



**Duch's trial allays some, not all, concerns**  
**Men Kimseng**  
**May 12, 2009**

The ongoing trial of Duch has put to rest many concerns about the Khmer Rouge tribunal and whether it can effectively administer justice to five jailed leaders of the regime.

Dressed in button-up, collared shirts that are far different from the black pajamas and cap he is shown wearing in file photos, Duch has answered many questions about the regime and his role at Tuol Sleng, known as S-21 to the Khmer Rouge.

He has also apologized to his victims and their families. However, for some, the trial has not been enough, and for others, concerns about political bias and corruption in the court remain.

The trial of Duch, whose real name is Kaing Kek Iev, began in earnest March 30, and the former administrator has already admitted to ordering the torture and execution of Khmer Rouge cadre, intellectuals, foreigners, and, in the end, some of the very guards and interrogators who worked under him.

These admissions differ starkly from the hedging, denials and finger-pointing exercised by four other tribunal defendants: ideologue Nuon Chea, head of state Khieu Samphan, foreign minister Ieng Sary, and social affairs minister Ieng Thirith.

None of them has come close to apologizing for the horrors perpetrated by members of their regime, which killed nearly 2 million people through overwork, starvations, disease, torture and execution.

“Please allow me to apologize to those victims who are still alive and to families of the dead for their miserable deaths at S-21,” Duch said during one session of his trial. “Now I would like them to know that I am sorry, so please take this wish into your consideration. I certainly do not beg you all for forgiveness yet.”

He spoke from a prepared statement, and some tribunal observers have wondered at his sincerity. Some of the few survivors of his prison have refused to accept his apology; they want the court to issue a final verdict.

Other monitors say the tribunal has been well organized, and they would like to see the other four defendants follow Duch's example.

“I have observed that out of the five [detainees], only Duch confessed to doing this or that, but the other four do not confess,” said Kek Galabru, president of the rights group Licadho, which is following the trial. “Duch’s confession helps us to understand that what Duch did was on orders from above.”

However, for Vann Nath, a surviving prisoner of S-21, Duch’s confession was not convincing. He’s also doubtful all the trials will take place.

“The process has been so long,” he told VOA Khmer. “They have now found a way out because it has been too long. They find different tricks. It is also impossible to say that they are wrong. It now goes that way. What can we do?”

He’s not ready for Duch’s apology.

“We are still considering,” he said. “We don’t just agree with what has been said immediately.”

Duch, now 66 and by far the youngest to be indicted, faces charges of war crimes, crimes against humanity, torture and murder, for his role at Tuol Sleng and other facilities. Prosecutors say more than 12,000 prisoners were tortured under his direction and later sent to their deaths at an execution site outside Phnom Penh.

His trial is scheduled to end July 2, but some observers say it could take up to 16 months to complete.

“It is hard to expect a definite date, because, as we know, in a trial there are many parties involved,” tribunal spokesman Reach Sambath said.

Despite much preparation, the UN-backed tribunal has had some difficulty with Duch’s trial.

Challenges of political interference, a lack of funding, and a lack of support for victim participation and outreach remain, Michelle Staggs Kelsall, deputy director of the East-West Centre’s Asian International Justice Initiative, recently told participants of forum in Washington.

Simultaneous translation has been another hurdle. Critics say many of the points are mistranslated from Khmer to English, when Cambodian judges or prosecutors speak.