

Victims' Reactions to Duch's Apology: Is Forgiveness Possible?

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"All I asked for is forgiveness. Even if you cannot forgive me now, please leave the door open for me in the future," said Duch at the start of his trial in Phnom Penh, seeking forgiveness for the atrocities he perpetrated during the Khmer Rouge period. In light of the grave nature of the alleged crimes, it is hard, if not impossible, to anticipate victims' reactions to Duch's plea for forgiveness. In order to better understand their reactions, I decided to conduct a number of interviews with Duch's victims and other survivors. Those questioned were individuals who survived the torture chamber at S-21 and the relatives of those victims who perished under his supervision. All of the six civil parties questioned – with the exception of one, who is unsure – stated that they cannot forgive Duch for the atrocities perpetrated against them.

At the Documentation Center of Cambodia (DC-Cam), the Victim Participation Project (hereinafter "Project") has held series of meetings to update civil parties recognized in Duch's case on developments in the proceedings. On May 27-29, the Project brought twenty-eight civil parties to a meeting in Phnom Penh where their lawyers (Civil Party Group 1) and I briefed them on developments in the proceedings. In addition, these civil parties attended the hearing at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Their reactions to Duch's apology were as follows:

Hor, Banteay Meanchey: Hor is a civil party and was himself a direct victim of S-21. He was one of only a few lucky prisoners released from the torture chamber of S-21. Hor does not have full use of his left hand as a result of the beatings and torture he endured in Tuol Sleng. According to the annotation on his confession, Hor was released from S-21 on 8 March 1976 after spending around five months in Tuol Sleng. Seeing Duch in the Court, Hor told me that his past came flooding back to him. He said, "I started to remember everything, eating... sleeping, defecating." Although Hor conceded that Duch was likely placed in a difficult position due to his fear for the safety of himself and his family, he stated that he believed that Duch still had choices open to him.

Sophan, Kampong Cham: Sophan is a civil party recognized in Duch's case. Her sister was taken to Tuol Sleng. She explained that it was a case of "guilt by association," as her husband had previously worked for the Embassy in Beijing, China. She stated that she had decided to become a civil party in order to seek justice for her sister and other victims. When asked if she could forgive Duch for his crimes, she said "[I] cannot forgive him in light of what victims suffered. He has to be tried and deserves the punishment imposed by the Court. I cannot forgive him." Sophan believes that Duch must have a very cruel nature in order to be able to do what he did. She added, "I do not believe Duch followed orders. From my experience living through the regime, they [the regime] would keep alive only those who are cruel."

Piseth, Svay Rieng: Piseth's wife – whose sister perished at Tuol Sleng – was recognized in 2008 as a civil party in Duch's case. Sadly, following severe illness, she passed away in late 2008 before seeing Duch prosecuted in a court of law. Her sister was brought to Tuol Sleng and presumably executed there as were with dozens of thousands of other inmates. Piseth now acts as his wife's representative in the trial. His ultimate purpose is to fulfill his wife's unrealized dream his wife, namely, of bringing a case against Duch and seeing him convicted and punished. According to Piseth, he seeks to claim reparation, be it personal or moral or collective, and to seek justice for his wife's family and all the victims who perished under Duch's supervision. In response to Duch's apology, he said, "I believe people in general, including me, cannot forgive him. He will have to be judged and punished for the crimes he has committed." He added that when his wife was still alive, she wanted to confront Duch.

Khon, Kampong Thom: Khon is a civil party active in the proceedings against Duch. His brother was arrested and detained at S-21 and disappeared thereafter. He intervened in my conversation with Piseth, saying that, "With the anger I have, I want Duch to be sentenced to life. I want him to live and see the development of the country he once made poor. Now I want him to see this very country develop from being poor to rich." Khon feels satisfied with the tribunal proceedings so far. For him, revenge is still necessary, though it does not need to take the form of retaliatory physical abuse. He said, "Although we cannot physically beat him the way he did to us, I do not want him to enjoy freedom as we do." He wishes to request that the defense stop cross-examining issues that are not important in order to shorten the proceedings. Victims, such as himself, have been waiting too long for justice by now.

Phally, Kampong Cham: Phally is also a civil party recognized in Duch's case. His elder brother, who once served in the Khmer Rouge's revolutionary army in the Eastern Zone, was arrested and taken to S-21. Phally never saw his brother again. Phally filed an application to become a civil party in order to seek justice for his brother. To him, justice means seeing Duch prosecuted and tried fairly. Phally expressed great satisfaction with the judicial process. He said, "[The tribunal] has satisfied 70 percent of my expectations." In addition, Phally wishes to seek personal and financial reparation for the loss of his brother. He plans to use any financial reparation to hold a funeral ceremony for his deceased brother. According to him, it is culturally important that a ceremony be held for those who have passed away. He is not sure whether he could forgive Duch and leaves Duch to be handled by laws of the country. "Even if we take revenge, it would not be possible to reverse our victimhood."

Sophea, Kampong Thom: Her father was arrested and taken to Tuol Sleng three weeks before she was born. She has never fully understood why her father was arrested. She had always hoped that her father was still alive somewhere and that would return to her one day. It was only in 2006 that she found out the fate of her father. "In his photograph found at DC-Cam, my father looks very gentle." Her goal

is to seek justice for her father, whom she has never seen and never will. The loss of her father greatly impacted her entire family's living and her educational possibilities. "It has been 30 years and I cannot lift myself out of poverty because I do not have a father." In order to help her family, she had to quit school, dashing her dream of becoming a teacher. Sophea does not believe the accused, Duch, has honestly and whole-heartedly confessed, despite making a show of cooperating with the tribunal. "His cooperation is to simply to avoid a longer sentence," she said. She cannot accept Duch's apology and never will, no matter what. "I cannot reconcile with him," she added. As for reparations, she understands that the tribunal can only award collective and moral reparation and, thus, hopes that the tribunal would award something that would benefit future generations of Cambodians. Personally, she wants the history of the Cambodian genocide to be taught in schools in order that they remember the country's tragic past. In addition, she hopes that a foundation be established to help poor and unfortunate women victimized by the Khmer Rouge regime.

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