



Interview with Phung Guth Sunthary: when a civil party looks at Duch's trial

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Phung Ton was a respected professor of public international law whose students included Kar Savuth, co-lawyer for Duch today. He was also a popular university dean. He had been kept out of the Cambodian Marxist circles in Paris because he was opposed to the use of violence to defend their ideas. He was in Europe when Pol Pot and his lieutenants took power in Phnom Penh. Although he was offered positions in Europe, he took a chance on going back to Cambodia to be with his relatives. But Phung Ton, who was in his fifties, would not see them again. He was arrested on his return and transferred from one camp to another until his final destination: S-21, from where no one comes back. His daughter, aged 53, and his widow, aged 71, were among the very first to apply to become civil parties at the trial of Duch, former director of S-21, and attend every single day of hearing. The two women are determined to honour the memory of their relative and to reach the truth. The daughter, Phung Guth Sunthary, accepted to confide in an interview with Ka-set, with often tears in her eyes but also a smile hinting at hope.

K7: How did you find out about your father's tragic fate?

Phung Guth Sunthary: We had completely lost his track until that day, in late 1979, when I was exchanging rice for palm sugar, which I received wrapped in a newspaper sheet. I saw in that paper the picture of my father in a first list of victims of S-21. That is how I found out my father was dead... The next day, my mother and I went to S-21, but we did not find anything there. His biography was discovered only later. It was torn up. That is what Pol Pot used to do after reading such a document and deciding on someone's arrest, according to the explanations given by Duch to the investigating judges. I am waiting to hear what he will say during the hearing about my father's case...

K7: Why was it important for you and your mother to apply to become civil parties?

PGS: When I heard of the establishment of the tribunal, I thought that the time had come for me to fulfil my duty to my father. Out of respect, out of love. I want to keep my father's image alive. He came back to Cambodia for us. I do not want to turn the page, ever. Even after the trial is over, the beloved who died must not be forgotten. I will do

everything I can to see things through and reach the truth. Even though I know it will hurt, I want to know. For the tribunal to accept my request, we prepared a file as early as 2004: Duch cannot deny my father was in S-21 or say he did not know anything. Before the trial opened, there were rumours saying that it would be pointless, that we were going to take useless risks... But duty prevails over all kinds of fear. If I had not applied to be a civil party, I would not be a worthy daughter of my father, whom I love and admire so much. [...] My brothers helped me reconstruct his journey. They were not available to become civil parties and attend the hearings. But my mother and I are enough, we represent our family. What is fundamental is to be present in court.

K7: Precisely, very quickly, you were only three civil parties to keep coming to the trial, out of 93 who were accepted. Do you find it shocking?

PGS: Very much. Before the opening statements, the Victims Unit organised for us a dinner and a day between civil parties. The accommodation, transport and meals were covered. But since then, only three or four people are still coming to the trial, including Chum Mey, a S-21 survivor, my mother and myself. I asked them why there were so few of us and the Victims Unit stated budgetary reasons. Indeed, civil parties can come and attend the hearings, but provided that they pay for their transport, food and accommodation by themselves. There is no compensation. The only thing that the Victims Unit offers us is transportation from the centre of Phnom Penh to the tribunal [located on the outskirts]. That is all. The Victims Unit should provide the means necessary for civil parties to come, the ones after the others, so that the ten seats allocated to us be occupied. I feel offended that the tribunal is not taking better care of civil parties when people keep claiming that it is their first participation to an internationalised criminal court. Our weak presence is not enough in front of the defendant. The ten seats allocated to the civil parties must be occupied at all times. And do not tell me it would cost too much money!

K7: It must be gruelling to attend every day of hearing?

PGS: It is a constant suffering... The night following the first day of trial, I could not sleep a wink... And I cried, I cried... I had been waiting for this for so long! It took me a long time to be able to cry after the fall of Pol Pot's regime. We had been prevented from shedding tears and expressing any emotion. When I hear in court details about acts of torture carried out on prisoners, I cannot help thinking about my father and what he was forced to go through. I always have with me a notepad and a pencil. I write down everything that is said about the substance of the case, questions, answers, everything, but not things related to the procedure, which I do not understand. Every night, I read my notes again. So, I am exhausted at the end of each day, and I often have to get things off my chest with my husband, sometimes until 1am, to be able to start again the following day.

K7: What gives you the most relief in the hearings?

PGS: That Duch answers the questions he is asked. It is good to hear him talk in a court of justice. Also, when witnesses are called to the stand. Although it has been said that their testimonies were not very clear, at least, they came to say they used to be guards for Duch [at the M-13 centre]. Farmers who continue to live in poverty in the countryside. That relieved me. Even if I saw their trembling hands. They accepted to come and testify.

K7: You say you have been waiting for this tribunal for a long time. Did you believe in it?

