them to the cold monsoon winds or to a fan. He acknowledges that those techniques were inspired by those used inside police stations.

Instructions &ldquo;from superiors&rdquo; recommended the use of the plastic bag over the head, until the prisoner was on the verge of choking. &ldquo;We could not implement that measure [at M-13] since there were no plastic bags in the area&rdquo;, he stresses with placidity and sincerity. When Judge Lavergne asks him whether it happened that prisoners

were hung in the air, Duch refutes: "There was nothing to hang them on!" And when asked about the practice consisting of forcing prisoners to swallow acid liquids, detergents or soapy water, Duch fiercely denies that such things happened at M-13: "I myself did not have any soap to wash or wash my clothes!"

As for practices consisting of immersing prisoners' heads underwater, pushing needles under their skin or pulling out their nails, there again he denies. "No, we did not do that! I did not give the order for the use of those methods and never saw such things!"

Extracted confession not very convincing

Torturing suspects was meant to obtain confessions which complied with the truth &ndash; Duch admits he did not give much credit to those confessions. "There was probably 40% of truth in those confessions&hellip; I speak a little like a politician but I rather speak as a mathematician!" As for incriminations found in those confessions, he claims only 20% of them are credible.

Duch estimates that the number of people who lost their lives at M-13 is between 200 and 300 &ndash; they were people from the Lon-Nol zone and people considered as enemies due to their class and therefore accused of being against the revolution. The way of proceeding in executions was identical: a blow to the base of the neck with a club. To do that, executioners made sure the victim did not shout and that the deed remained surrounded by secret. "I wish to apologise to the spirit of all those who died&rdquo;, the repentant Khmer Rouge does not fail to declare.

A declaration made by a former M-13 prisoner &ndash; who then became an assistant at the centre and has died since &ndash; was collected by the Documentation Centre of Cambodia (DC-Cam) and read out by Judge Lavergne. It contradicted many answers that Duch provided. According to the declaration, all those tortures mentioned by the Judge were indeed perpetrated at M-13, and the number of victims in that centre is, according to that account, equivalent to 30,000. Yet, Duch does not go out of his depth and does not modify a single word of his declarations.

Lost in translation...

Mr. Roux, the international Lawyer for Duch, steps in and says he has great reservations as to this "extra-judicial" piece, established by a person who acts on behalf of an NGO, and the competence and independence of whom are unknown. International co-Prosecutor Mr. Petit retorted that one should not be afraid about the piece of evidence and that judges, who are professionals, unlike a jury, will be able to evaluate it. Civil Party lawyers agreed with this position; the reading was interrupted and the court will later issue a decision. Another problem surfaced, as pointed out by Robert Petit: the French and English versions of the piece do not converge at all levels, and some paragraphs are missing, from one version to the other... The translation issue comes on top of that of the interpretation provided during the court hearing in three languages (Khmer, English and French) but is still as chaotic and most of the time not very faithful to original accounts.

The court hearing seems to be losing itself in subsidiary questions and some express the feeling that the crimes against Humanity and war crimes which the ECCC are in charge of prosecuting are pushed into the background.

Also on Ka-set

- Multimedia slideshow: Duch admits his crimes (31-03-2009)
- Duch: the teacher who made sacrifices for the revolution, and the cadre who obeyed for fear of dying (06-07-2009)
- Duch's lawyers ask for his release and denounce the excessive length of his provisional detention (01-04-2009)
- Khmer Rouge Court: serious and cold, Duch asks for forgiveness (31-03-2009)
- Opening of Duch trial: smooth start, impassive defendant (30-03-2009)