Excerpts from THE MASTER OF CONFESSIONS: THE MAKING OF A KHMER ROUGE TORTURER[1]

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In 2009, journalist Thierry Cruvellier attended all evidentiary hearings and closing arguments in the Extraordinary Chambers in the Courts of Cambodia trial of Kaing Guek Eav, alias Duch, the former director of the Khmer Rouge's S-21 security center. On July 26, 2010, The Trial Chamber convicted Duch of crimes against humanity and war crimes[2] and, recognizing the existence of "significant mitigating factors," sentenced him to 35 years in prison.[3] On appeal, the Supreme Court Chamber found that the trial verdict did not reflect the gravity of the crimes Duch committed and increased his sentence to life imprisonment.[4]

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2 The ECCC Trial Chamber found Duch responsible for the crimes against humanity of murder, extermination, enslavement, imprisonment, torture (including one instance of rape), persecution on political grounds, and other inhumane acts; and for the grave breaches of the Geneva Conventions of 1949 of willful killing, torture and inhumane treatment, willfully causing great suffering or serious injury to body or health, willfully depriving a prisoner of war or civilian of the rights of fair and regular trial, and unlawful confinement of a civilian. *See* Case No. 001/18-07/ECCC/TC, Judgment, ¶ 559 (July 26, 2010).

3 *See id.* ¶¶ 628-31 (recognizing mitigating factors including his "admission of responsibility, expressions of remorse…, the coercive environment in [Democratic Kampuchea] in which he operated, and his potential for rehabilitation"). Duch's sentence was to have been reduced by five years as a remedy for his illegal prolonged detention without trial by the Cambodian Military Court prior to his transfer to the ECCC, and by the nearly 11 years he had spent in provisional detention since his arrest by the Cambodian Government in 1999. *See id.* ¶¶ 623-27, 632-33.

4 *See* Case No. 001/18-07-2007-ECCC/SC, Appeal Judgment, ¶ 383 (Feb. 3, 2012).

CHAPTER 6

Duch stands and greets the court. He begins by saying that his people's suffering started with Prince Sihanouk's repressive government in the mid-1960s and continued after the far right–wing coup of March 18, 1970, when "all the parties competed to kill Cambodians until April 1975." He holds a sheet of paper in one hand and leans on the edge of the table with the other. It takes just seconds for the room to fall silent. Though the trial started the previous day, not until now has it been imbued with that solemn atmosphere so specific to important moments in courtrooms. Duch is asking for forgiveness:

> *No single image can illustrate my remorse and suffering. I feel so much pain. I will never forget. I always say that a bad decision can lead in the blink of an eye to a lifetime of grief and remorse. I defer to the judgment of this tribunal for the crimes that I have committed. I will not blame my superiors. I will not blame my subordinates. I will not shirk my responsibilities. Although these crimes were committed under the authority of my superiors, they fall within the purview of my own role at S-21. On the ideological and psychological levels, I am responsible. I carried out Party policy and I regret it.*

[S-21 survivor] Bou Meng nods approvingly. Duch looks like he's trembling. The judges barely look in his direction. He removes his spectacles and leans on the desk with both arms. He looks at each person in turn, first left, then right, giving most of his attention to the prosecutor's bench.

"I never liked my job," he says.

When he describes his arrest in May 1999, Duch's breathing grows heavy and he sounds ill. He finally mentions the sheet of paper he's been clasping since the start of his address to the court. It's a drawing that he has made, he says. He would like to show it to the judges. He sits back down while waiting for their permission. People have been waiting thirty years to hear Duch speak out in his own defense. The public gallery is abuzz. Yet the moment is utterly devoid of emotion.

Duch tries to explain his peculiar drawing. He points to three chairs on the sheet of paper, which he says are occupied by Pol Pot, Nuon Chea, and Ta Mok—Brothers Number One, Two, and Four of the Khmer Rouge leadership. Along with Brother Three, Ieng Sary, this was the structure of the Communist Party of Kampuchea, explains Duch. The presiding judge keeps his eyes glued to the defendant. The other judges look away. Duch's first address to the court is a resounding flop.

After arriving in Phnom Penh on June 21, 1975, Duch, like everybody else, went through a few days of political training. He was taught "the revolutionary conception of the world," he says in French. Each person was made to write down his "biography" and ideology. Celebrating the "great victory of April 17," the date the Communist insurrection took Phnom Penh, was mandatory. So was committing oneself in writing to the good of the collective, to the teachings of socialism, and to the continuation of the Revolution. Once a person had written down his biography and commitments, he read them out to his comrades, who were then encouraged to ask questions. He also had to reveal his family background, which was far more perilous than it sounds: having the wrong family tree could get you killed. Duch made sure not to mention that he was related to the niece of Lon Nol, the recently deposed field marshal with a price on his head. Duch says that it was at this time that he tried to quit the Party's security services after having worked for them for four years. He asked a high-placed contact for a transfer to the Ministry of Industry, he says. When the court asks him to elaborate, Duch answers with a proverb that the judges, particularly the foreign ones, are free to interpret however they choose: "Is it necessary to crack open a crab to see its shit?"

