

Duch Is Dead

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REVIEW OF: Alexander Laban Hinton, *Man or Monster? — The Trial of a Khmer Rouge Torturer* (Durham, NC: Duke University Press, 2016). 360 pp. 22 illustrations. \$26.95 (pb). ISBN: 978-0-8223-6273-9.

In his stimulating new book, the psychological anthropologist¹ Alexander Laban Hinton chronicles the trial against the confessed Cambodian tormentor Kaing Guek Eav (a.k.a. Comrade Duch). In exploring Kaing Guek Eav's state of mind, the book provokes the reader to think about why we feel the need to ask the black-and-white question of whether he was a man or a monster under the Khmer Rouge regime. 'What does this say about ourselves, our own belief systems, the banality of our everyday thought, and the moral economies we circulate?' (p. 270). Rather than editing out complicating detail in favour of abstract truth, *Man or Monster?* further complicates, enhances, but also confines our ability to know and understand perpetrators of mass violence.

Man or Monster? adds to the tradition of Hannah Arendt's famous coverage of the Eichmann trial² and the mounting popularity of the trial report genre.³ Situated on the outskirts of Phnom Penh, the solitary courtroom, overlooked by its colossal public gallery at the Extraordinary Chambers in the Courts of Cambodia (ECCC), provides a perfect stage setting for Hinton's 'ethnodrama' (pp. 265–66). Featuring the repentant Kaing Guek Eav as protagonist; victimized civil parties as antagonists; and robed judges, seasoned prosecutors, and eloquent lawyers as key actors, Hinton's book chronicles the long overdue theatrical act of post-genocide justice in Cambodia. Looking over Hinton's shoulder, we are witness to the court drama that took place in 2009. Informed by his attendance at 'dozens' of hearings and interviews (p. 4) and composed in analogy to the proceedings, the book knits together trial testimonies of survivors such as Vann Nath and Chum Mey, interrogators such as Prak Kahn, experts such as François Bizot and, of course, Kaing Guek Eav himself. All actors

1 ECCC, Transcript of Trial Proceedings (N° 002/19-09-2007-ECCC/TC; Phnom Penh, 14 March 2016), p. 9.

2 Hannah Arendt, 'A Reporter at large: Eichmann in Jerusalem — I', *The New Yorker* (16 February 1963), pp. 40–113; Arendt, 'Eichmann in Jerusalem — II' (23 February 1963), pp. 40–111; Arendt, 'Eichmann in Jerusalem — III' (2 March 1963), pp. 40–91; Arendt, 'Eichmann in Jerusalem — IV' (9 March 1963), pp. 48–131; Arendt, 'Eichmann in Jerusalem — V' (16 March 1963), pp. 58–134.

3 Stéphanie Maupas, *Le Joker des puissants. Le grand roman de Cour pénale internationale* (Paris: Don Quichote éditions, 2016); Tjitske Lingsma, *All Rise: The High Ambitions of the International Criminal Court and the Harsh Reality* (Utrecht: Ipso Facto, 2017); Thierry Cruvellier, *Court of Remorse: Inside the International Criminal Tribunal for Rwanda*, trans. by Chari Voss (Madison: University of Wisconsin Press, 2010).



apply their own frame to the man in the dock, including Hinton himself. The result is an exquisitely and inventively written narrative, which is richly illustrated with archival pictures, Kaing Guek Eav's prison sketches, and drawings by torture victim Bou Meng.

Like the trial, the book deals with questions of history, politics, law, psychology, and even literature, and is directed at historians, social scientists, transitional justice scholars — virtually anyone interested in the mechanics of mass violence. From the start, however, it is clear that this is not a typical scholarly work, nor is it a purely factual journalistic report. Exploring and blending styles, it is also an experiment in creative writing. At times, this derails the flow of the chronological storyline of the trial, highlighting selected hearings, including opening statements, testimony, closing statements, and judgement rendering. Through the frame of the trial and through Hinton's eyes, the book takes the reader back to the paranoid, 'Pol-Potist' and genocidal reign of the Khmer Rouge's Democratic Kampuchea between April 1975 and January 1979. Unlike Hinton's seminal work on ordinary Cambodians who killed other ordinary Cambodians during this period,⁴ *Man or Monster?* offers insights into an unusual perpetrator.

