

21ST CENTURY SHOW # 45

SHOW OPEN AND MUSIC (16.00”)

Coming up on 21st Century... (2.01”)

[CAMBODIA]

For the thousands imprisoned here, it was hell on earth.

(Sound Up: Chum Mey: “This place was full of cries ... the screams of children, of mothers, of fathers.”)

Finally the alleged mastermind of this inferno will face his victims.

(Sound Up: “The whole of humanity demands a just and proportionate response to these crimes.”)

But some are asking: what would you have done in his place?

(ROUX: “Who today can say that they would have acted differently under these circumstances?”) (35.82”)

ANCHOR INTRO #1 (35.82”)

Hello and welcome to 21st Century. I’m Daljit Dhaliwal.

Hello, I am Daljit Dhaliwal. From Nazi Germany ... to Rwanda ... to Yugoslavia, the world has attempted to bring some measure of justice to the victims of mass atrocities. But there has never been an international tribunal like the one in Cambodia where a reign of terror decimated more than one quarter of the population more than three decades ago. In this special edition of 21st Century, we take you inside the first case heard by this unique court.

SCRIPT – SEGMENT # 1 (23’ 26’)

Cambodia: A Quest for Justice

VIDEO

AUDIO

PASSENGERS ON A BUS

NARRATION:

They came by the busload ... gathered in villages throughout Cambodia ... about to witness history in the making. (11.27’)

PROSECUTOR LEANG IN THE COURTROOM

PROSECUTOR LEANG: (In Khmer)

“Today, in this courtroom, before the Cambodian people and the world, at long last justice begins ... and justice will be done.” (9.72’)

PAN ACROSS EXTERIOR OF S-21 BUILDING

NARRATION:

It’s the first post-genocide tribunal ever held in the nation where the atrocities were committed. It will put on the record secrets that many in this small Southeast Asian country want buried. It’s been accused of being too expensive ... too slow ... too late. But for at least one of the victims of Cambodia’s nightmare, it is as essential as air. (26.99’)

CHUM MEY TALKING

CHUM MEY: (In Khmer)

“Every day I demand my government to bring the Khmer Rouge to justice. If we do

not try them, the same cruel killings can happen again. (11.68”)

NARRATION:

CHUM MEY STANDING BY S-21
CELL WINDOW

Chum Mey is haunted by powerful memories. His wife and three children were among the murdered. He was imprisoned and tortured. He cannot rest until his tormentor is held accountable. (14.78”)

CHUM MEY: (In Khmer)

CHUM MEY HOLDING
PHOTOGRAPH OF DUCH

“This is Duch, the S-21 prison chief. Younger generations did not know Duch as Master of Criminals, who killed without mercy.” (11.96”)

NARRATION:

CLOSE UP OF PHOTO OF
DUCH

Who was Duch? Was he a “master of criminals”, responsible for thousands of deaths? Or was he also a victim of the Khmer Rouge? This is the story of two men and a nation’s long-delayed quest for justice. (17.94”)

FOOTAGE OF CIVIL WAR –
HELICOPTER

It all began in the 1970s. Southeast Asia was in turmoil. The Vietnam War was winding down but civil war raged in neighbouring Cambodia. (11.54”)

CANON AND TANK

On April 17, 1975, the communist Khmer Rouge seized power. Within 24 hours, Cambodia’s capital Phnom Penh was

emptied out ... its residents forcibly marched into the countryside, with little but what they could carry. Those who resisted were shot. (22.47")

CHUM MEY TALKING

CHUM MEY: (In Khmer)

"I ran to the house and told my wife 'pack up everything'. I fled with my wife and children out of Phnom Penh. (7.13")

FOOTAGE OF TRAVELLING BY COWS AND CARTS

NARRATION:

Chum Mey was a forty-five-year-old mechanic when he was forced from Phnom Penh at gun point. The Khmer Rouge, led by Pol Pot, were determined to return Cambodia to what they called "year zero", an agrarian society. (15.34")

LABOURERS IN FIELDS

Most Cambodians were forced to labour in the fields. There would be no professionals, no schools, no money. But even as the population obeyed, the increasingly paranoid regime questioned everyone's loyalties ... including Chum Mey's. (20.93")

BLACK GATES OF TUOL SLENG

On October 28, 1978, he was separated from his family, told he was being taken to repair vehicles. Instead he was taken here, to the notorious Tuol Sleng prison, a former school now known as S-21. (18.85")