When asked whether he hadn't developed a taste for police work, if he hadn't found fascinating the secret and all-powerful world of the Party security apparatus, Duch has no good answer. Pressed, he dodges the question. Pressed further, he rehashes the explanations that his conscience has already endorsed: that his work was evil by its nature, or that the confessions were half-false. But the difficult question of whether he enjoyed committing the crimes won't go away, and eventually Duch makes an effort to answer it.

His effort fails.

"I was just an instrument of the Party," he says, defeated, "an absolute, authoritarian instrument."

The S in S-21 stands for *Santebal*.

In the Buddhist lexicon, the Santebal are those who keep the peace and maintain order, like the police. Under Pol Pot, Santebal was the name given to the internal security service, more commonly known in Communist regimes as the secret police. At the end of June 1975, Son Sen, the head of state security and minister of defense, informed Duch that a detention and intelligence center was being created in Phnom Penh. He told Duch that they were to follow the French "counterespionage" model.

The *21* in S-21 was, according to Duch, the radio code that belonged to the center's first director, Nath.

Duch was sent to search government buildings and the homes of former government employees. He gathered reports and archives from the fallen regime. From the judicial police headquarters, he took documents on torture. S-21 was created on August 15, 1975, with Nath as its director and Duch as his deputy.

It was set up first and foremost to eliminate the *ancien* régime. This included army officers, civil servants, aristocrats, and "new people"— those who stuck with the old regime right to the end and those who lived in the cities. The revolution soon found that it had no use for the mentally impaired, either: in its earliest days, S-21 served as a psychiatric hospital as well. What became of its patients?

"Based on my own analysis, more than 50 percent of patients were smashed,[5] though I'm not entirely sure," says Duch.

He has a better recollection of what he was ordered to do with lepers: destroy them all. Communism must liberate man. Communism abhors the handicapped, the sick, the mentally ill, the religious, homosexuals, and intellectuals.

On March 30, 1976, Party leaders signed a secret order authorizing purges within the Party itself. It would prove a watershed moment. That decree is the most tangible proof we have of the policy of extermination implemented by the secretive Angkar. The order formalized as policy the already existing practice of summary execution by giving the zone committee, the central committee, the standing committee, and the military staff the authority to kill. Thus began the great purges, ministry by ministry, division by division, region by region. Nath lost his job, Duch was promoted, and S-21 had a new mission. Its focus was now on the internal purges, as per the decree of March 30. Yet Duch was unaware that this decree even existed. He would only learn of the Angkar's decision some thirty years later, while in prison.

"Why were you chosen to run S-21?" asks Judge Lavergne.

> *First, it's true that I was a much better interrogator than Nath. But it was more than that. The Party had no confidence in him. Son Sen used to say that Nath's methods were dubious and that he was a schemer. I was honest. I would have rather died than lied to a Party member. And I was loyal. I reported every single thing I learned. I was methodical about it. All my life, whenever I've done something, I've done it thoroughly.*

Duch claims to have been terrified when he took over. He says he even suggested that someone else take the position instead. But Son Sen threatened him, he says. When he tries to reenact their conversation in court, the pitch of his

5 "To smash" was the official English translation used in court for executing or killing people.

voice climbs until his Khmer sounds metallic, jarring.

"I was their sheepdog," he says.

But for the prosecutor, he was clearly the perfect fit for the job.

The historian David Chandler likes to say that S-21 was probably the most efficient institution in all of Cambodia during the Khmer Maoists' tragic and grotesque reign. Its own impeccable archives showed that S-21 was efficient, modern, and professional. The archives, down to the smallest detail, convinced the Party leadership that its suspicions were well-founded. They satisfied the Party's need to prove that it had eliminated all its enemies and that it had emerged victorious, even if newly conjured enemies constantly surfaced.

Chandler doesn't think the Khmer Rouge followed any particular Communist model. Similar security centers existed in China and the USSR, where the security apparatuses extorted the most dubious confessions and "reeducated" reactionary minds with the same unabated enthusiasm as the Khmer Rouge did at S-21. From Lenin onward, the Russian Revolution was blighted by purges. What Chandler does believe is unique to S-21, however, is its completely secret nature. And he calls the practice of "reeducating" prisoners only to then kill them unprecedented. The systematic killing that took place at S-21 made it a unique combination of a secret police prison and death camp.

