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Torture and death recounted at Cambodian trial

Seth Mydans

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“Where were you tortured and when?”

For the past two weeks, judges and lawyers in the trial of a Khmer Rouge prison chief have probed for details about the suffering of victims of a regime that caused the deaths of an estimated 1.7 million people between 1975 and 1979.

As personal stories of terror and brutality fill the courtroom for the first time, even the defendant, Kaing Guek Eav, or Duch, has at times dropped his hard mask and broken down in tears.

“I send my respects to the soul of your wife,” he told one witness, Bou Meng, whose wife died in the prison and whom Duch (pronounced DOIK) had come to know when he pulled him from a row of shackled prisoners and put him to work as a painter.

Bou Meng put his face in his hands. Duch, his lips quivering, turned his back on the courtroom, and both men wept.

Duch, 66, is the first of five central figures from the Khmer Rouge regime to be tried here in a United Nations-backed tribunal. He faces charges of crimes against humanity and war crimes as commandant of Tuol Sleng prison, where at least 14,000 people were tortured and sent to their deaths.

Duch has taken responsibility for the torture and killings at the camp, and he expressed “heartfelt sorrow” when he took the stand. But he has also placed himself within a chain of command where disobedience often meant death.

In vivid testimony, the court has heard a description of the ripping out of toenails — and viewed the scarred toes of the victim — and has listened to the sobs of a man who said he drank his own urine to survive.

It has heard from a man who said he crawled out alive from a pit in a killing field, and from a woman who said she saw a child thrown into the air and speared on a bayonet.

Most of this testimony is uncorroborated, and some has faced vigorous challenges from the defense and skepticism from the judges. In particular, the judges have called into question the testimony of witnesses who also are designated as “civil parties” — an

innovation in international tribunals that allows alleged victims to join the case and to seek reparations from any defendants who are convicted.

The testimony of these witnesses has not been vetted by prosecutors, and most have arrived poorly prepared by overburdened lawyers. Their testimony has often deviated from their sworn depositions, leaving the judges to decide which version, if any, to credit.

Duch's trial opened at the end of March; testimony has been heard not just from the defendant himself, but also from expert witnesses. It has been slowed by procedural delays and challenged by accusations of corruption and of political manipulation by the Cambodian government. The tribunal, an experimental hybrid of local and international legal systems, has been criticized by human rights groups and some legal scholars who say it compromises on international standards of justice.

Duch's most intense display of emotion to date came in a video that was shown publicly for the first time of his escorted visit in February 2008 to Tuol Sleng prison, which is now a museum in Phnom Penh.

With survivors standing nearby, Duch, surrounded in the video by his lawyers and security officers, began to read a statement of apology to the victims. Suddenly he stopped, wiped his forearm across his eyes and let out a cry that sounded like the bark of a seal, before turning away in tears.

But apart from such moments of emotion, Duch has maintained a confident, didactic tone in the courtroom, prefacing his answers with phrases like "based on my analysis and assumption" and "according to the surviving documents."

The five-person panel of Cambodian and international judges has often addressed him more as a disinterested authority than as a defendant. He seemed to have the final word in the courtroom on the authenticity of prison documents and on the long, painstaking lists that he compiled of prisoners sent to die in a killing field.

In challenging the story of one witness who said he had been a prisoner at Tuol Sleng, Duch presented the curious defense that this could not be the person in question because, according to Duch's records, he had already had him killed.

Using a similar argument, he questioned the account of a man who said he had survived the camp, where he was imprisoned as an 8-year-old child; Duch asserted confidently that he had made sure all children who entered the prison with their parents were killed.

That witness, Norng Chan Phal, now 39, whose authenticity was later confirmed by prison documents, presented a horrifying picture of loss that could resonate with millions of those who survived the rule of the Khmer Rouge.

He testified that he and four other children were left alone in the empty prison when Duch and his staff fled the Vietnamese invasion that ended Khmer Rouge rule in

February 1979. Mr. Norng Chan Phal said he ran through empty corridors among corpses and flies, searching for his mother, who had been imprisoned with him.

“There was blood, and I was scared,” he said. “I kept running and crying for my mother, searching for my mother.” Like almost everyone else who was imprisoned there, she had been killed.

Duch has claimed that he had not visited the prison’s cells and torture chambers, asserting that he was a coward, and that he did not participate in, or even know in detail about, the abuse of the prisoners.

“I shut my eyes and ears,” he said. “I did not want to see the reality that did not reconcile with my feelings. I did not allow myself to see or hear.”

This testimony, which seemed at odds with his hands-on administrative style, was challenged Monday by a witness who said she had worked for him as a medic and had lost several family members in Tuol Sleng.

The witness, Nam Man, 48, said she had seen Duch, standing under a coconut tree, 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 said, addressing him directly.

Duch said that he had found no records of her family in his files and that no women had worked as medics there. He denied everything.

Asked later about this response, Ms. Nam Man said, “Now I have to find the records to prove I am telling the truth.”