CHUM MEY OUTSIDE S-21	<p><u>CHUM MEY:</u> (In Khmer)</p> <p>“I was handcuffed like this and my face was covered with a blindfold. We were marched like this.” (10.32”)</p>
FOOTAGE OF S-21	<p><u>NARRATION:</u></p> <p>S-21’s inmates were teachers, lawyers, journalists... Each one meticulously photographed: men ... women ... and children. (11.03”)</p>
CHUM MEY WALKING	<p><u>CHUM MEY:</u> (In Khmer)</p> <p>“This was where I was detained. This is my cell, number 022. This is the chain for shackling our legs. We slept with our legs shackled. If you got caught turning around without permission, you were beaten 50 to 100 times with a stick. “ (24.29”)</p>
CHUM MEY WALKING OUTSIDE S-21	<p><u>NARRATION:</u></p> <p>On Chum Mey’s first day at S-21, he was taken for interrogation inside this room, its floor already covered in blood. The objective – to force him to confess to supposed foreign loyalties. (17.78”)</p>
CHUM MEY INSIDE S-21 TORTURE ROOM	<p><u>CHUM MEY:</u> (In Khmer)</p> <p>“The interrogator demanded: ‘How many of you are associating with the CIA? You tell me frankly!’ I said: ‘I am not CIA or KGB. I did not know them’. Then he quickly grabbed a stick and hit me, Peng! Peng!</p>

Peng!" (15.57")

NARRATION:

BED IN TORTURE ROOM

The initial interrogations and torture continued for twelve agonizing days... (5.90")

CHUM MEY: (In Khmer)

CHUM MEY CRYING

"My toe nails were pulled out. I was innocent and I was beaten. If I was doing something wrong I would not have complained but I was innocent and they beat me." (19.15")

NARRATION:

PRAK KHAN READING

This brutal treatment was meted out routinely, says this former interrogator. (5.63")

PRAK KHAN: (In Khmer)

PRAK KHAN OUTSIDE

"The torture included pounding fingers, inserting needles under fingernails, pulling them off with pliers." (7.07")

NARRATION:

PHOTOGRAPH OF PRAK KHAN

Prak Khan, then just 20 years old, was taught to torture at S-21. (5.96")

PRAK KHAN: (In Khmer)

PRAK KHAN OUTSIDE

"He trained me on how to interrogate and how to torture in order to retrieve answers ... how to use psychological and political

tactics. (10.88”)

NARRATION:

PHOTOGRAPH OF DUCH

He was Prison Director Kaing Guek Eev, known as Comrade Duch. A former science teacher, Duch now taught the art of cruelty. (11.43”)

PRAK KHAN: (In Khmer)

PRAK KHAN OUTSIDE

“We placed plastic bags around their heads. We were trying to almost choke them. What we wanted was to weaken their minds.” (12.09”)

NARRATION:

TORTURE ROOM

But for inmates he deemed “useful”, Duch had “special plans.” Prisoner Van Nath had been an artist; Duch ordered him to paint portraits of Khmer Rouge leader Pol Pot. (12.50”)

VAN NATH: (In Khmer)

VAN NATH TALKING

“Duch was the only one who decided if the painting was good enough.” (3.60”)

NARRATION:

PHOTOGRAPH OF PRISONERS
AT S-21

Van Nath – who’d been tortured at S-21 so severely he could barely walk – knew that other artists before him had tried to please Duch ...most could not and were quickly put to death. (13.17”)

VAN NATH TALKING	<p><u>VAN NATH:</u> (In Khmer) “I worried how I could paint for him when I could not even stand.” (3.98”)</p>
VAN NATH’S PAINTINGS OF S-21	<p><u>NARRATION:</u> Van Nath put his dark memories of those desperate days on canvas ... the babies snatched from their mothers, the water-boarding and other brutal torture techniques. (15.33”)</p>
VAN NATH TALKING	<p><u>VAN NATH:</u> (In Khmer) “That time there was our hell on earth. S-21 was hell because the prisoners, they were not dead but their bodies were no longer human.” (11.61”)</p>
CLOSE UP OF PRISONER IN ONE OF VAN NATH’S PAINTINGS	<p><u>NARRATION:</u> Responsible for all of it he says, was one man... Duch. (4.77”)</p>
PHOTOGRAPH OF DUCH	<p><u>VAN NATH:</u> (In Khmer) “He didn’t look like a cruel person who killed so many people.” (4.60”)</p>
BLACK AND WHITE PAINTING BY VAN NATH	<p><u>NARRATION:</u> But thousands were killed. In fact, trucks rumbled out of S-21 every night at midnight – taking away prisoners to be executed at nearby killing fields. Hearing this was its own kind of torture. (16.27”)</p>