A former prisoner himself, Kaing Guek Eav, who adopted the *nom de guerre* Duch, became a prison warden. As director of the notorious 'Santebal 21' (S-21) prison, the Communist Party of Kampuchea's (CPK) most secret 'security centre', he managed the torture and mass murder of at least 12,273 purged Khmer Rouge cadres. In his 2,000-strong former school-turned-slaughterhouse, Duch treated his detainees 'as dead people' (p. 164), forcing them to 'confess' to their betrayal of the party before they were 'smashed' (Khmer euphemism for killing) in the killing field Choeung Ek. Historically, the paradox of S-21, which now serves as a museum, is that it became the place which represents the colloquial 'Cambodian genocide', while eighty percent of its victims had previously been members of the murderous regime.⁵ As much as the crime was unique under the circumstances, its perpetrator was also unique: Duch was a Khmer Rouge who was killing Khmer Rouge. Yet he was the first to stand trial at the ECCC under docket number '001', not for genocide like his elderly superiors Nuon Chea and Khieu Samphan in case 002, but for crimes against humanity and war crimes.⁶

4 Alexander Laban Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley: University of California Press, 2005).

5 Thierry Cruvellier, *The Master of Confessions: The Making of a Khmer Rouge Torturer*, trans. by Alex Gilly (New York: HarperCollins, 2014), p. 183.

6 "Crimes against humanity (persecution on political grounds) (subsuming the crimes against humanity of extermination (encompassing murder), enslavement, imprisonment, torture (including one instance of rape), and other inhumane acts). Grave breaches of the Geneva Conventions of 1949, namely: wilful killing, torture and inhumane treatment, wilfully causing great suffering or serious injury to body or health, wilfully depriving a

Considering the large number of records that survived the torture centre, there was no denying what happened there. Kaing Guek Eav apologized to his victims and confessed to his crime before the ECCC, which is inspired by the inquisitorial civil law system where a simple guilty plea is not an option: he had to stand trial. Thus, for the first time in the history of international criminal justice, we hear at length the voice of the confessant perpetrator: his experiences, his explanations, his feelings.⁷ And at his trial, the historical figure Duch is presented punctiliously well, for Kaing Guek Eav has an elephant's memory — reciting Alfred de Vigny's poetry (pp. 76–77), referring to his annotations on interrogation reports and referencing documents and page numbers by heart — and the experience of a lecturer. Hinton observes that the 'man accused of mass murder has become his nation's history teacher' (p. 103). Thus, by adding Duch's own interpretation of the events, as given in his trial, the book adds an insider's perspective on what was going on at the centre, far beyond what the vast S-21 archives had already told.⁸ Through the lens of the trial, Hinton canvasses a chameleon-like Kaing Guek Eav: man, monster, teacher, torturer, executioner, suspect, accused, convict, son, student, revolutionary, father, stoic, brute, repentant, man of God, savage, evil, German Shepherd, witness, victim, perpetrator, bystander, pervert, servant, commandant, cog in the machine, criminal (p. 284). All of these depictions are in the eye of the beholder, whether they be trial witnesses, prosecutors, defence lawyers, judges, spectators at the ECCC's public gallery, or Kaing Guek Eav himself.

Presented with a panoply of retroactive perspectives from the trial on who Kaing Guek Eav was before and during the Khmer Rouge period, Hinton argues that we cannot answer the seemingly simple question of whether Duch was a man or a monster. Rather, by reading the book, we understand Kaing Guek Eav's meticulously controlled, cultivated, and redacted articulation of his own decisions, acts, and omissions that he adopted more than thirty years before being tried at the ECCC. We now know Kaing Guek Eav's perspective on the past without having access to his thoughts at the time he was running S-21, training interrogators, teaching party ideology and annotating prisoner confessions. Kaing Guek Eav's lawyer, François Roux, summarized this epistemological lacuna during his closing statement, saying that 'Duch is dead' (p. 223). And indeed, what is obscured from Hinton's work are the many years of a long life during which Kaing Guek Eav was no longer a perpetrator but a teacher, a born-again Christian, and an employee of an American charity; basically, when Kaing Guek Eav was no longer Duch. Ultimately, we are left with only a framed snap-

prisoner of war or civilian of the rights of fair and regular trial, and unlawful confinement of a civilian." ECCC, Trial Chamber, Judgement (001/18-07-2007/ECCC/TC; Phnom Pehn, 26 July 2010), para. 677.

