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## **Legal strategy fails to hide torturer's pride**

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He is deceptively unassuming, a small man in a neat white shirt, sometimes wearing reading glasses as he studies the stack of legal documents he brings with him every day from his cell to the courtroom.

He gives the judges a humble greeting, both palms pressed together, an obsequiousness that has begun to be annoying to some who once suffered at his hands and now sit across the courtroom from him.

But in nearly three months of trial proceedings, a harder man has emerged — alert, vigorous, with a self-confidence that has begun to shade into condescension as he corrects a lawyer or a witness about details of his life as the chief torturer of the Khmer Rouge.

This is Kaing Guek Eav, 66, known as Duch (pronounced DOIK), the first person to go on trial in the deaths of 1.7 million people from 1975 to 1979 when the Khmer Rouge ruled Cambodia.

Slow progress and other problems surrounding the United Nations-backed tribunal have opened the possibility that Duch may be the only person ever to be tried in one of the worst episodes of mass killing in the past century. If convicted, he would face a possible life sentence for crimes against humanity and war crimes as well as homicide and torture.

He is a man who chose his revolutionary name, Duch, to emulate an obedient schoolboy in a children's book, and he reached the peak of his career overseeing a prison staff that tortured more than 14,000 people and sent almost all of them to their deaths.

"I wanted to be a well-disciplined boy," Duch told the court, "who respected the teachers and did good deeds."

Four higher-ranking leaders await their turns in prison cells, but they are ill and growing older. Both money and political will are in question for a long process that has become shadowed by allegations of corruption and of political interference by the Cambodian government. In the courtroom, Duch has clearly taken pride in the efficiency with which he ran the prison, called Tuol Sleng, or S-21, and he seems to relish his role as the public face of the Khmer Rouge, whose leader, Pol Pot, died in 1998.

Talking to journalists before his arrest 10 years ago, Duch said he had decided to confess in order to prove that Tuol Sleng really did exist, rebutting a claim by Pol Pot that it had been only a propaganda fiction created by enemies of the Khmer Rouge.

“I could not bear what Pol Pot said so I had to show my face,” he said in court. “For S-21, I was the chairman of that office. The crimes committed at S-21 were under my responsibility!”

Under the guidance of an experienced and nimble French lawyer, François Roux, Duch has constructed a complicated bait-and-switch defense since the trial opened in March.

It began on his first day on the stand, when, reading a statement in what seemed a rote manner, he took responsibility for the torture and killings, saying, “I would like to express my regret and heartfelt sorrow.”

But the culpability he admits to has become more and more nuanced as he distances himself from the worst brutality of the regime and places himself within a chain of command where disobedience often meant death.

“The horrendous images of the babies being smashed against the trees, I didn’t recognize it at first,” he testified recently. “But after seeing the photographs I recalled that it had happened. It was done by my subordinates. I do not blame them because this was under my responsibility.”

Court analysts say Duch and his legal team will not be able to avoid a conviction and are working to soften his image to produce something less than the maximum penalty of life in prison.

“He is winning the case, even though he’ll be convicted,” said Youk Chhang, director of the Documentation Center of Cambodia, which has compiled much of the evidence against him.

“He has managed not to let his brutality show,” Mr. Youk Chhang said. “I feel so frustrated. It’s all collective responsibility. ‘Forgive me. I’m sorry.’ It’s well prepared and the public buys it.”

A former high school math teacher, Duch seems to have approached the trial with a well-prepared lesson plan and with little patience for those who disagree with him or fail to grasp his version of the material.

At one point a judge reminded him that laughter was not an appropriate response to a question.

He seems to find satisfaction in evading questions with long, pedantic answers, correcting witnesses and sometimes taunting those who seek to pin him down.

“Please do not interrupt me,” he said to one lawyer as he embarked on a new digression. “Since you are asking a question which has already been asked, I am not required to answer.”

At a pretrial conference with investigators, Duch seemed almost cocky, according to a former prison guard named Him Huy, who is expected to testify against him. As he left the room, Mr. Him Huy said, Duch looked back and raised one fist, as if to say, “I’m O.K. I will prevail.”

This is the complicated, defiant man who is revealing himself in the courtroom — the only one of the defendants to acknowledge guilt, and yet seemingly all the prouder of it.

“It raises questions for all of us about how human beings become a part of a project of mass murder,” said Alex Hinton, director of the Center for the Study of Genocide and Human Rights at Rutgers University.

According to a psychological profile that formed part of the indictment, the defendant is “meticulous, conscientious, control-oriented, attentive to detail and seeks recognition from his superiors.”

Like the good schoolboy who is his namesake, Duch said, “In my entire life, if I do something, I’ll do it properly.”

He taught himself how to torture, he said, picking up some beating techniques from Cambodian and French police manuals and improvising the rest through trial and error.

He said he frequently had to instruct the young farm boys he recruited as torturers not to get carried away and kill the prisoner.

Once the confession was extracted, death was all but inevitable.

“Whoever was sent to S-21 was considered to be already dead,” Duch said.

But then, to the surprise of the courtroom, Duch said he did not believe most of the confessions his torturers worked so hard to obtain. Some ran to as many as 200 pages, which Duch meticulously annotated like a schoolteacher and sent to his superiors.

“I never believed that the confessions I received told the truth,” he said. “At most, they were about 40 percent true.”

As for the long lists of supposed accomplices the prisoners were forced to name, Duch said he believed that only 20 percent were genuine.

These lists — whether he believed them or not — fed the prison’s killing machine with more arrests, followed by the extraction of more names, followed by more arrests, in a widening purge that spread to top members of the party.

“The work expanded, people were arrested illegally, right or wrong,” Duch said. “I considered it evil eating evil eating evil.”