

## **Cambodia: trial gives killing fields survivors a chance of justice**

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- *Ex-inmates testify against former prison chief Duch*
- *Fears grow that others may die before facing tribunal*

Chum Mey has waited for 30 years to tell his story to the world: the story of a prisoner, one of the very few, who survived incarceration in Pol Pot's most notorious and murderous prison.

Standing behind bulletproof glass in a courtroom in Phnom Penh, the former engineer, now a frail 79-year-old, recalled the agony of jail S21. "I was tortured for 12 days and nights. Every day they beat me with a stick. They used pliers to pull out my toenails," he said, breaking down in tears. "They used electric shocks. Twice I lost consciousness."

Vann Nath, another survivor, added to the narrative of horrors being heard in the Extraordinary Chambers in the Courts of Cambodia – the official name for the United Nations-backed tribunal into the crimes of the Pol Pot regime.

"We were so hungry we would eat insects that dropped from the ceiling," the 63-year-old said. "We would quickly grab and eat them so we could avoid being seen by the guards. We ate our meals next to dead bodies, and we didn't care because we were like animals."

In the packed public gallery some of the 500 Cambodians present shed their own tears, triggered by painful memories of the killing fields.

The moving testimonies came during the first trial of a senior Khmer Rouge figure, Kaing Guek Eav, known as Duch, the former director of S21.

Duch, 66, a former maths teacher, has been charged with crimes against humanity and war crimes, and indicted for torture and the execution of more than 15,000 men, women and children detained in S21 during the Khmer Rouge reign of terror from 1975 to 1979.

Sitting only a few metres from his former victims Duch has for the most part remained stony-faced over the last few weeks, staring straight ahead. Almost every day the tribunal has heard gruesome details of torture – poisonous centipedes inserted into a prisoner's vagina, waterboarding, and medical experiments carried out on inmates.

Today it was the turn of a former prison guard to describe how he was forced to send thousands of detainees to an execution site.

Duch has admitted in court to some of these horrors. "Live prisoners were used for surgical study and training. Draining blood was also done," he has said.

The former commander has testified the torture regime was ordered and controlled from the top. He answered directly to Son Sen, Pol Pot's interior minister (now dead), and also to Nuon Chea, Pol Pot's second in command (a defendant in a second trial). Claiming that he was afraid to disobey their orders, Duch has performed with an intriguing mixture of admissions, remorse and denial.

"I would like to express my regret and heartfelt sorrow, and I accept responsibility for what happened in S21," he told the court tearfully on one occasion. But he has also vigorously denied claims he participated in beatings and torture.

Nam Man, 48, another survivor, believes otherwise. She said she saw him beat two of her uncles to death with a metal rod. "Are you going to deny the facts and the truth that I have just told the chamber?" she asked.

The last few weeks have marked a turning point in this UN-backed tribunal for the crimes of Democratic Kampuchea, a regime that emptied the cities and transformed the countryside into a vast complex of slave labour camps.

This long-awaited "mixed tribunal", which combines Cambodian lawyers and judges with international jurists, has always been controversial. In the 1980s, the US government blocked any attempt to get a tribunal off the ground. Western governments perversely permitted the Khmer Rouge to occupy Cambodia's seat in the UN.

Now, 30 years on, the tribunal that many said would never exist is under fire for alleged corruption and claims of political meddling by the prime minister, Hun Sen. With international funding far from assured, some have predicted its imminent collapse.

But the hail of criticism from some quarters is being balanced by a growing sense of the trial's importance, especially for the victims. Controversy is being outweighed by catharsis as Cambodia faces up to its past.

"So many ordinary villagers are coming to the court," said the tribunal's public affairs head, Reach Sambath. "This is a turning point in the trial. The public gallery was so full on one day that the New Zealand judge, Dame Silvia Cartwright, ruled that Cambodians had priority over international observers."

The respected Documentation Centre of Cambodia has concluded that the Pol Pot regime caused the death of just under 2 million people from torture, mass execution, disease, forced labour and starvation. Youk Chhang, the centre's director, insists that the packed gallery proves "Cambodians must have ownership over the process".

"It is important that Cambodians see for themselves justice and actively participate. This tribunal can even be a model for future tribunals," he said.

Ros Phirum, 54, was among the 400 villagers from Kien Svay district who recently attended the trial. "My brother was jailed by the Khmer Rouge and they burned him alive. Now I feel some justice is finally happening."

At the very least, this tribunal has made legal history. The Cambodian model has enabled victims to file a case against the accused alongside the prosecution, with civil-party lawyers also entitled to cross-examine and call witnesses. The tribunal has created a victims unit to facilitate the work of civil parties.

The search for justice has been accompanied by new moves to put the horrors of the Khmer Rouge on Cambodia's syllabus. A new book, Democratic Kampuchea by scholar Khamboly Dy, has been circulated to all 1,366 secondary schools as the first ever textbook on the Khmer Rouge era.

The Duch trial is expected to finish by September, but there are many doubts about a second trial involving the four surviving Khmer Rouge leaders.

Pol Pot's right-hand man, Nuon Chea (known as Brother Number Two), and his foreign minister, Ieng Sary, are both ailing and in their 80s. Many Cambodians say they will feel cheated if they die before a verdict is reached on the whole regime, and not just one executioner. But Human Rights Watch considers that even if all five former Khmer Rouge senior cadres are tried, the result will still offer incomplete accounting and flawed justice.

Thirty years after the toppling of the regime in 1979, there are inevitably gaps in the indictment. Pol Pot and military commander Ta Mok are dead. But for Cambodians who have waited so long to see their Khmer Rouge tormentors in the dock, incomplete justice is far better than no justice at all.

For Chum Mey, it was better to testify in front of a public gallery packed with deeply involved Cambodian villagers, than in the sterile legal atmosphere of the world court in The Hague.

"I was so excited when called to give evidence," Chum Mey explained. "I was happy to shed light before this chamber. Every single day I hear about Tuol Sleng [S21] my tears kept flowing. I feel so much relief about getting all this off my chest."

When asked about Duch's apology, Chum Mey responded: "A few tear drops could not wash away the suffering of millions who died. "Only the court can help to wash away the suffering."

## **Brutal leader**

Saloth Sar – later known as Pol Pot – became involved in Marxist politics while studying in Paris in 1949, and served as a leader of the Khmer Rouge on his return to Cambodia.

After years of guerilla activity fighting the government, Prince Norodom Sihanouk was deposed in 1970 in a military coup. The new regime entered a civil war against Pol Pot's forces, and the Khmer Rouge captured Phnom Penh in 1975.

It set about turning Cambodia into an agricultural society where most existed in appalling conditions in work camps. Youk Chhang, director of the Documentation Centre of Cambodia, has calculated that just under 2 million were executed, tortured to death, or died of hunger or disease.

In 1979, the Vietnamese invaded and defeated the Khmer Rouge regime. Pol Pot fled, and remained free until 1997. He died a year later.