

Pol Pot's Willing Executioner? Criminal Accountability at the Khmer Rouge Tribunal

Review by Richard A. Wilson

Man or Monster? The Trial of a Khmer Rouge Torturer

by Alexander Laban Hinton

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Alexander Laban Hinton has written a highly engaging and experimental ethnography of international justice that narrates the criminal trial of Kaing Guek Eav (aka “Duch”), a central figure in the “killing fields” of 1970s Cambodia. *Man or Monster?* interrogates the enterprise of pursuing accountability for some of the worst instances of human rights violations in the twentieth century, exploring the limits of both law and literature to comprehend mass atrocities. Hinton finds the Manichean dualism posed in the title of his book both inadequate, haunting and generative, and he illustrates how all accounts of one individual’s role in past crimes are partial and incomplete or, in his words, “redacted.”

Hinton’s style of writing and analysis of an international criminal trial is original and represents a significant contribution to the growing literature on the anthropology of post-conflict justice that includes recent studies by Anders (2011), Clarke (2009, 2010), Eltringham (2013), Kesselring (2016), Theidon (2013) and Wilson (2011, 2017). Hinton complements, and, in imaginative ways, extends this existing anthropological literature. His is a “performative ethnography” that is episodic, polyphonic, experimental, and includes poetry, the dreams of the ethnographer and other literary techniques. For Hinton, the international criminal trial of Duch is less about accountability and challenging impunity than it is a “performance of a liberal order” (p.241), a quasi-religious quest for the grounds of redemption of the accused so that he might be returned to the fold of humanity. Law, according to Hinton, is quite unsuited to this latter task, given its epistemological framing of events, and its winner-

takes-all quest for truth that leads to a subsequent attribution of guilt.

From 1975 to 1979, the Khmer Rouge rule of “Democratic Kampuchea” constituted one of the more brutal and bloody regimes of the twentieth century. Its Maoist leader, Pol Pot, famously pursued a policy of devastating the cities and pastoralizing the country in the ideological belief that the peasantry was the only true and pure revolutionary vanguard. Roughly 2 million of Cambodia’s eight million people died as a result of Pol Pot’s policies, nearly a quarter of the country’s population. The Khmer Rouge purged all considered actual or potential opponents, and, as part of its program of mass killing, it established 196 prisons across the country where tens of thousands were interrogated, tortured and murdered. One of the most infamous of these prisons was S-21 (or “Tuol Sleng”) a former high school in Phnom Penh run by “Comrade Duch” the alias of a former mathematics teacher and fervent Maoist revolutionary, Kaing Guek Eav. After the fall of Phnom Penh to the Vietnamese army in 1979, Tuol Sleng Genocide Museum became “Cambodia’s Auschwitz,” the site of memory most often visited by foreigners and Cambodians.

After a hiatus of nearly thirty years, Duch was arrested and brought to trial at the Extraordinary Chamber for the Courts of Cambodia (ECCC), a hybrid international tribunal integrating national and international criminal law and personnel. The ECCC’s prosecution team, led by a Cambodian National co-prosecutor Chea Leang, and Canadian co-prosecutor Robert Petit, charged the accused Duch with criminal responsibility for the killing of over 12,000 men, women and children, a crime against humanity. The prosecution’s case drew heavily on documents, many of them signed orders to execute prisoners by Duch himself, and portrayed the accused as a willing executioner, a zealot for an ideological crusade, and an enthusiastic enforcer of a sadistic regime. In addition to the documentary evidence, former prisoners of S-21 testified to its appalling conditions and unimaginable brutality, where thuggish guards (young peasant men who were selected and trained by Duch) raped and tortured prisoners and killed small children by smashing their heads against a designated tree. Finally, there was the confession of Duch himself, who admitted to, and in fleeting moments, expressed remorse for these atrocities. The prosecution built a compelling case that Duch was a “monster,” the personification of evil, a view fulsomely endorsed by his victims and their families who were party to the trial, as well as by ordinary Cambodians who graffitied their reactions on the walls of the exhibition at Tuol Sleng.

