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Paul Wilson

*Bond University*, [Paul\\_Wilson@bond.edu.au](mailto:Paul_Wilson@bond.edu.au)

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**FOR: PSYCHIATRY, PSYCHOLOGY AND LAW**

**A CASE STUDY**

**DO NORMAL PEOPLE COMMIT GENOCIDE?**

**OBSERVATIONS FROM THE CAMBODIAN TRIAL OF 'DUCH'**

Professor Paul Wilson, Chair of Criminology and Forensic Psychologist, Bond University,  
Gold Coast, Queensland, Australia.

Correspondence: Professor Paul Wilson, Faculty of Humanities and Social Sciences, Bond  
University, Robina, Gold Coast, Australia. Email: [pwilson@bond.edu.au](mailto:pwilson@bond.edu.au)

## **ABSTRACT**

This article is written from the perspective of a forensic psychologist and criminologist who observed the recent trial of Duch, the commandant of S-21, the prison where up to 14,000 men women and children were systematically interrogated, tortured and then murdered during the reign of Pol Pot's Khmer Rouge regime. It focuses on what the trial revealed about Duch's personality and notes the absence of any form of psychopathology or mental illness in his psychological profile. However, Duch, like many other middle-ranking officials involved in major human rights abuses, may well have distinct personality characteristics. This finding lends weight to the view that an individuals' involvement in genocide and other related crimes is best understood as a complex interaction between the situation people find themselves during times of war or civil conflict and their personality characteristics.

**Key Words:** Duch; genocide; ECCC trials; human rights abuses; profile of genocide perpetrators

This article is an account of the background and characteristics of Kaing Guek Eav, alias “Duch”, the Khmer Rouge prison chief who commanded Tuol Sleng, otherwise known as S-21, where somewhere between 12 and 14,000 men, women and children were incarcerated, tortured and finally murdered and where only seven prisoners who entered the prison came out alive (Chandler, 1999). It is written from the perspective of a forensic psychologist and criminologist who observed part of the trial himself, closely monitored the transcripts and accounts of the proceedings and who also interviewed other persons who had regularly observed Duch during the court sessions. The author, who is a listed expert witness list for the International Criminal Court in The Hague, was not able to interview Duch although he had access to some of the psychological and psychiatric reports that were presented as evidence at the trial.

The aim of the article is to come to some tentative conclusions regarding the personality and general characteristics of Duch and then to make some observations about how far these characteristics apply to those who are involved in genocide or major human rights abuses in other conflicts and wars. This discussion interlocks with the debate in the psychological sciences and in other disciplines regarding whether ordinary people commit these crimes because they are involved in extraordinary circumstances or whether those who engage in major human rights abuses have particular and identifiable personality characteristics. (Baumeister, 1997; Wilson, 2003).

Some background to the trial of Duch is in order. During the reign of Pol Pot and the Khmer Rouge between 1975 and 1979 somewhere between two and three million people died as a result of mass murder, starvation or disease. Although the numbers vary according to the expert consulted the current Cambodian government puts the figure at three million (ECCC, 2008). Though the Khmer Rouge were defeated conflict between the new Government and the remnants of Pol Pot's regime continued till 1998. After the conflict ceased the Cambodia government approached the UN for assistance in establishing an official trial for some of those who were accused of major crimes. Years of negotiations between the two parties led to the international tribunal becoming operational in 2007. The tribunal, known as the Extraordinary Chambers of the Court of Cambodia (ECCC), consists of a pre-trial chamber that considers matters relating to detention and differences between Judges and the

prosecution on who should be tried, a trial court chamber which actually hears the case against accused persons, and a Supreme Court Chamber that hears appeals. The trial chamber consists of three Cambodian and two international Judges.

Duch was the first person arrested and the first person to be put on trial who was charged with crimes against humanity. Others trials planned after the Duch verdict include Nuon Chea, formerly the head of Pol Pots government's National Assembly, Ieng Sary former Minister of Foreign Affairs, Ieng Thirith, Minister of Social Affairs and Khieu Samphan, formerly Head of State. These four men are charged with a variety of crimes ranging from crimes against humanity to war crimes. Duch, as commander of a prison, is the least senior of those in Pol Pots regime charged, a point that is important when considering the characteristics of those who commit mass murder and crimes against humanity that we will return to later (ECCC, 2008).

## **DUCH'S BACKGROUND AND IDEOLOGY**

Duch was born in 1942 into a poor Cambodian family but as a school pupil was soon noticed for his intelligence and his interest in scholarly activities. He was described as studious with a particular interest in mathematics but with no political interests (Chandler, 1999). After graduating from school he taught mathematics at the Lycee Sisowath college and the historian David Chandler quotes one of his pupils as saying that he was renowned for "the precision of his lectures as if he were copying texts from his mind onto a board" (Chandler, 1999, p20).