BARBED WIRE	<p><u>CHUM MEY:</u> (In Khmer)</p> <p>“At 8:00 or 9:00 p.m. we could not sleep, just waiting there without knowing who would be brought to die. Only after midnight could we finally close our eyes.” (11.90”)</p>
CELLS IN S-21	<p><u>NARRATION:</u></p> <p>But even then, sleep was elusive ... too many other terrible sounds echoed in the night. (9.23”)</p>
CHUM MEY CRYING	<p><u>CHUM MEY:</u> (In Khmer)</p> <p>“This place was full of cries. The screams of children, of mothers, of fathers. Sometimes, babies who didn’t have breast milk cried, while their mothers also cried upstairs because of torture.” (12.39”)</p>
VAN NATH’S PAINTINGS	<p><u>NARRATION:</u></p> <p>It was all too much for some prisoners. Many attempted suicide. (5.88”)</p>
PRAK KHAN OUTSIDE	<p><u>PRAK KHAN:</u> (In Khmer)</p> <p>“Some prisoners, they soaked themselves with kerosene from the lamps; they would burn themselves alive. Some would use a pen to stab their throats.” (12.25”)</p>
CHUM MEY CRYING	<p><u>CHUM MEY:</u> (In Khmer)</p> <p>“I wanted to commit suicide by jumping, but I couldn’t because there were bars.” (4.06”)</p>

FOOTAGE OF CIVIL WAR	<p><u>NARRATION:</u> Salvation came on December 25th, 1979. Vietnam – which had been the target of Khmer Rouge attacks – invaded Cambodia and overthrew the Pol Pot regime. (12.49”)</p>
FOOTAGE OF CIVIL WAR	<p>Comrade Duch and the guards fled. Then, the gates of S-21 swung open ... and its secrets spilled out. At least fifteen thousand people had been imprisoned here; only 12 survived. Among them – four children, the artist Van Nath ... and Chum Mey. (25.70”)</p>
CELLS OF S-21	<p>Chum Mey ran, desperate to find his wife. Remarkably he did. She was carrying their baby. But in the chaos, gunfire broke out...Chum Mey’s wife and child were tragically shot dead. (14.76”)</p>
CHUM MEY CRYING	<p><u>CHUM MEY:</u> (In Khmer) “I miss my wife. They should not have killed her with a small baby in her hands. Whenever I come here, my tears always fall.” (14.69”)</p>
FOOTAGE OF THE DEAD	<p><u>NARRATION:</u> The full measure of Cambodia’s tragedy was stunning. Nearly two million – one in every four Cambodians – had died... Many of starvation, exhaustion and disease. Tens of thousands more – executed at killing fields like this one... (23.27”)</p>

UN CAMBODIAN
HEADQUARTERS

It was not until UN-brokered elections in 1993 that a degree of political stability finally came to Cambodia. Now Chum Mey and so many other victims could finally demand a reckoning. (15.40”)

CHUM MEY TALKING

CHUM MEY: (In Khmer)

“We need justice to help heal those who lost husbands, wives and children.” (4.50”)

UN AIRPLANE

NARRATION:

The international community agreed: the most senior Khmer Rouge leaders would have to be prosecuted. But could Cambodia – where only seven lawyers survived the Khmer Rouge – hold a legitimate trial? (13.72”)

BUSY CITY STREET

Negotiations would drag on for years. But at long last, an historic UN-supported tribunal was approved. The verdict would be decided by an international panel of judges – some Cambodian, some foreign. (15.24”)

PEOPLE FILING INTO THE
COURT

Case number one finally began in early 2009, more than thirty years after the genocide. (6.47”)

DUCH BEHIND BULLET-PROOF
GLASS IN COURT

The first defendant, held behind bullet-proof glass, was the alleged mastermind of S-21’s machinery of death, Comrade Duch.