Hinton gives ample consideration to the defense case, which began with the jurisdictional argument

that Duch should not be on trial at the ECCC at all, given that the ECCC's Statute mandated the court to only pursue those "most responsible" for international crimes. Duch was merely a cog in the machine, following orders that came down from more senior officials who were truly responsible for the mass crimes. Duch himself was terrorized by these officials and so his compliance was borne of self-preservation, not ideological fervor. Furthermore, none of the heads of the nearly 200 other prisons were charged by the ECCC for any crimes, thus violating Duch's right to equality before the Cambodian Constitution. Finally, there was the human aspect; in the years since the events, Duch had converted to Christianity, had become a teacher again and openly expressed remorse for his past crimes. He apologized several times during the trial, and quoted French poetry. At these moments, the event was less a criminal trial and more a ritualized purification ritual directed at the forgiveness and redemption of the accused.

Hinton poses the same poignant questions again and again throughout this narrative. What explains the Cambodian genocide? Was Duch a man, or a monster? A zealous and ruthless revolutionary or a quietly-spoken former mathematics teacher who quoted French romantic poetry in his trial? Ultimately, Hinton opts for the time-honored "perpetrator-in-all-of-us" interpretation that, "under tragic circumstances, anyone can end up like Duch (p. 82)." For Hinton, the Cambodian genocide cannot be grasped by the politically-inclined explanations that have been advanced thus far, such as the mass indoctrination of the population by a small Maoist clique led by Pol Pot, or by the violence of decolonization and its aftermath. Instead, Hinton identifies the cause of the genocide in "the banality of everyday thought (p. 35)." By this, Hinton means the quotidian social categories through which persons simplify, frame and ultimately erase others. In short, "social cognition" (although Hinton does not use this term) provides the causal mechanism for mass murder. Here, Hinton extends historian David Chandler's thesis that to understand S-21, we need to look no further than ourselves and our inherent tendency to obey authority.

How might we evaluate the claim that mass atrocities arise from everyday forms of social classification? One might start by acknowledging that social cognition is ubiquitous in all known human societies, and that genocide is always accompanied by rigid forms of social categorizing. At the same time, we need to distinguish carefully between necessary and sufficient conditions, in that social categorization may be a necessary condition for genocide, but it is not sufficient, and much, much more is needed.

There is a second potential objection to the “Je Suis Duch” thesis that is based in an anthropological theory of agency. All of us are indeed partially the product of our time, place and culture, but we also exercise a degree of choice and agency, even in the most extreme and inauspicious conditions. While all humans may possess an abstract capacity for violence, it does not follow that all persons, even given a certain upbringing, are in practice willing and able to smash in the brains of small children against a tree. This observation is borne out by the history and ethnography of warfare and genocide. The Erdemović trial at the International Criminal Tribunal for the Former Yugoslavia illustrated the recalcitrance and mental anguish of a hapless young soldier compelled to participate in the genocide at Srebrenica, Bosnia-Herzegovina. Browning’s (1998) classic historical account *Ordinary Men*, for instance, noted that 20% of firing squads at the Józefów massacre in Poland refused to shoot. This response was so widespread that the entire edifice of the inhuman, bureaucratic-industrial machine of the Holocaust was created because the German High Command could not rely on ordinary soldiers to execute the program of exterminating Jews.

Hinton may be right, that “we” may need look no further than ourselves to understand the Cambodian genocide, but for different reasons than the ones he emphasizes. Hinton never tells us who his “we” actually refers to, but by “we,” I mean “we Americans whose military waged war and dropped over 2 million tons of ordnance on Cambodia and Indochina between about 1964 and 1974.” Culpability lies not in cognition, but in politics.

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*Richard A. Wilson is the Gladstein Distinguished Chair of Human Rights and Professor of Law and Anthropology at UConn School of Law, and founding director of the Human Rights Institute at UConn. Wilson is a scholar of transitional justice who currently teaches courses on post-conflict justice, law and society, and an interdisciplinary graduate level course on the anthropology, history, law and philosophy of human rights. He is the author or editor of 10 books on international human rights, humanitarianism, truth and reconciliation commissions and international criminal tribunals. His book *Writing History in International Criminal Trials* was selected by Choice in 2012 as an “Outstanding Academic Title” in the law category. His forthcoming book, *Incitement On Trial: Prosecuting International Speech Crimes* (Cambridge University Press, 2017), explains why international criminal tribunals struggle to convict individuals for inciting speech and proposes a new model of prevention and punishment.*



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