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Khmer Rouge Figure Appears in Open Court

By SETH MYDANS

PHNOM PENH, Cambodia, Nov. 20 — More than 28 years after the killing stopped, the first Khmer Rouge defendant stepped into a public courtroom today to answer for the deaths of 1.7 million people.

A tiny, self-effacing man who once commanded an efficient and ruthless torture house, the defendant, Kaing Guek Eav, 66, known as Duch, was seeking bail on charges of crimes against humanity.

His lawyer's claim that his human rights were being violated drew laughter from Cambodian spectators. Duch is one of five major Khmer Rouge figures that have been arrested and charged by a special tribunal in the past four months after decades of delays in bringing them to justice caused by war, politics and disputes about legal sovereignty.

Trials are expected to begin next year. "It's beyond a dream," said Chea Vannath, a leading human rights campaigner here. "I used to live under the Khmer Rouge regime and I could never dream that those leaders would ever be brought to trial."

From 1975 to 1979, the Khmer Rouge forced millions of people into labor gangs and huge numbers died of starvation, exhaustion and disease. Others, like those in Duch's prison, Tuol Sleng, were tortured and sent to killing fields.

In the courtroom today, facing a panel of five red-robed judges and a tribunal filled with prosecutors, lawyers and clerks, Duch seemed to shrink into his chair, a frail, big-eyed man in a white polo shirt.

He leaned forward, he leaned back, he put on and removed his glasses. His eyes darted around the courtroom. Invited to address the court, he rose with his palms together in a gesture of respect and pleading, raising and lowering them in front of his face.

"I lodged the appeal," he began, and was stopped by the command of a judge: "Please speak loudly!"

"The reason I lodged the appeal," he said again, "is because I have been detained without bail for 8 years, 6 months and 10 days already."

This detention, most of it in a military jail before the special tribunal was created last year with the assistance of the United Nations, was the basis for the assertion by his lawyer, Kar Savuth, that his human rights had been violated "even if he was not beaten or tortured."

A ripple of laughter ran through the Cambodian spectators, who were watching the proceedings on giant screens in an auditorium next to the cramped pre-trial chamber.

"This is Cambodian style, they laugh," said Kek Galabru, the founder of Licadho, a major local human rights group. "It's too much for them because they know that when he was torturing Cambodians there was no talk about the human rights of the victims. Even me, when I hear that, I laugh."

At least 14,000 people were tortured under Duch's orders at Tuol Sleng prison, also known as S-21, and sent to the killing fields.

Only a handful are known to have survived. "Under his authority, countless abuses were committed, including mass murder, arbitrary detention and torture," said a presiding judge, reading the indictment to the court. He listed methods of torture that included beating, stabbing, suspension from ropes, removal of fingernails and drowning in pits filled with rainwater.

Converted in 1996 by American evangelical missionaries, Duch has become a born-again Christian, apparently ready to confess his sins. When he was discovered in 1999 by journalists, he admitted at length to ordering and taking part in atrocities.

Comparing himself to St. Paul, he told the journalists, "After my experience in life I decided I must give my spirit to God."

When the trials begin, his testimony could be damning to some of his fellow defendants. A former mathematics teacher, Duch brought the strictness and efficiency of a schoolroom to his prison in a former high school in the center of Phnom Penh, the capital.

"He was strong. He was clear. He would do what he said," a former Tuol Sleng guard, Him Huy, told David Chandler in "Voices from S-21: Terror and History in Pol Pot's Secret Prison" (University of California Press, 1999).

When asked what kind of man Duch was, another guard told Mr. Chandler, "Ha! What kind of man? He was beyond reason."

The guard said he was most horrified by Duch's decision to allow two of his brothers-in-law to be brought to the prison and put to death. "Duch never killed anyone himself," the former guard said, but he occasionally drove out to the Choeung Ek killing field to observe the executions.

Today's hearing came one day after the arrest of the last of the five initial defendants targeted by prosecutors, the former Khmer Rouge president Khieu Samphan, 76.

Taken by the police from a hospital where he was recovering from an apparent stroke, he was charged with war crimes and crimes against humanity.

Two other defendants were arrested last Wednesday: the former foreign minister Ieng Sary, 82, and his wife Ieng Thirith, 75, a fellow member of the Khmer Rouge central committee.

The fifth defendant, Nuon Chea, 82, the movement's chief ideologue, was arrested in September. He had been living quietly next door to Khieu Samphan in a former Khmer Rouge stronghold where most of their neighbors were also former members of the Khmer Rouge.

All these defendants have complained of medical ailments and through the years of delays fears have grown that some might die before they were brought to justice. The top Khmer Rouge leader, Pol Pot, died in 1998.

In his interview in 1999 with the journalists Nic Dunlop and Nate Thayer, Duch gave what could be a preview of some of his testimony in the trial. Confirming the authenticity of documents recovered in Tuol Sleng, he pointed out notations made by his superiors.

"This is the handwriting of Noun Chea," he said. "You see his handwriting is square. Mine is more oval."

He admitted his own part in the atrocities but said that he acted under direct orders from above and that the entire leadership was aware of the killings. "The decisions to kill were made not by one man, not just Pol Pot, but the entire central committee," he said.

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