He became fascinated with communism while a teacher and soon was a strong supporter of the Khmer Rouge. He told the court at his trial that he gave away all his savings at that time and became a labourer in order to see how hard it was and to gain experience of being a worker, one of the proletariat. (Lesley, 2009) However, Duch was arrested in 1968 by the then government's police but eventually released when the Sihanouk government was overthrown in 1970. From July 1971 until January 1975, he was the Chairman of Office 13, a Communist Party security prison, before becoming head of S-21. He arrived in 1975 and said that his time as commander of S-21 was very busy, so busy in fact that he spent only one out of ten nights with his wife as he had to spend so much time annotating confessions (Corey-Boulet, 2009).

He remained with the Khmer Rouge until becoming a teacher again in the early 1990s. A monumental event in his life was the death of his wife in a burglary in 1995, the result of which led him into becoming a devout Christian. This conversion offered him a new community, the possibility of forgiveness for past sins and a chance to start again. Judy Ledgerwood, An American anthropologist and expert on Cambodian culture who observed the trials argued that this conversion allowed Duch to pay the price for what he had done. “According to Buddhism Duch is stuck” she said. “He’s going to languish for an eternity or at least for many life cycles in a lower level of hell somewhere” (Soy, 2009). In 1999, the Australian journalist, Nic Dunlop discovered his location and as a result, he was arrested by the Cambodian military authorities. (Dunlop, 2005).

## **DUCH AND THE ECCC TRIAL**

Duch’s traits of order, meticulousness and a memory for detail, so evident during his early years as a pupil and then as a teacher, were revealed throughout his trial. Considering the time that had passed since the liberation of S-21 by the Vietnamese army and his arrest it was remarkable that he could remember so much. Elena Lesley, a journalist who wrote an extensive blog for the Cambodian Post newspaper on Duch’s trial found his ability to remember details as “startling” (Lesley, 2009a). She and many other observers noted that during the court proceedings he concentrated on what witnesses said and had no hesitation in contradicting them if he believed his records or memory held more accurate recollections. He constantly argued that had no choice but to carry out orders which were conveyed by his superiors otherwise he would have been killed himself. He denied that he personally was involved in any deaths of prisoners or that he knew the extent of the horrors that were occurring in S-21. However, prosecutors vigorously challenged this assertion pointing out that written questions and notes were found on prisoners’ confessions, many of which suggested torture and lashings, in order to obtain what Duch believed to be the real “truth”. (Chandler, 1999, p22). On one record of an interrogation interview he wrote “beat him until he tells everything” (Soy, 2009).

Duch described Pol Pot’s ideology as a mix of the theories of Marx, Lenin and China’s “gang of four” but admitted that Pol Pot’s regime had more barbaric policies than the gang of four as the Khmer Rouge began to carry out mass killings immediately they came into power.

He confessed that he had been a strong believer in the regime and strongly supported its underlying ideological principals (Wilkins, 2009).

The former commandant's attention to detail and his continual voicing of remorse throughout the trial were both shown during the testimony of Craig Etcheson, the author of a number of books and articles on the Khmer Rouge and formerly Director of Yale Universities Genocide project. Etcheson, at the trial, gave a list of prisoners who he believed had been released from S-21. However, Duch contradicted him saying that they all had been killed, a statement that clearly further tarnished his reputation and neutralised any favourable impression that Etcheson's list of released prisoners may have made (Wilkins, 2009). Indeed, the former prison governor went out of his way to admit to his *mea culpa*, even exaggerating it by saying at one stage "I am responsible, ideologically and psychologically, for the results suffered by the entire population of Cambodia" (Wilkins, 2009).

At the trial Cambodian psychiatrist Chimm Soethera gave graphic evidence on the psychological traumas suffered by those who survived the regime. He also described with chilling details how Cambodian society was devastated by Pol Pot and argued that the effects lingered on even today. Duch listened intently to the evidence and, when asked to comment on it by the court, answered in ways that reflected on how he saw his own role as the chief of S-21. He congratulated the psychiatrist on his evidence and for his "outstanding achievements". Nevertheless he insisted that he had no personal knowledge of the forced confessions, the torture and the executions though he accepted responsibility for all the crimes at S-21 "legally and psychologically" (Rasmussen, 2009).

### **FORMAL OBSERVATIONS OF DUCH'S PERSONALITY**

During the trial the formal professional analysis of Duch's personality came from the psychological examination carried out by an international clinical psychologist and a Cambodian psychiatrist. Their most important conclusion was that Duch did not present with any psychopathology, a conclusion I would concur with from observing him during cross examination. Similarly, like the two expert witnesses, I did not observe any obvious signs of any major personality disorder or mental illness during the time Duch gave evidence. The two experts also pointed to his high intelligence, his meticulous attention to detail, and his conscientious, work-orientated almost obsessive approach to defending himself at the proceedings. His drive to succeed in whatever he did (partly, the experts believed, to

ingratiate himself with his superiors) was a noticeable trait and one also recognised by journalists covering the trial (Corey-Boulet & Sokha, 2009; Lesley, 2009b).