A network of prisons and interrogation centers in which black-clad agents carried out violent abuse abounded across the Khmer Rouge's Democratic Kampuchea. But each little island in this police archipelago was isolated from the others. S-21 had no authority over any other prison, nor any autonomous or direct contact with them. Everything had to go through the "center." S-21 was unusual because it did have a sort of national jurisdiction in that it could receive prisoners from anywhere in the country, and because it was directly linked to what everyone called the "upper echelon." S-21 was an arm of Santebal directly linked to the center of power: the standing committee, the true Angkar, which comprised between five and seven members. This prison was its exclusive tool. The most important arrestees were sent here and nowhere else, including those made within the Central Committee or the Politburo.

But S-21 is also unique in that we have its archives. It is often emphasized that no other prison in Democratic Kampuchea was run as efficiently or with such sophistication. Perhaps. But no other prison in Cambodia remains with its archives intact. We know little about the two hundred other centers of the secret police that have been identified, just as we would know nothing about S-21 had Duch been ordered or had the presence of mind to destroy its records.

Duch's confession makes him unusual among the members of the Khmer Rouge's inner circle. But would he have confessed had he not left so much evidence behind? Duch is a mathematician; his arguments adhere to logic. He has admitted nothing that can't be found in the archives.

"If documents exist then I can't deny it," he says simply. "I recognize everything that comes from S-21. I accept no other evidence."

His first great error was not anticipating the rapid Vietnamese invasion in early 1979, and his second was not destroying his archives before fleeing. His superiors made the mistake of not ordering him to do so. Didn't they know about their warden's meticulous record-keeping? Did Duch leave the fruits of his endeavors intact out of haste or simply out of lack of foresight? Or was it because he had been too proud to destroy the exemplary work he had accomplished for the Party and for the Revolution, the testament to his talent and proof of his ability to establish a successful and efficient institution?

Had Duch destroyed his archives, we never would have known much about the prison nor the magnitude of the crimes committed there. We might never have known the true identity of its director, "Brother East." It's true that a handful of survivors might have told us about a terrible place that had once existed in Pol Pot's Cambodia. But with no written records, how many other terrible prisons have been erased from the pages of history? Without the written confessions, photographs, and "biographies," there is no S-21. In short, S-21 exists today because hubris or professional oversight prevented its director from destroying his work.

The archives are of exceptional quality and incredibly thorough. Without them, the history of Democratic Kampuchea would be much murkier and less detailed. And if we had all the regime's documents, says Chandler, "We would have a completely new history of Democratic Kampuchea." Ever the iconoclast, Chandler tells the court:

> *Maybe S-21 was not as important [to the Angkar] as it is to those of us seeking evidence about the Democratic Kampuchea regime. I think if we had [all the minutes of Angkar] cabinet meetings, I'd be very surprised if S-21 gets mentioned very often. Certainly the top leaders were very interested in the confessions of high-ranking cadres, but for the people who were not high in the chain of command, [they] would not be interested.*

CHAPTER 17

The reality of the totalitarian experience is often gray. The woman on the witness stand today has come to honor the man the Khmer Rouge decided she

should marry. A revolutionary soldier, he was killed at S-21 in 1977. She describes how she joined the Communist guerrillas in 1971 "because I was very angry about what we were suffering at the hands of the American capitalists and imperialists." She went into the *maquis* "to liberate the country from those people," and ended up with the rank of company commander in Democratic Kampuchea's victorious army. When the Angkar arranged her marriage, she and her husband were one of three couples married simultaneously. Conveniently for a woman who found it difficult to celebrate being married to a man not of her own choosing, the Angkar had a remedy: there would be no celebration. Festivities were considered bourgeois.

"It all happened very quickly," says the woman.

> *That morning, we were told that the wedding would take place at two in the afternoon. I was shocked and asked why we were being married so quickly. I asked if my parents, my family, and the people from my village were invited. The answer was no. I wasn't happy about the way our marriage was celebrated, but the times were what they were. The time had been set, and I couldn't refuse. I was also told that we were in a special unit and that we weren't allowed to marry someone outside the unit; I was told that the Angkar was like our parents arranging our marriage, and that therefore we had to accept the arrangement made for us. I was very unhappy on my wedding day.*

One year later, her husband was purged at S-21 and she was sent to S-24 for "reeducation." After the fall of the Khmer Rouge in 1979, she returned to her village, where her mother told her that it was because of her, the revolutionary, that her father was dead. She fell to her knees before an aunt and begged her forgiveness, but the aunt refused to give it. So today she says that she must reject Duch's apology in order to prove that she isn't Khmer Rouge, that she is loyal to the nation, and that she was "betrayed by that group," symbolized in her mind by Duch.