The charges: murder, war crimes and crimes against humanity. Co-prosecutor Chea Leang began. (19.96”)

PROSECUTOR LEANG IN COURT

PROSECUTOR LEANG: (In Khmer)

“The evidence will show that his crimes were part of a widespread and systematic attack on the Cambodian population.” (7.41”)

CHUM MEY IN THE COURTROOM

NARRATION:

In the packed courtroom sat Chum Mey, now 79, as his former captor made a dramatic confession. (7.52”)

DUCH SPEAKING IN COURT

DUCH: (In Khmer)

“I would like to say that I am responsible for the crimes committed at S-21, especially the torture and the execution of the people there.” (18.16”)

DUCH IN COURT

NARRATION:

But, Duch now 67, insisted, he had had no choice: it was obey or die. ,(6.49”)

DUCH SPEAKING IN COURT

DUCH: (In Khmer)

“It was a life or death situation for me, and for my family. As the person who was in charge of S-21, I could never consider defying orders, even though obeying them meant that numerous people would perish.” (18.48”)

VAN NATH'S PAINTINGS	<p><u>NARRATION:</u></p> <p>Did Duch order torture and killings willingly ... or out of fear? Was he a zealot or a pawn? The trial would pivot on these questions. Co-prosecutor William Smith... (14.24”)</p>
SMITH IN COURT	<p><u>WILLIAM SMITH:</u> (In English)</p> <p>“The defence will say that he was victim of the regime, had no choice, hated his job and only carried out these acts because he was under threat of death. It’s not a valid defence, duress of itself.” (14.45”)</p>
DUCH IN COURT	<p><u>NARRATION:</u></p> <p>Duch acted out of conviction, not coercion says Smith. (4.50”)</p>
DUCH IN COURT	<p><u>WILLIAM SMITH:</u> (In English)</p> <p>“He was a crusader. Someone that wanted the revolution, the communist revolution and did everything he could to achieve that.” (8.22”)</p>
VAN NATH'S PAINTINGS OF TORTURE	<p><u>NARRATION:</u></p> <p>Everything, including devising ingenious methods of torture and teaching them, as former interrogator Prak Khan testified... (9.37”)</p>
PRAK KHAN SPEAKING IN	<p><u>PRAK KHAN:</u> (In Khmer)</p> <p>“We were trained on how to whip the</p>

COURT	prisoners with the stick ... on how to electrocute them ... on how to use the plastic bag to suffocate them. “ (8.23”)
JUDGE IN COURT	<p><u>NARRATION:</u> As for the question of duress, Van Nath – the artist who had survived on Duch’s whim – testified that Duch never appeared scared or anxious. (9.39”)</p>
DUCH IN COURT	<p><u>VAN NATH:</u> (In Khmer) “S-21 was his domain and he was the boss. We were afraid of him and we had to respect him. Every time he entered I had to stand up and then wait for his instructions.” (11.85”)</p>
ROUX IN COURT TALKING TO CAMERA	<p><u>FRANCOIS ROUX:</u> (In French) “We must consider everything in order to judge a person.” (3.43”)</p>
ROUX ON TELEVISION	<p><u>NARRATION:</u> Defence Attorney Francois Roux argues that Duch was not born an executioner, he became one... (6.29”)</p>
ROUX IN COURT TALKING TO CAMERA	<p><u>FRANCOIS ROUX:</u> (In French) “At first he joins the revolution, full of good intentions. So he stuck his hand in, then his arm, and then he was entirely engulfed in it. (10.01”)</p>

ROUX IN COURT

“Who today can say that they would have acted differently under these circumstances, circumstances under which one is absolutely terrified?” (11.07”)

DUCH VISITING S-21

NARRATION:

What’s more, Roux contends, Duch is now full of remorse. He says everyone – including Duch’s victims – could see that when, as part of the trial, the court took him back to S-21, the site of his crimes... (14.29”)

DUCH CRYING AT S-21

As he waited to speak ... Duch broke down. (3.84”)

DUCH AND PRESS SPEAKING
AT S-21

DUCH: (In Khmer)

“I know that my regret although it is so hurtful, it is only a drop of water in a vast ocean of misery for victims and their families.” (12.78”)

DUCH AND PRESS AT S-21

NARRATION:

But Duch was about to confront the misery he had inflicted when Chum Mey described his torture. (6.24”)

CHUM MEY SITTING ON FLOOR
AT S-21

CHUM MEY: (In Khmer)

“One day they put a wire in my ear and electrocuted me. I could only hear the noise of the generator. Sparks came out of my eyes. “ (10.59”)