While Duch continuously expressed regret for what happened at S-21, the psychologist and psychiatrist observed that he sought recognition and respect from his superiors. “The defendant is meticulous, control-orientated, and attentive to detail and seeks recognition from his superiors” the two stated in their report. “He is also inflammable and impressionable and shows a strong presence of obsessive traits” (Lesley, 2009b). They noted that he mounted powerful defence mechanisms against feeling any empathy with the plight of the victims of the prisons he commanded. This was partly, they considered, a result of a process of compartmentalization where Duch was able to separate out his life as a family man from that of a prison commandant simply doing his job, even though his “job” involved carrying out orders to torture and kill. The process of compartmentalisation, they believed, led to a complete absence of any sense of guilt despite the expressions of sorrow for what had happened to the victims of S-21 (KRT Trial Monitor 2009; Kampuchea Thmey, 2008).

A common response by Duch to the allegations made against him was to take responsibility for what happened at the S-21 but to deny he tortured prisoners himself or that he was present when they were executed. Judy Ledgerwood, an American anthropologist, argued that Duch lived in a contradiction, in that he felt “some genuine remorse but also wants the story to be told in a way that doesn’t make him look so bad”. Legerwood, echoing the argument that the prosecutors put, suggested that Duch was not just a cog in the machine but rather “stood there and gave orders – not to have 10 or 15 people killed but thousands” (Soy, 2009).

Remarkably many at his trial, even those who were prosecution witnesses, emphasised traits that they admired in Duch. He was described by one as a teacher who told his students to study hard and by another as a person who avoided conflict. Others said he would voluntarily host extra study sessions for them and that he never had any conflict with anyone (Corey-Boulet and Sokha, 2009). My own observations of him while he was being cross examined suggested that he was meticulous in keeping records, agreed with what superiors wanted him to do and was proud of the fact that he was efficient in handling the tasks within the prison that were assigned to him. He answered questions confidently using phrases such as “based on my analysis” or “according to the documents”, phrases that

underpinned his analytical style, almost archetypically “bureaucratic” in tone and orientation. These observations are not dissimilar to others who saw him while he was in custody or at the trial or by witnesses who observed him at various point of his life (see Chandler, 1999; Corey-Boulet & Sokha, 2009; Dunlop 2005; Mydans, 2009).

### **ARE GENOCIDE PERPETRATORS JUST “ORDINARY PEOPLE”?**

Duch commanded a prison where up to 14,000 men, women, and children were interrogated, tortured, and killed. The question arises as to whether he was an “evil” person or whether, as some have suggested, that like so many others who commit genocide or major human rights abuses, simply a victim of the situation that he found himself in? Or, to put the question within a more psychological framework, was Duch simply a person with particular personality characteristics such as psychopathy, a trait of so many child abductors and murderers, or was he just a “normal” person, without obvious personality deficiencies who becomes a captive of the social environment around him (Baumeister, 1997; Etcheson, 2005; Milgram, 1974, Howard and Wilson, 2009)?

Professor David Chandler, the historian who has written the definitive history of S-21, has no doubts that any answer to this question does not reside within a pathological personality structure of Duch (or any other similar human rights offender), but rather in our capacity to “order and obey each other, to bond with each other against the strangers” and to vent “our anger and confusion “especially when we are encouraged to do so by people we respect, onto other, often helpless people” (Chandler, 1999, p. 155). Despite Duch’s continual denials of, in Chandlers words, venting “anger and confusion” while in charge of S-21, there was strong evidence that he was very much aware of what was happening in the prison and was probably involved in some of the physical brutality himself. In the words of the prosecutor, Australian Bill Smith, “he is being tried for ordering the crimes. He is being tried for instigating the crimes. He is being tried for aiding and abetting the crimes. He is being tried for committing the crimes” (Powell, 2009, p14).

At Duch’s trial and also in his book on his ordeals, the French scholar Francois Bizot who was at one time a prisoner of Duch, noted that he was often cruel and would beat prisoners (Bizot, 2004). This was confirmed by other witnesses who stated that they saw Duch torture and strike prisoners. In addition, prosecutors showed the court notes, added to

the margin of prisoner files, where in one he had written “did not confess” and in another, “Uncle Peng. Kill them all”. One witness said that she had seen Duch beat two of her uncle’s to death with a metal rod, an accusation that Duch denied, telling the court that he had found no records of her family in the records of those incarcerated in S-21 (Mydans, 2009). Though Bizot did not believe Duch was a sadist he was convinced that he was a man zealously ingrained with the Khmer Rouge philosophy with its fundamentalist Marxist principals (Lesley, 2009c).

