



DUCH FOCUSED ON THE ENDS, NOT THE MEANS

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Interrogation and Torture at S-21

It was another somber day in the courtroom as the Trial Chamber continued questioning Kaing Guek Eav (alias Duch) about operations at the Khmer Rouge's notorious Tuol Sleng prison (S-21) with a focus on the interrogation and torture methods used on prisoners there.

After preliminary interrogation, Comrade Hor, Duch's deputy, would assign each prisoner to one of four groups of interrogators, which were organized according to the torture techniques they employed. The "cold" group theoretically did not use torture, but rather tried to understand prisoners' psyches in order to coerce them into confessing their offenses against the Communist Party of Kampuchea (CPK). Torture tools were on display in the interrogation room for added effect. The "hot" group had "hot hands" and most commonly beat prisoners on a short-term basis. The "chewing" group was intended for prisoners deemed in need of long-term interrogation sometimes lasting weeks or months. Finally, there was a special group for interrogating high-ranking CPK members whose confessions were critical to the CPK because they were likely to implicate many others within the party ranks.

During his time as Deputy Chairman and later as Chairman of S-21, Duch was solely responsible for training cadre in interrogation techniques. While Duch did not teach torture techniques per se, he discussed the importance of torture and authorized the use of four main types of torture: "beating up" with clubs, lashes, or hands; suffocation with plastic bags; pouring water into prisoners' nostrils; and electrocution. Duch insists he instructed interrogators to seek confessions using verbal threats first and to resort to torture only if necessary. He admits, however, that only one interrogator used this controlled method while the others used torture from the outset. During one-on-one interrogation sessions, the limits on interrogators designed for efficient confession extraction were two-fold: do not kill the prisoners or render them too weak to confess. Prisoners who killed prisoners during torture were reported to Duch's superior, but generally went unpunished.

Aside from the types of torture Duch authorized, Duch admits that many other forms of torture were used at least on a limited basis, including the forced drinking of urine and eating of excrement and the puncture and removal of toenails. Prisoners were also forced to “pay homage” to a dog wearing a Ho Chi Minh hat and inanimate objects, such as pieces of furniture, as a form of psychological torture. Perhaps most disturbing, prisoners were also forced to take part in “medical experiments.” Live prisoners were forced to undergo surgeries for the purpose of anatomy study and were used as guinea pigs for new drugs. There was also a practice of drawing blood from prisoners to be used in transfusions for Khmer Rouge combatants. At least one hundred S-21 prisoners perished as a result of medics drawing their blood until there was “no blood left.” In an odd bit of testimony, Duch explained an instance in which high-ranking party member Nuon Chea gave him drugs to test on prisoners, which Duch had reason to believe were poisonous. Duch appeared very pleased with himself as he described how he emptied the capsules, cleaned them with a cotton bud, and put some other sort of powder in the capsules to “save” these prisoners, while Nuon Chea and the prisoners thought the crime had been carried out. Judge Lavergne inquired as to what became of these prisoners and in a matter-of-fact tone Duch described how they died in the regular S-21 process – which means they were tortured and then murdered. A perplexed Judge Lavergne asked, “Is that less serious?” Duch explained that if he had given them the drugs, their death would “be by [his] own hands.” Duch tried to avoid killing people directly. Judge Lavergne gave Duch a quizzical look and moved on.

Given that Duch was indicted for rape, among other crimes against humanity, the Chamber in general and Judge Cartwright in particular focused on the one documented instance of rape at S-21. During the interrogation of Duch’s former female school teacher, a male interrogator inserted a stick into her genitals. Describing his great anger and shock upon learning of this crime, Duch explained how he reported the rape to his superior who did not seem to care. A skeptical Judge Cartwright inquired how Duch could be sure more sexual abuse did not occur given that interrogations occurred on a one-on-one basis without supervision. Duch offered little explanation, but insisted that interrogators knew if they made mistakes, they would be killed.

The lack of interrogator supervision and guidance at S-21 was a major theme of questions throughout the day. Duch had the “control power,” but relied on Comrade Hor to manage the operational details. Duch made clear that he did not think of anything except the confessions coming out of interrogation sessions and largely ignored the means used to obtain the confessions. Duch admitted, however, that he doubted the veracity of the confessions, saying “at most fifty-percent” was true. For instance, scores of KGB and CIA operatives were discovered at S-21 after Duch taught the two acronyms to his interrogation teams.

“Super-Prosecution” Versus Defense?

A brief war of words broke out among the parties today after the Chamber announced it had allocated three hours to the prosecution, three hours to the civil parties, and four hours to the defense to question Duch regarding S-21 operations. The prosecution sought some clarifying information from the Chamber with the underlying implication that three hours would be tight for them. International defense counsel Francois Roux responded that the prosecution and civil parties seem to show “little respect” for the Chamber when they re-question a witness after the Chamber has thoroughly done so. Moreover, Roux argued that as a matter of principle the defense should have the same amount of time to question a witness as all their opponents, effectively lumping the prosecution and civil parties together. Roux insisted he was not criticizing the Chamber’s decision, but might wish to discuss the time imbalance later in the form of an appeal.

The prosecution and the civil parties were really fired up after Roux’s statement. The prosecution found Roux’s comments “highly objectionable” and argued that the prosecution has a duty to prove elements beyond a reasonable doubt that is completely separate from the judges’ duties. Several of the civil party lawyers stood to express their views about their role in the proceedings as an independent entity, not part of a “super-prosecution.” The Chamber appeared disinterested in the debate, cut it off without comment, and moved on.