



TRIAL CHAMBER CALLS FINAL DEFENSE WITNESSES TO THE STAND

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Today in the trial of Kaing Guek Eav (alias Duch), the trial chamber received the testimony of two witnesses before recalling Duch to the stand to continue questioning him about his character. Christopher Lapel, the pastor who baptized Duch in 1996, testified about Duch's conversion to Christianity. Later in the day, Stéphane Hessel, a survivor of a Nazi concentration camp and one of the drafters of the Universal Declaration of Human Rights, testified about the possibility of reconciliation in post-conflict areas such as Cambodia.

Christopher Lapel met Duch in December 1995, when Duch was seeking conversion to Christianity, and baptized him on January 6, 1996. He described Duch as a kind and hospitable man with a "servant heart." He was not aware of Duch's past involvement with the Khmer Rouge. However, he perceived Duch as a man who lived in darkness – without joy, love, or purpose. Christopher Lapel first learned of Duch's true identity in April 1999. This revelation surprised him but he described a feeling of joy stemming from his perception that God had transformed a killer into a believer.

The prosecution challenged the sincerity of Duch's conversion, suggesting that it was nothing more than a pragmatic and opportunistic decision enabling Duch to benefit immediately and unconditionally from the forgiveness of the Christian God. Under the Buddhist religion Duch's sinful acts would bring him bad karma and remain with him throughout his reincarnation. However, under the Christian religion, a person's sins are immediately absolved during baptism, so long as the conversion is genuine.

The prosecution attempted to cast further doubt on the genuineness of Duch's conversion by arguing that he converted very quickly without an intensive study of the religion. The defense countered that it was the internal conviction of a person, and not the length of their study, that had a bearing on the sincerity of the conversion. Christopher Lapel agreed with the defense that Duch's conversion was sincere and came from the heart.

At the start of the afternoon session, Stéphane Hessel, a survivor of a Nazi concentration camp and one of the drafters of the Universal Declaration of Human Rights, testified about the possibility of reconciliation in post-conflict areas such as Cambodia. Stéphane

Hessel was a witness at the Nuremburg trials and he testified that those trials had a very positive impact on Franco-German reconciliation. He posited that by establishing the historical truth, the trials at the ECCC would similarly have a positive impact on reconciliation in Cambodia. He cautioned that the separate but related concept of forgiveness is ultimately up to the victims and an acknowledgement of guilt is not necessarily sufficient for victims to forgive. In such cases, he explained, social reconciliation could still be achieved in the form of co-existence.

Late in the afternoon the court recalled Duch to the stand for the third time to testify about his character. (The trial chamber has opted for speed rather than continuity in establishing a practice of calling Duch to the stand every time there is a short break between witnesses.) Judge Lavergne resumed his questioning of Duch, focusing on Duch's relationship with his brothers-in-law. Of specific interest was one of Duch's brothers-in-law who was detained and executed at Tuol Sleng prison (S-21).

Duch's brother-in-law was arrested by a zone commander during the time that he served as deputy chief of a security center in the Kampong Thom province. At that point he sent Duch a letter to request assistance. Duch testified that he wanted to help his brother-in-law but that arrest orders could not be challenged. Furthermore, his greater duty to the party compelled him to share the letter with his superior, Son Sen. Thereafter, Duch's brother-in-law was permitted to visit Duch, who was given orders to interrogate him. Despite a confession, Duch's brother-in-law was not arrested. However, he started "making trouble" after his interrogation. Eventually Duch decided that he had no choice but to arrest his brother-in-law and send him to S-21. Had he not done so, Duch argued, he and his family would have eventually been arrested because of the actions of his brother-in-law.

Duch explained that contrary to the normal practice, his sister and her kids were spared when his brother-in-law was arrested because Duch protected them. He held the belief that if his sister were arrested, he would be implicated. For this reason, he determined that he had a better chance of staying alive by protecting her rather than arresting her. Consequently, he vouched for her as a loyal member of the party, and brought her to work at S-21.