

THE GLOBE AND MAIL

Khmer Rouge jailer's tale of remorse scorned

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November 25, 2009

They sat 15 metres apart in the courtroom, the repentant war criminal and the sister of one of his early victims.

As Comrade Duch, the jailer who is the first member of Cambodia's murderous Khmer Rouge regime to face justice, made his final statement yesterday to a tribunal before what will almost certainly be a long imprisonment, he asked people like Antonya Tioulong to forgive him.

An estimated 16,000 people, including Ms. Tioulong's sister Raingsi, died at the infamous S-21 prison while Comrade Duch ran it between 1975 and 1979. Yesterday, the 67-year-old former mathematics teacher, whose real name is Kaing Guek Eav, said that he was only following orders while overseeing the interrogation, torture and execution of those the regime saw as its opponents.

But speaking shortly after prosecutors asked the court to sentence him to 40 years in prison, he acknowledged that he was ultimately responsible for what happened at S-21.

“I am deeply remorseful and profoundly affected by the destruction on such a mind-boggling scale,” he said as more than 1,000 people packed into the courtroom to hear him speak and millions more Cambodians watched on live television. “As for the families of victims, my wish is that you kindly leave your door open for me to make my apologies.”

Speaking so quickly that he had to be asked twice to slow down and repeat himself, Comrade Duch said he “could do nothing to help” his victims once Pol Pot and other senior Khmer Rouge leaders had decided their fate. He described his remorse as “excruciating” and said that he hoped one day “to again be recognized as part of humankind.”

From where Ms. Tioulong sat, it wasn't nearly enough. Separated from the accused by a sheet of bulletproof glass, she seethed in her seat as she watched the performance, which to her looked like a cynical effort to win leniency from the five-judge panel hearing his case.

“I don't think he's sincere. He's an actor trying to play the system,” said Ms. Tioulong, whose sister died in 1976 after five months of torture inside S-21. She had been identified as an enemy of the new communist regime because she was a daughter of a former prime minister.

Ms. Tioulong travelled from Paris in August to testify about her sister's death and returned this week to hear the final arguments in the case. Like several others who lost relatives in S-21, she expressed disappointment at the thought of Comrade Duch serving anything less than a sentence of life in prison.

William Smith, an Australian lawyer who took over as co-lead prosecutor after Canadian Robert Petit's surprise resignation this fall, said the punishment for Comrade Duch's crimes should ordinarily be a life term, but said the court needed to take into account the fact that the accused has been in prison since 1998, much of that time without formal charge, and that he has largely co-operated with the investigation.

However, Mr. Smith rejected Comrade Duch's assertions that he had no choice but to behave as he did while running S-21. He said the accused had been "dishonest" in trying to blame his superiors. "The evidence demonstrates that he was not a victim of terror, but its cause."

The trial has heard evidence of how inmates at S-21, also known as Tuol Sleng, were subjected to electrocution, water-boarding and medical experimentation. Comrade Duch's lawyers, who have drawn comparisons between their client and Albert Speer, the only senior Nazi to co-operate with the Nuremburg trials after the Second World War, argued that Comrade Duch has been unfairly singled out from among some nearly 200 Khmer Rouge prison bosses who oversaw other camps where as many as 150,000 people were killed.

Four other senior Khmer Rouge cadres are in custody and are expected to face trial some time in 2011. They are former president Khieu Samphan, former foreign minister Ieng Sary, his wife Khieu Thirith and Nuon Chea, known as the regime's "Brother Number Two" after Pol Pot. None have been co-operating with the tribunal.

Efforts to indict other Khmer Rouge leaders have been blocked by the government of Prime Minister Hun Sen. Himself a former Khmer Rouge member, the Prime Minister has warned of civil war if there are additional prosecutions.

Pol Pot, the architect of the Khmer Rouge's "Year Zero" revolution, which sought to create a utopian agrarian society, died in April, 1998. It's estimated that 1.7 million people died during his regime's three years and eight months in power.

Whether people like Ms. Tioulong accept Comrade Duch's apology probably doesn't matter. Like the other victims, she came to the tribunal not to forgive, but to finally tell the world about what happened to her sister.

"To be in front of the murderer of your sister is quite an ordeal, but it's a relief having spoken," she said. "I've waited for that for years and years and years."