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Film gives Brother Number 2 a voice

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WHEN did you realise that villagers were being killed?" an elderly Nuon Chea is asked, sitting at his home in Pailin province.

"I can't really remember the exact moment," he responds. "I just went on with my work and didn't jot it down."

These remarks come in *Enemies of the People*, a new documentary set to premiere in Cambodia this month, and they are typical of the filmmakers' interviews with Nuon Chea.

The candour and unapologetic tone with which the former Democratic Kampuchea Brother No 2 discusses his role in the regime are among the most striking elements of the film, and some observers say they may alter the course of proceedings against him in the Khmer Rouge tribunal's second case.

Enemies of the People has been showing at film festivals around the world for the past few months to critical acclaim, winning the Nestor Almendros Award for courage in filmmaking at the Human Rights Watch Film Festival in New York last month. Cambodian Co-director Thet Sambath, who also works as a senior reporter for the Post, says it is set to premiere at Phnom Penh's Meta House gallery on July 21, just five days before the reading of the verdict in Case 001, that of Tuol Sleng prison chief Kaing Guek Eav.

In that case, prosecutors had the benefit both of a cooperative defendant and of the prison's voluminous archives. Finding evidence that links Nuon Chea and the other senior leaders set to stand trial in Case 002 to the purges and other crimes carried out by lower-level cadres will be more difficult, historian David Chandler said Thursday.

"It's got to be spoken, because the paper trail isn't there – we've known that for a long time," Chandler said.

"They don't have a lot of documentation that absolutely ties [Nuon Chea] down – I think this movie's going to be better on that one than anything they can get on the

other guys, because it's a kind of, not an admission of culpability, but an admission of actions that were taken."

Nuon Chea tells Thet Sambath, who directed the film along with Briton Rob Lemkin, that he and Pol Pot "had to solve the traitor problem in the way that we did", enacting purges to protect "the innocent people lower down".

"We dared to conclude our decision was correct," Nuon Chea says. "If we had shown mercy to these people, the nation would have been lost."

Although he has been quiet up until now in his appearances before the court, Nuon Chea boasts in the film to two former cadres who visit his home that he will "open the eyes" of tribunal officials concerning the true nature of the Khmer Rouge period.

"Who killed Cambodian people? It was the USA and Vietnam," he says. "We preserved the country and stopped it falling to the hands of the enemy."

Youk Chhang, director of the Documentation Centre of Cambodia, said in an email that aside from the film, the tribunal likely has "sufficient" or even "more than enough" evidence against Nuon Chea should the case go to trial, in the form both of primary documents and of interviews with former Khmer Rouge cadres and victims. In April, however, the court's Co-Investigating Judges (CIJs) issued an order detailing their efforts to get an advance copy of the film and "of the video and audio taped interviews behind the creation of such film".

Although the order noted that the film "must be afforded a lesser degree of weight compared to evidence gathered directly by the CIJs during the investigation", the judges said they had contacted Lemkin several times in an unsuccessful attempt to gain access to his and Thet Sambath's material. The filmmakers denied this request, citing agreements with interviewees, prompting the judges to conclude that the film could instead be obtained by the prosecution and placed on the case file after its general release.

Victor Koppe, a lawyer representing Nuon Chea, said he had seen the film with colleagues on the defence team, but was loathe to comment on it. "I've seen it, and I find it an interesting film, and I have all kinds of ideas about this film, but I'm not quite sure if I should offer them in public," he said. "It's hard to go into detail about this movie without possibly saying things about possible defence strategy."

As a general matter, Koppe noted that any such documentary is "a product of editing, usually, many hours of footage", and must be viewed accordingly.

"You should always be careful because you really don't know how things are edited," he said. "I'm not saying that this film is manipulated in any way, but you just have to be careful."

Towards the end of the film, Nuon Chea himself speaks of the editorial approach he took during interviews with Thet Sambath, who gradually built up a rapport with the aging leader over several years of visits to his home.

Nuon Chea says he had to “weigh my words and not just say anything” during their conversations, perhaps recognising the role they may play in legal or historical judgments against him.

“My future depends on what is recorded here,” he says.