



## **CAUGHT IN THE MIDDLE?**

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Co-Prosecutors used the day to ask Kaing Guek Eav (alias Duch) specific questions focused on the implementation of CPK Party policies at S21 and M13. While the Co-Prosecutors tried to establish that Duch not only implemented, but actually created some of the policies, Duch insisted on his role as a middle-man who merely received orders and relayed them to his subordinates.

### **“All Enemies Had to Be Smashed”**

Deputy Co-Prosecutor Tan Senarong began the day with an attempt to establish different time periods in which to discuss the evolution of CPK policies and the people selected as prisoners. Senarong proposed a framework that temporally divided the CPK into four time periods: pre-1968, 1968-1970, 1970-1975, and 1975-1979. However, Duch countered back that there was no difference in the time period for him. Duch explained his position at M13 and S21 as administrative and involving very little discretionary power. Indeed, in his words, there was one core policy that animated his actions: “People sent to S21 were already regarded as enemies, and all enemies had to be smashed.” When the Co-Prosecutor next tried separating prisoner groups by reason for their arrest, Duch again maintained that such a division only pertained to arresting authorities. Once a prisoner was at S21, his only option was to regard that individual as an enemy.

Despite Duch’s clear position, the Deputy Co-Prosecutor began a series of questions seeking to understand the extent to which Duch may have classified different prisoners and how they may have been treated differently. Senarong asked Duch about arrested Khmer Rouge Cadre, intellectuals, civilian ‘enemies’, women, and children. But Duch did not waiver from his position that he did not consider any classifications and tried to separate himself from policy decisions concerning whom to arrest and interrogate.

It was only when asked about killing children that Duch said he questioned the arrest of a specific group. Showing dubious sincerity, Duch said he raised concern about the detention and killing of young people to his superior, Son Sen, but was told they may take revenge, so they too had to be “smashed.” After placing the decision-making blame on his superior, Duch also separated himself from S21 guards performing interrogations and executions. When asked if he knew about children executed by being beaten against a tree, he denied having any knowledge or direct control over how the soldiers executed “enemies.”

### **“The More You Use a Sword, the Sharper it Gets”**

After a short recess, the International Co-Prosecutor proceeded with a line of questioning focused on education programs that taught CPK Policies to the staff at S21. The Co-Prosecutor tried to elicit a description of how the S21 staff was encouraged to carry out the CPK killing policy. Duch explained how he had a special school built near his home at S21, where he could hold large groups for training sessions, and that he alone gave instruction there. The meetings, according to Duch, were held only once a year for the entire S21 staff, but the interrogation staff had small-group training as often as once per week during the “busy times”. When asked how he taught his guards and soldiers to torture prisoners, Duch eloquently summed up his method by saying, “The more you use a sword, the sharper it gets.” To him, this meant that interrogators were most effective when they were given frequent instruction of the CPK killing policy and methods of interrogation, followed up with even more frequent opportunities to practice those methods. However, Duch quickly reminded the court that his training was nothing more than his best attempt at relating the message of his superiors to his subordinate officers. After a short lunch break, the Co-Prosecutor finished his questioning while a picture of Duch smiling in front of a microphone during one of his training sessions was displayed to the court. Although Duch continued to play down his decision-making power, the picture constantly reminded the court of a different Duch.

The second half of the day’s proceedings were led by two of the Civil Party Co-lawyers: Alain Werner of Group 1 and Silke Studzinsky of Group 2.

Many of Werner’s questions were based on Dr. Etcheson’s recent testimony and Duch took advantage of the opportunity to try to undermine the witness. Duch disagreed with Dr. Etcheson’s accusation that he had made the decision to collect lists of people implicated as enemies through interrogation practices and the accusation that he intended such lists to be disseminated to other security offices. Instead, Duch continued to portray himself as a middle-man, following orders to collect information from his interrogators and reporting back to Son Sen.

Duch also sought to undermine Dr. Etcheson’s testimony that the methods of torture at S21 were unique by calling into question the basis of Dr. Etcheson’s knowledge. Duch admitted that he taught some methods of torture, including the use of electrical shocks and suffocation with a plastic bag, but he added that he didn’t know if his methods of interrogation in fact were unique. Duch also insisted that he did not believe his interrogators used poisonous insects or the pulling of fingernails as methods of torture and questioned Dr. Etcheson’s sources.

The day finished with Ms. Studzinsky, Civil Party Co-Lawyer of Group 2, who questioned Duch about alleged policies to treat S21 prisoners like animals. Although Duch made some compelling confessions on this point, he seemed to qualify each one with a mitigating factor for the court to consider. He admitted to instructing soldiers to make prisoners worship images of dogs, but said he implemented that method of treatment because he thought it would help avoid the use of beating. Duch admitted that guards called prisoners derogatory animal names, but said he did not instruct such behavior and it was “unavoidable, as the guards just followed each other.”

Duch used the last questions of the day – concerning the practice of stripping prisoners upon arrival at S21 – to reassert the position that he did his best to manage the prison, but many of the day-to-day procedures were out of his hands. While he consistently offered to take the blame for the crimes at S21, admitting it was under his supervision, he qualified that willingness by claiming that the crimes he committed were a result of following orders, and many of the crimes at S21 were committed by subordinates whom he did not directly manage.