- 7 Only the former Liberian President Charles Taylor spent more time on the stand as a witness (seven months) while on trial at the Special Court for Sierra Leone, not to confess, as Duch did, but to defend himself.
- 8 See: David Chandler, *Voices From S-21. Terror And History in Pol Pot's Secret Prison* (Chiang Mai: Silkworm Books, 2000). Chandler was an expert witness during Kaing Guek Eav's trial.

shot of Duch's personality. Rather than understanding the psychology of the historic perpetrator Duch, who may very well have been an 'ordinary man in extraordinary circumstances' in the 1970s, Hinton's book provides insight into the mind-set of the contemporary extraordinary defendant Kaing Guek Eav, who is before an extraordinary court in the 2000s. We see a man who is intelligent, reflective, thorough, does not like imprecision, hates to be lied to, and calculates and redacts articulate confessions. Here, the book could have probed deeper into Kaing Guek Eav's psychology had Hinton discussed the evidence (and report) of two psychologists and seven character witnesses — including those who testified at Kaing Guek Eav's trial.⁹

True, Hinton's representation of the Duch trial is not the first and others have already covered similar ground.¹⁰ The strong added value of Hinton's book, however, is that he explicitly acknowledges, addresses, and problematizes these kinds of omissions and 'erasures' (p. 294) not as a failure, but rather as a consequence of covering a seventy-two-day trial featuring twenty-four witnesses, nine experts, and twenty-two civil parties.¹¹ Moreover, criminal trials provide a straitjacketed lens on the past and the present: 'In law, like math, there was just black and white, guilt or nonguilt; no gray' (p. 241). Hinton argues correctly that law is 'redactic' — 'pushing complicating detail out of sight through the assertion of a monolithic representation' (p. 263). Obviously, this also holds true for scholarship. You simply cannot rewrite the whole trial in the space of 299 pages and ten chapters. Therefore, he opted to write his report on the Kaing Guek Eav trial like a 'graffiti artist' (p. 264), experimenting, framing, calibrating, articulating, redacting, and rephrasing rather than quoting trial transcripts. Because Hinton is not absent from his own writing, we also understand his personal choices and scholarly perspective. He observes, thinks out loud, and quotes from his notebook. He also takes the reader on a tour of what is now known as the Tuol Sleng Genocide Museum, while he follows a class of students. He also recounts a personal encounter with Kaing Guek Eav, who saluted him at the end of the trial as if they would never meet again (p. 196).

Hinton manages to unsettle the reader by the uncomfortable undercurrent of the book: 'For who wants to acknowledge that, in gazing at a 'monster' like Duch, we catch glimpses of ourselves?' (p. 270). But what does this mean when the observer gets involved in the very justice system he studies, when the researcher is cross-examined? What if the genocide scholar and the perpetrator he studied end up in the

9 ECCC, Psychological Assessment Report of Experts Françoise Sironi-Guilbaud and Ka Sunbaunat (E3/509; 31 March 2008); ECCC, Transcript of Trial Proceedings — Kaing Guek Eav 'Duch' (001/18-07-2007-Eccc/Tc; Phnom Penh, 31 August 2009).

10 In particular: Cruvellier, *Master of Confessions*.

11 ECCC, Trial Chamber, Judgement (001/18-07-2007/ECCC/TC; Phnom Penh, 26 July 2010), para. 19.

same witness box, testifying against the same 'legendary mass murderer'?¹² It happened to Hinton and Kaing Guek Eav within a time frame of two months. True to anthropological methodology, Hinton observed Duch's trial in 2009, and in 2016 he participated in the trial of Nuon Chea (a.k.a Brother Number 2) and Khieu Samphan for four days as an expert witness on perpetration.¹³ He would later call this experience 'extraordinarily stressful', adding that 'when the red light on your mic goes on, that's your cue. You just stay in the moment and grapple with whatever is presented to you'.¹⁴ It leaves one to wonder if this court experience would have caused Hinton to appraise differently the performance of Kaing Geuk Eav, who, less than two months later, happened to sit in the same chair, this time not as accused person but as an insider witness against his superiors?¹⁵

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12 'Professor Alex Hinton Testifies at U.N.-Backed International Tribunal for the Khmer Rouge', Rutgers University <<http://english-newark.rutgers.edu/professor-alex-hinton-testifies-un-backed-international-tribunal-khmer-rouge>> [accessed 4 January 2017].

13 Hinton testified at the tribunal on four consecutive days: 14-17 March 2016 <<https://www.eccc.gov.kh/en/witness-expert-civil-party/mr-alexander-hinton-laban>>.

14 'Alex Hinton Testifies'.

15 In June 2016, Duch testified in Case 002/2. In February 2012, one month after he was sentenced to life imprisonment by the ECCC's Supreme Chamber, he had already testified in the first segment of the trial vs. Chea and Samphan in Case 002/1.