DUCH AND PRESS AT S-21	<p><u>DUCH:</u> (In Khmer) “I can confirm that what Chum Mey is saying is not an exaggeration. He did suffer like that. I apologize.” (8.73”)</p>
DUCH AND PRESS AT S-21	<p><u>NARRATION:</u> But what would Duch’s apologies mean to Chum Mey? When he finally testified more than a year later ... Cambodia got its answer. (9.45”)</p>
CHUM MEY SPEAKING IN COURT	<p><u>CHUM MEY</u> (In Khmer) “I cannot allow a few teardrops to wash away the suffering of the more than two million Cambodian people who perished during the regime.” (8.07”)</p>
CHUM MEY IN COURT	<p><u>NARRATION:</u> The scars of his miserable days at Tuol Sleng prison are still raw. (4.48”)</p>
CHUM MEY SPEAKING IN COURT	<p><u>CHUM MEY:</u> (In Khmer) “Every time I hear about the Khmer Rouge, I think about my wife and kids. I didn’t expect I would survive. I only lay down on my back waiting to be killed.” (19.37”)</p>
SMITH SPEAKING IN COURT	<p><u>WILLIAM SMITH:</u> (In English) “So what is a just sentence for this accused? Do you believe him when he says he was a hostage and a prisoner of the regime?” (10.87”)</p>

SMITH IN COURT

NARRATION:

Where the judges stood on that question would determine Duch's punishment. Co-prosecutor Smith implores the court to remember the thousands of Duch's defenceless victims. (12.77")

JUDGES IN COURT

WILLIAM SMITH: (In English)

"Your Honours should be mindful of the dreams and opportunities that were denied. The whole of humanity demands a just and proportionate response to these crimes and this Court must speak on behalf of that humanity." (17.26")

SMITH IN COURT

NARRATION:

Smith demanded a sentence of 40 years in prison while defence attorney Roux argued that Duch's contrition warrants a sentence of "time served". (10.80")

DUCH IN COURT

FRANCOIS ROUX: (In French)

"Who is in a position to dispute and challenge the tears that have been wept by the accused? Duch has already paid for the evil that he committed. Send him back home. Send him home." (11.96")

SPECTATORS AT THE COURT

NARRATION:

But in the trial's final hours, Roux, and everyone else, was in for a shock. Despite the fact that Duch had confessed several

times, suddenly his other defence attorney – Kar Savuth – demanded a total acquittal. He argued that more senior members of the Khmer Rouge, not Duch, were responsible. (20.02”)

KAR SAVUTH SPEAKING IN COURT

KAR SAVUTH: (In Khmer)

“He only obeyed the party. So the party is the culprit; the criminal behind all the crimes. I request that now Duch be free from being prosecuted.” (12.97”)

DUCH SPEAKING IN COURT

NARRATION:

Even Duch seemed startled by his lawyer’s about-face. (3.81”)

DUCH SPEAKING IN COURT

DUCH: (In Khmer)

“I am responsible for the crimes as a member of the criminal party.” (4.26”)

COURT ADJOURNING

NARRATION:

In an atmosphere of confusion, the court adjourned to deliberate. (3.97”)

EXTERIOR VIEW OF THE COURT

More than eight months later, the judges filed in to deliver their verdict. (5.55”)

DUCH IN COURT

NARRATION:

Guilty on all counts. The sentence: 35 years in prison. Minus the time he has already served, Duch will be incarcerated for another 19 years. He showed no

emotion but outside Chum Mey was devastated. For him, the sentence was a travesty. (21.32”)

CHUM MEY SPEAKING TO
PRESS

CHUM MEY: (In Khmer)

“I ask all of you, whether the world will be happy for spending millions of dollars and the killers don't get punished? Are you happy with that? I am not happy. My tears fall one more time. My countrymen's tears fall one more time.” (16.87”)

CHUM MEY WALKING OUTSIDE

NARRATION:

For Duch's victims, it is now more important than ever to keep the memory of those who perished alive. Van Nath's paintings are his tribute to the dead. (10.59”)

VAN NATH'S PAINTINGS IN
CABINET

VAN NATH: (In Khmer)

“They did not die in vain. They were not smashed like ash. Their memories and evidence of their lives remain.” (10.07”)

CHUM MEY WALKING
THROUGH S-21

NARRATION:

Chum Mey continues to bear witness. He spends his days at S-21, now a memorial to the dead. Despite his disappointment, he is proud of his testimony in the trial that finally forced his homeland to confront its terrible history. (18.63”)

CHUM MEY: (In Khmer)

CHUM MEY VISITING A TEMPLE “It’s very important. I do not want the younger generation to say that there was a very old man who knew the truth about the Khmer Rouge regime and he never revealed it. That he just dies with that truth.”
(14.71”)

[CAMBODIA TAG & CLOSE] (19.07”)

The Tribunal’s second case will begin next year. Pol Pot died 12 years ago, but four senior members of his regime now face an array of charges, including genocide

That’s all for this edition of 21st CENTURY. I’m Daljit Dhaliwal. We’ll see you next time. Until then, goodbye.

CREDITS #45 (36.59”):

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