



Judgment Day Nears for Khmer Rouge Torturer-in-chief Marwaan Macan-Markar July 9, 2010

BANGKOK - The torturer-in-chief of a notorious prison during the Khmer Rouge's reign of terror in Cambodia will finally learn what price he has to pay for the almost mathematical precision with which he carried out his duty to torment and kill nearly 14,000 people, including babies.

The judgement on Jul. 26, in the first international trial of a surviving Khmer Rouge leader, will be a groundbreaking moment for the South-east Asian nation, coming 31 years after the genocidal regime led by Pol Pot was driven out of power.

The 77-day trial of Kaing Guek Eav, better known as Comrade Duch, at the U.N.-backed Extraordinary Chambers in the Courts of Cambodia (ECCC) on the outskirts of the Cambodian capital Phnom Penh, began on Mar. 30, 2009.

The prosecution in this hybrid war crimes tribunal, which includes international and local jurists and lawyers, has pushed for a 45-year sentence for the 67-year-old chief jailer of the Tuol Sleng prison in Phnom Penh. Duch faces charges of crimes against humanity, war crimes, murder and torture.

Tuol Sleng, or S-21 as the extremist Maoist group called it, was a former high school where Duch and other jailers interrogated and tortured civilians, including children, who were considered enemies of the Khmer Rouge.

Only 11 people came out alive from the estimated 12,380 to 14,000 people imprisoned in Tuol Sleng. It was one of the nearly 200 detention centres that the Khmer Rouge maintained across the country during its rule from April 1975 to January 1979.

During this period, close to 1.7 million people, or nearly a quarter of that country's population at the time, were executed or died due to forced labour or from starvation, as the reclusive tyrant Pol Pot pushed to create an agrarian utopia.

Among those who survived Cambodia's 'Killing Fields' is Vann Nath, for whom the Duch trial has been a personal matter. He was among the 11 prisoners of Tuol Sleng who walked out alive. Duch was "the former butcher of Tuol Sleng," Vann Nath wrote in a book about the horrific period he spent in the Khmer Rouge's most

notorious prison.

It was his talent as a painter that kept him alive. Vann Nath was ordered to produce regular portraits of a man he hardly knew but was shown black-and white photographs of – Pol Pot. This order from Duch left him little room for error in making the initial black-and-white, and the subsequent colour portraits, of the Khmer Rouge leader.

"I will go to the court to hear the verdict if my health is good," the now 63- year-old Vann Nath said in a telephone interview from Phnom Penh, where he is recovering from surgery on his left arm. "I hope the court will be fair and provide justice in its verdict."

Other Cambodians like Youk Chhang are more demanding of the judgement for Duch. A long sentence for Duch – spending the rest of his years in a prison where "he will be fed daily" and "do nothing more" – may not "satisfy all the people who followed his trial and learnt of all the horror that took place," Youk told IPS.

"He should be made to read the confessions of what he did to the victims in Tuol Sleng every day in prison as a reminder of his actions," said Youk, director of the Phnom Penh-based Documentation Centre of Cambodia (DC- Cam), which has recorded the accounts of nearly one million victims and identified the presence of 20,000 mass graves. "Some people want him to get a life sentence so that he could never be a free man."

Whatever the judgement, the significance of the Duch trial has not been lost on a country still struggling to recover from nearly two decades of conflict, including the Khmer Rouge brutality, from the early 1970s through the mid- 1990s.

After Duch, other more powerful surviving leaders of the Khmer Rouge are headed for the tribunal. They include Nuon Chea, who was Pol Pot's deputy, Khieu Samphan, the country's president during the Khmer Rouge years, and Ieng Sary, the foreign minister at the time.

Beyond the legal import of its work, the tribunal has also been helping fulfill the broader objective of helping Cambodians reach closure in a painful part of their history. The national broadcasts of its proceedings serve as a court- sanctioned narrative of a dark period that had not been subject to official scrutiny.

"The court's outreach has had a measure of success in informing the public about what was going on at the Duch trial," says Rupert Abbot, a lawyer at the Cambodian Centre for Human Rights. "The process has had a role in people understanding what happened and why things happened."

"The trial will help bring some closure," he said in an interview from Phnom Penh. "It will help draw a line about a period in Cambodian history, especially since you

have a new generation."

More worrying, however, with the upcoming verdicts on the cases of ageing Khmer Rouge leaders, is how much support the tribunal will receive from the government of Prime Minister Hun Sen, who used to be a low-ranking Khmer Rouge member.

"The government has not been playing ball," says Abbot. "The Duch trial was easy, because he was willing to admit to what he did, and it was just at S-21. In the next cases, the crime scene is the entire country." (END)