PGS: I have been waiting for this moment for thirty years indeed. However, I had no hope that an international tribunal would see the light of day. There had been a trial in 1979, that was too rushed and had only little credibility, and I thought there would be nothing else after that. The young cannot believe in the scale of the tragedy. Today's tribunal allows to open the eyes of those young people who do not know or believe in the crimes of the Khmer Rouge regime. But I am worried about the translation problems. A lot of things are getting lost for English and French speakers... History plays an important role, beyond the procedures. To be able to make Duch spit it out, you have to know the history very well, ask questions, delve into what happened and not confine yourself to the Khmer Rouge or Lon Nol regimes... but go even further to understand how we ended up the way we did. You must not impose yourself time constraints for this trial. We missed part of the history. If only half of the history is written, is there any moral in it? We lost two million people and countless survivors continue to suffer... Why not deal openly with everything once and for all?

K7: For you, does the tribunal have a historical mission?

PGS: Yes, it has a historical mission as well as a mission to restore the Cambodian society. Why don't Cambodians regain their identity? This is the moment to go further and seek out the roots of the issue. Also, it is a tribunal for mankind, not just Cambodians. It has been acknowledged that this [the Khmer Rouge genocide] was one of the most important genocides of the 20th century.

K7: Do you think that the trials will allow to understand why this happened?

PGS: It depends. Understand... But at what level? Can we go any further? Has everything really been said? Why did they [the Khmer Rouge] come to such extremes? Why did we suffer so much? Why the wait for 30 years? Why do Cambodians still live in fear? It would be the opportunity to start again on healthier foundations. We constantly live with the class struggle, a wall I was able to break because civil parties represent a mixed group, there are city people and simple farmers, who used to be Khmer Rouge but also

victims. It is important that people from the city and the countryside restore bonds of trust between them, which had been destroyed by the Khmer Rouge. They need one another and the tribunal can help that happen.

K7: Already four weeks of trial have passed. How do you see the defendant, Duch?

PGS: There are several characters in him. Everything is calculated with him. He is as much a teacher as a skilled manipulator, and when I listen to him, I always wonder which of those two is talking. When is he going to stop that act? When is he going to give in and drop his mask? He has always claimed that he wanted to acknowledge his faults, he publicly asked the victims for forgiveness, but before talking about possible forgiveness, there must be a sincere confession! Before each answer, he takes the time to breathe noisily. Cambodians follow the trial mostly through the radio, and when they hear that, they think he is holding back tears and feel pity for him. He knows how to exploit the rural mindset. He also knows perfectly Western mindset after working in refugee camps, and then for a foreign NGO. This man never stops learning. He has had time to prepare during the ten years he has been in detention. Who better than him in this tribunal knows the history and can play both on the Khmer and Western mindsets? He is very intelligent, but also very cunning. He has managed to turn the tribunal into a theatre stage to alleviate the weight of his crimes and get the compassion of the Cambodian audience. For me, he continues to be a Khmer Rouge. And looking at how well he handles the judges, you can tell he is a master at the art of making himself look good, as he already was with his superiors under the Khmer Rouge regime. He is too eager to do well, including in the choice of his words and gestures. Let us not forget he is a teacher, which means he has pedagogic skills, he knows how to strike a balance, and he knows the limits not to cross in front of the judges. On the other hand, he proves arrogant and insulting with the lawyers for the civil parties and the judges allow it. I sometimes feel like the judges favour the defendant more than the civil parties. Besides, I do not see Duch behaving like a defendant, he is doing what he wants in this court. He is feeling at ease.

K7: What do you mean when you say that he is not behaving like a defendant?

PGS: At the beginning, Duch still thought he was a killer and had to be judged, but I think that gradually, he slipped into a different character: he is no longer a killer, not more than another defendant, but someone who comes to the tribunal to explain his case in another time and tell a story which contents and limits he sets himself.

K7: Does he annoy you?

PGS: It makes me angry to see him at ease and remorseless. He said that what he did was then his duty, but that today, it is considered a crime. He did not speak as a defendant but as the director of M-13 and S-21. That is why he feels no remorse and does not suffer. Also, I am irritated by the “sompeak” [traditional Khmer greeting performed by joining

hands together] he gives us every morning at the hearing. There is no need for that gesture, he has already asked for forgiveness. We complained about it, but the judges dismissed our request. On the day following their decision, at the lunch break of the last day of hearing, Duch raised his water bottle whilst looking at Chum Mey [another civil party], as if it were a sign of victory. By directing many gestures and looks at him all the time, he seems to want to remind him that if his life was spared in S-21, it was thanks to him and that he should not forget that. The last two weeks, we have felt that he was trying to seduce us little by little. But it is more difficult for him with my mother and myself...

K7: So, you were not touched by his apologies?

PGS: Someone who is haunted by remorse, who suffers because he realised the harm he caused, it will show. But nothing in Duch's attitude or words suggests that he is suffering, that he feels any regret. He has shown no emotion that may have altered his speech. Never. Besides, his apologies, a text he read, did not come from the heart. He has no heart. He remains an instrument of Angkar. He remains a Khmer Rouge. He is a killer from head to toes. He has the right to defend himself, to minimise his responsibility, to say he obeyed orders, but I do not want him to lie to me. I want to see his eyes, while other witnesses do not dare to look. He may scare others, but not me!