However, anger and confusion does not in itself indicate a particular personality or psychiatric condition a point noted by the court experts and by many others who observed the trials. He certainly was not a psychopath nor a sadist nor a person with any particular obvious personality characteristic that would explain his role in the events that transpired in S-21. Does this point to what Craig Etcheson has described as the “normality” of such people? Does it lend support to the psychologist Stanley Milgram’s famous obedience to authority experiments where scientist noted that ordinary people obey commands leading to pain, even death, given by those in authority (Etcheson 2005; Milgram, 1974)? Francois Bizot, one of the few to escape alive from S-21, was told by Duch that he did not especially like his job, but he was willing to do almost anything that his superiors asked of him in order to obtain their approval. What Duch perpetrated, Bizot believed, could have been carried out by thousands of others and it was this realisation “that causes my personal tragedy today” (Bizot as quoted by Lesley 2009c).

But being without obvious psychopathologies or mental illnesses does not mean that Duch, or other perpetrators of human rights abuses lack distinct personality characteristics. We know from the genocides in Rwanda, East Timor, Kosovo and other places that thousands of people refused to participate in the atrocities that occurred. Most importantly, in terms of the experimental psychological literature, the Milgram studies show that not all the subjects in his pioneering research did what the experimenters asked them to do (Human Rights Watch, 2004; Milgram, 1974). So, while “ordinary people” may well be capable of genocide there are still may be a number of personality, social and opportunity factors that contribute to the conditions under which individuals participate in human rights abuses.

This view has recently been given particular relevance by the work of Carnahan and McFarland (2009) who, in a repeat of the original Milgram experiments, found that subjects

who were more likely to continue to inflict pain had distinct personality traits. Specifically they were more aggressive, authoritarian, high on narcissism measures, and socially dominant as well as being lower on empathy and altruism. Duch had some of these characteristics as noted by the psychiatric report and by observers of the trial. His revolutionary zeal and his desire to “follow orders”, and to achieve bureaucrat “efficiency” by ordering or engaging in terrible crimes became obvious as the court proceedings progressed. He admitted that under his supervision babies of prisoners were murdered by smashing their heads and bodies against trees yet he would happily go home to his family whenever he could after the day’s work had been done. Here was a man who had the ability to compartmentalize his life by separating his role as an efficient but murderous bureaucrat from his kindly family man persona.

Duch’s ability to compartmentalize is not atypical from that of Nazi concentration camp commandants. Richard Sonnenfeldt, the chief interpreter at the Nuremberg trials noted that many of the senior Nazis who were executed or imprisoned had traits not dissimilar to Duch. He saw them not as monsters but as ordinary men who knew right from wrong. When Rudolf Hoess, Commander at Auschwitz was asked if he ever stole or enriched himself from inmates he replied “What sort of man do you think I am” (The Economist, 2009). Like Duch, Hoess had his own sense of morality but a perverted one at that. Both Duch and the Nazi prison camp commanders were hardly in ‘normal’ situations controlling as they did the lives of thousands of their captives during times of great conflict. War and civil strife are unique environments and we know that under these conditions the potential to commit genocide and other human rights abuses increases dramatically. Recent studies, for example, of mass rape have demonstrated that soldiers are much more likely to commit sexual assault when they are at war rather than when they are civilians (Franklin, 2009). This finding is not unusual given the research studies that have conclusively demonstrated the power of specific environments to influence cruel and violent behaviour (Milgram, 1974; Carnahan and McFarland, 2009).

However, the work of Carnahan and McFarland and what can be gauged from the psychological profile of Duch suggests that genocide and other human rights abuses are better interpreted in terms of a personality-environment interaction rather than an explanation based only on the situational that people find themselves in (Carnahan and McFarland, 2009). A multi dimensional model in which the environment (including the political ideology of the day and an atmosphere of war or conflict) together with specific characteristic or personality

traits of the human rights violators join or fuse together is a more promising way of interpreting such abuses than a uni-dimensional explanation based simply on the situation people find themselves in or on their personality traits.

The caveat to this is that the personality part of the personality-environment/situation interaction may change according to the position of the individual involved in the genocide or human rights abuse. Duch was a middle ranking official receiving orders from Pol Pot and a central committee. Would the personality characteristics of Pol Pot and the members of that committee differ from that of Duch? And, what is the role of personality in lower ranking members of the Khmer Rouge such as the prison guards at S-21 who carried out the torture and murder of up to 14,000 inmates? The complexity of untangling the ingredients of the personality-environment/situation interaction in genocide should not be underestimated though Duch's history and trial offers some unique insights into its dynamics.

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