If we look beyond the anticipated punishment for the crimes committed at S-21, we see how they have torn apart Cambodian families; we see the terrible burden of family betrayals and insurmountable feelings of guilt.

Another woman takes the witness stand. She's wearing a burgundy-colored jacket over a white blouse and an elegant sarong typical of city folk. Her hair, touched lightly with gray, is cut short and neatly pushed back. A thin pair of spectacles rests on her nose. She is seventy years old, but looks younger. She pinches the hem of her blouse and nervously pulls it down. A victims' assistant puts a hand on her arm. Of the hundred or so students who passed the entrance exam for medical school in her generation, this witness was one of the few women. She immediately

apologizes: "Sometimes I feel as if I am mentally unstable."

She speaks quickly and forcefully. There are notes in front of her, but she doesn't use them. As soon as she starts talking, her story carries her away. She describes how the entire population of Phnom Penh was evacuated in the hours after the arrival of the Khmer Rouge. She remembers each moment. She can still mimic the way black-clad soldiers with megaphones in hand insinuated that all educated people were to be eliminated. "They said that they would keep only the base people."

Her husband was deputy director of civil aviation at Phnom Penh airport. He was arrested. She was sent out to be "reeducated" by working on the dykes and dams. During the rainy season, her black-clad supervisor told her that if she passed this test, she would survive. If not, she would die. She closes her eyes to help jog her memory before diving back into the details of her tragic odyssey. Duch is sitting up straight, listening closely.

"I've lived in despair for so long that when death comes, I won't falter," she says.

After the fall of the regime, she returned to Phnom Penh and found work at the hospital. One day, her boss summoned her and told her to visit the museum at S-21. She knew very well the Ponhea Yat High School, where the Khmer Rouge had set up its detention center. Friends of her parents used to live close by. She reached the prison and was met by one of the survivors, she says. It's at this point that, in court, the pitch of her voice rises and cracks. Her speech becomes a series of short, strident cries, and she addresses the court in that striking timbre that the Khmer language reserves for anger, grief, and incomprehension. At S-21, she was shown documents, including a photograph. It was the last one taken of her husband, Thich Hour Tuk, alias Tuk. The documents contained the date he was brought to S-21: February 2, 1976, and the date he was executed: May 25, 1976.

In the photograph, the prisoner's piercing gaze appears to defy the photographer. He wears a thin mustache and has a few hairs on his chin. He looks slightly cross-eyed. Tuk is pursing his full lips, which gives him a skeptical expression. His brother, a pilot, was also destroyed at S-21.

The widow lowers her voice to give the court an impression of a conversation she had with a cousin, and another she had with a niece. Sometimes she seems disorientated and confused, as though suffering from the mental malady she mentioned at the beginning of her deposition. Then she reminds herself that the regime accused her husband of a "great crime." And then her angry voice returns and cracks through the courtroom like a whip and she asks the same question over and again: "Why? Why? Why?"

She says that men fall into one of two categories: those that resemble humans and have gentle hearts; and those that resemble humans and have animal hearts. An extremely devout woman, she prays for Duch's reincarnation and that "all of these beings cease to be cruel like Pol Pot's people." Then that question again: *Why?*

"Why should people who have done no wrong be locked up and mistreated? I don't understand."

Her story returns ceaselessly to the inexplicable, a circle without end: they came for him, he disappeared, he's dead. It is enough to drive you mad.

"This is a good moment to take a break," says the presiding judge.

It turns out that it was the witness's older sister who denounced her husband to the black-uniformed guards. She considered her older sister like a mother.

> *We felt betrayed. She had been indoctrinated. That's why she said the things she did. Once, after all that happened, after all the suffering, I asked her what exactly Communism was. Now I know what it is: it's jealousy; it's competition and mass murder; it's sending people to S-21; it's betrayal; it's the denunciation of kith and kin; it's your loved ones getting arrested and executed. When I remember Buddhist teachings, I feel calmer; I understand that she did what she did because of the way the Communists brainwashed her. She denounced my husband. I blamed her, but perhaps she wanted to be Pol Pot's wife. She's the one who will have to suffer the consequences.*

The judges have fallen quiet. Her lawyer has cast her adrift on the river of her memory, aboard her raft of grief. Her lawyer doesn't ask a single question; not one person in the courtroom interrupts her frenzied torrent of words, her heartbreak, her pain and madness, and that question — *Why?* — that keeps coming back again and again, the woman banging her head against it until it bleeds. "I was loyal to my country. I was loyal to my husband. Why have I been punished like this?"