K7: And what do you think of his international co-lawyer, François Roux?

PGS: He explained very well that he was protecting the rights of his clients... I think that François Roux has turned Duch into a Western defendant. Duch's quoting during the hearing of an extract from a French poem, "La mort du loup" ["The wolf's death", a poem by Alfred de Vigny], is not something that is in the Cambodian mindset. I am sure that this was suggested to him by his French lawyer, because it shows judges that his client was the victim of a system and that he accepts his fate with pride and courage.

K7: And what do you think of the lawyers for the civil parties?

PGS: I regret that the lawyers for the four groups of civil parties do not consult each other more. You even get the impression that they do not communicate between themselves. Moreover, some of the Cambodian lawyers were born after the Khmer Rouge tragedy or were only very young children back then. This can be felt when they ask questions to Duch. For M-13, for example, they interrogated him about the farmer victims, but not the former Republican soldiers and civil servants who were detained there. You must be a certain age to be a civil party lawyer, and most of all, you must know the history very well, in its smallest details, and know the facts very precisely. Because Duch sees everything, he plans his moves, he detects the weak points... And you must be able to follow easily the questions and answers made to question him in a relevant manner. I got very involved personally, I read, studied, talked with witnesses and historians, and I think that now, I know well enough the history of that painful period that I experienced with so

many others. I am always available to cooperate with the civil party lawyers for the truth to come out.

K7: Do you feel like the tribunal is followed by your compatriots?

PGS: Those who have suffered, the survivors, they follow the trial. However, it is true that there is an issue of availability for those who work, but I also think that information on the EEEEC is circulating with difficulty. If Phnom Penh residents who have known that period – retired people for instance – knew that a bus could take them to the court for free, I am sure they would be interested. But they have no idea, they do not even know they can attend the hearings. Some say: “You can follow the trial on the television or radio”, but it is not the same. They should come at least once. It is by being in the courtroom that you realise that Duch is able to play several characters, to behave very respectfully towards the judges and contemptuously with the civil party lawyers. It is when you observe him that you manage to understand his real personality. However, my biggest fear is that the defendant himself ends up being considered as a victim among others.

K7: What do you think of the corruption scandal that mars the credibility of the tribunal and may jeopardise its future, according to some observers?

PGS: Corruption must not block everything. Under no circumstances must the United Nations (UN) withdraw from the process. It does not mean that you must close your eyes on this issue. The UN and the international community have already made enough mistakes in the past in relation to Cambodia. Now, you have to go all the way! The imperative for justice must prevail over the issues of corruption. The topic of corruption is another debate that goes well beyond the context of the tribunal and the frontiers of Cambodia. If the trial was to last a long time, that is not a problem because that regime caused the death of two million people, because it is a crime against the whole of humanity, and because since then, our people have never regained the Cambodian identity. What happens for Duch, a mass murderer, will now serve as a benchmark to judge other crimes that could be perpetrated in Cambodia in the future. So, Duch must be judged in accordance with the law for the crimes he perpetrated and his sentence must be the one he deserves. It is up to the tribunal to make that decision. There must be a fair sentence. I do not agree with some civil parties who would like to see a statue of Duch with handcuffs and a chain hanging from his neck be erected at S-21. That would be showing the same barbarism. On the contrary, you must not allow barbarism to return. Thereafter, maybe we could devote a room in the Tuol Sleng Museum [the genocide museum, set in the former premises of S-21 in Phnom Penh] to his trial. Photographs could cover the walls and video clips could be shown permanently on screens.

K7: So, do you remain confident in the tribunal?

PGS: In spite of the problems of translation and corruption, yes, I do. The UNDP [the UN agency that centralises the funds received by the tribunal and transfers them, according to their destination, to the Cambodian or international side of the jurisdiction, as the budgets are separate] is blocking the money, but who does that benefit? We suffered for nearly four years, we were completely abandoned, the international community did not react. And then, after 1979, it was famine and constant fear that the Khmer Rouge would return to power. Who was on our side? Certainly not the international community! And now, the budget freeze. These trials must reach completion, with the presence of international judges. The UNDP and the international community must realise the damages that their withdrawal would provoke. Look at all the victims who suffer. And how many times have they already made mistakes in the past, mistakes that were phenomenal. And Cambodia's seat at the UN which they granted to the Khmer Rouge for such a long time... They are not in a good position to criticise. On the other hand, it is time for the UN to recognise their past mistakes. I want to tell them to take their responsibility. You gave Western training to Khmer intellectuals, like my father, and you abandoned them when they came back to Cambodia. Wake up! And do not abandon us once more! What is the most important: go to the end of this procedure or allow corruption to prevail? Do not confuse everything. Reassure the victims. They should ask themselves this question: who will benefit, who will suffer? The need for justice must prevail. Then, it will be necessary to think about the future generations and the lasting reconciliation of the whole Cambodian people, without any class struggle.