



A Witness On Trial

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The ECCC's ability to contribute toward education and reconciliation was apparent today as hundreds of students and adults were welcomed as guests of the court. Before proceedings began, ECCC representatives also took time to explain the basic mechanics of the court to the crowd, so that they might better understand what they were about to witness.

Trial proceedings picked up with more testimony from Him Huy, a former prison guard at S-21 who had been under the command of the accused, Kaing Guek Eav (alias Duch), during the Khmer Rouge era. Before any questions were asked, the witness was reminded by the court, after a request by the prosecution, that he had the right to refuse answering any questions that were self-incriminating.

The day began with questions from the prosecution focused on daily operations at S-21. While working at the prison, Him Huy had the key responsibility to assist with the reception and processing of incoming prisoners. When asked where his instructions came from, the witness testified that he took orders directly from his superior, Brother Hor, but that Duch made all of the decisions about who was to be arrested, interrogated, and executed. The witness also gave testimony that seemed to indicate Duch may have helped develop propaganda to fuel support for the Khmer Rouge regime. Regarding the treatment of Vietnamese prisoners, Him Huy testified that he had seen many of these prisoners forced to dress in their soldier uniforms and photographed while standing in the street, and that their confessions from interrogations were publically broadcast on the radio. Much of this testimony proved beneficial to the prosecution, which has sought to portray Duch's role in the Khmer Rouge regime as an active instigator of war crimes and crimes against humanity.

The Deputy Co-Prosecutor, William Smith, also asked a series of questions related to the relationship between Duch and the staff at S-21. Him Huy described Duch's management style as "meticulous and firm," saying Duch decided everything and the entire staff strictly obeyed him. The witness explained that the S-21 staff felt threatened by Duch and obeyed him as best they could for fear of their lives. The witness went on to say that he was so frightened he did not even think it was safe to get married because it increased the likelihood of dying. He said that when one person was accused of being an enemy, he and his entire family typically were killed, so he thought it was safer to be alone. He finished by saying that, even today in court, Duch's presence scares him.

After the Co-Prosecutors concluded, it was the Civil Party's turn to put questions to the witness. Alain Werner from Civil Party Group 1 began with a series of questions further delving into Duch's involvement with discretionary decision-making at S-21. But the focus quickly shifted away from Duch and onto the witness's criminal culpability when Silke Studzinsky, with Group 2, began asking him about his own involvement with the tortures and executions. Trying to emphasize the human element of the testimony, Studzinsky began her questions by reminding the witness that victims were in the court and asked him to remember his responsibility to contribute toward reconciliation.

Lawyers from Groups 2 and 3 solicited further descriptions of detainee treatment from the witness, who affirmed that prisoners were housed and tortured in their underwear and children were killed along with their parents. Hong Kim Suon with Group 4 concluded the Civil Party's time by framing the witness as a docile subordinate of Duch implementing his orders. When asked how he received his instructions for incoming detainees, Him Huy said that he would receive a list of names that Duch put together. When asked why he implemented orders so blindly, Him Huy reiterated the fear that Duch imposed on S-21, saying that one mistake would have cost him his life.

Before the defense began their questioning, Duch gave a statement concerning his response to the witness's testimony. Although equivocal, Duch said that Him Huy's testimony was "basically true...although there are some small omissions...but they don't matter". Most significantly, Duch accepted responsibility by saying that all of Him Huy's crimes resulted from following Duch's orders.

Despite the gesture by Duch to assume superior responsibility, the defense spent their time with the witness trying to frame an analogy between the witness and the accused. In response to defense counsel Roux's questioning, the witness testified to being in charge of 11 to 12 people and that, in his role as a superior in that group, he implemented orders to transport detainees from S-21 to Choeung Ek for execution. Roux finished by asking the witness if he agreed that the Khmer Rouge movement was so successful because everyone was blindly implementing orders from the Central Committee. Him Huy agreed. Although Roux did not say so, his questioning probably left the court pondering the circumstances of both the witness (Him Huy) and the defendant (Duch). By showing that both Him Huy and Duch regularly acted as intermediaries, taking orders from superiors and implementing them through subordinates, Roux left one wondering why the two held such different roles in the eyes of the court and the public.