

Lords to appeal this part of the judgement, lodged by the Home Secretary. In the meantime at least, it should be noted that the judgment represents the law of the land.

Some reflections

Law and practice surrounding the investigation of unnatural deaths in custody have developed considerably since, say, the death of Paul Wright in Leeds Prison.

- Internal investigations by Senior Investigating Officers from outside the prison are now carried out routinely. They have expert help when they need it.
- Family participation into these inquiries is regarded as important and the investigation report is usually disclosed to them before the inquest.
- The family is, since the end of last year, more

likely to be afforded legal representation at the inquest.

- If the Service has been at fault in the systems it uses to minimise self-harm, the jury can say so.
- If the inquisition finds unlawful killing, then there is an expectation that the CPS will consider criminal proceedings (this follows the death of Alton Manning at Blakenhurst prison).
- In cases where the deceased prisoner is an adult and his family is not financially dependent on him, they may nevertheless be able to bring proceedings against the Prison Service under the Human Rights Act, though this has yet to be tested.

It appears likely that, in most cases, the contribution of the availability the internal investigation, the inquest and possible criminal proceedings will be sufficient to discharge the requirement to establish and conduct an effective investigation promptly.

S-21 The Heart of the Cambodian Nightmare

Jamie Bennett, Head of HMP Whitemoor's Dangerous, Severe Personality Disorder (DSPD) Unit.

In the UK, the second half of the 1970s saw Callaghan as Prime Minister, Margaret Thatcher as Leader of the Opposition, the Rhodesian declaration of independence, the discovery of North Sea oil, the punk phenomenon and the Queen's Silver Jubilee. In the rest of the world, figures such as Idi Amin, Jimmy Carter and Anwar Sadat made headlines, whilst critical events included the death of Mao, the Iranian Revolution and the murder of Steve Biko.

This period also brought Cambodia, or as it was then known, Kampuchea, into the public consciousness as it descended into a nightmare from which it is only now beginning to awake. The rule of Pol Pot and the Khmer Rouge, 1975 to 1979, resulted in the deaths of 1.7 million people, one in five of the population, and left a generation scarred. This horrific legacy stands alongside the Holocaust, the Russian purges and the apartheid regime in its barbarity. The acts of this regime have been termed 'autogenocide' reflecting the sense of a country indiscriminately destroying itself.

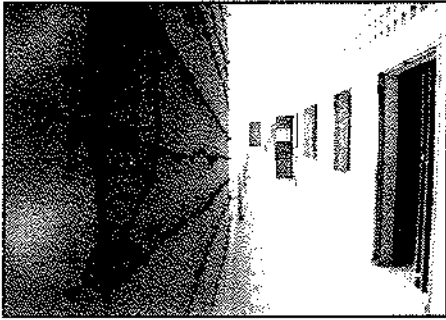
Cambodia was previously famous for the glorious Angkorian empire, the most powerful in South-east Asia between the ninth and sixteenth centuries. The spectacular remains of this empire are a major

attraction to both archaeologists and tourists. These remains cover an area of 60km² and include Angkor Wat, the largest religious site in the world. Prior to and since the Khmer Rouge this has been the symbol of the glorious Cambodian culture.

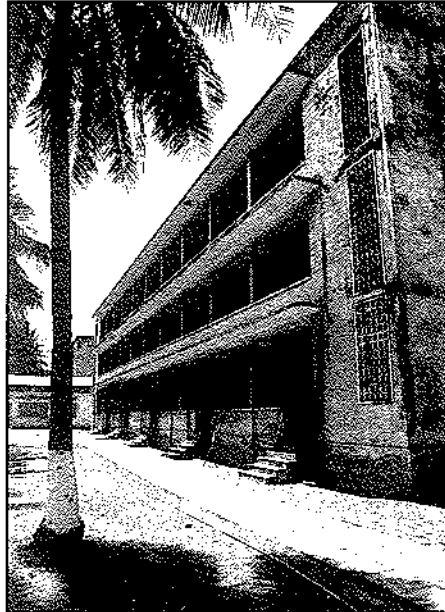
The huge scale of destruction between 1975 and 1979 has been directly attributed to the policies of the

Below: Angkor Wat, the largest religious site in the world and the symbol of the ancient and modern Cambodia.

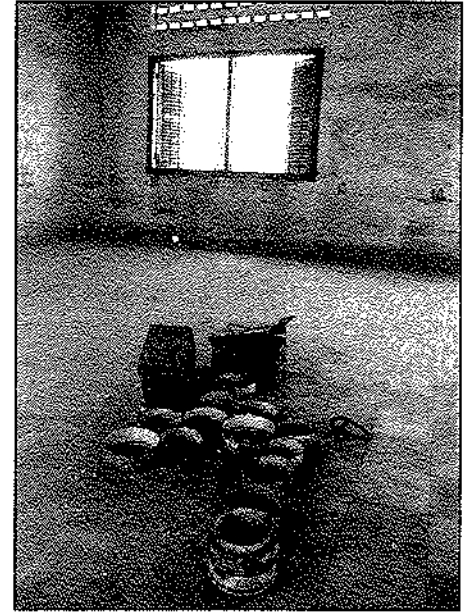




Above: The corridor in the first floor of Block C. Only the barbed wire indicates the sinister nature of the events that occurred in this building.



Centre: External of Block C, the interrogation Units, at S-21. The building looks innocuous from the outside, like the municipal school it once was.



Above right: Communal cell on the first floor of Block C. This cell would hold 60 or 70 prisoners. They would lie, 20 or 30, along the length of an iron bar to which, one or both of their legs would be shackled. The pots and buckets pictured were the only sanitation available to prisoners. They would have to gain permission before using them, failure to do so resulted in severe punishments.

regime. This included the forced evacuation from all of the cities; the forced labour of all citizens in rice production; the abolition of modern medical practice; and the purging of opponents of the revolution. This indiscriminately affected all people: farmers, labourers, lawyers, doctors, journalists, politicians, clergy and civil servants.

S-21 was the main prison and torture centre of the regime, the heart of the purges. It saw the torture and execution of at least 14,000 people. Only seven are known to have survived. It was known locally as 'the place where people went in but never came out'. It is housed in a former school in the Tuol Sleng area of Phnom Penh, Cambodia's capital. Its corruption mirrors that of Pol Pot, who started his professional life as a teacher.

Staff

The Khmer Rouge regime promoted the virtues of young people's ignorance and inexperience, following the Maoist preference for the 'poor and blank'. During its height, about 80 per cent of those employed as guards at S-21 were aged between 17 and 21. These people were malleable and could be developed for the role that they would be required to play.

This corruption was the new education of the young, who were taught slavishly to obey instructions. The institution of family was systematically destroyed as everyone became part of one collective group. The revolution even brought with it the capital offence of 'Familyism' — missing one's family. It could be argued that the staff at S-21 were also victims of the regime, taught to be murderers in the corrupted school by the corrupted teacher.

The prisoners

The prisoners at S-21 were not there for conventional crimes, but were there because of real or

imagined counter-revolutionary activity. In many cases, the prisoners did not even know why they were arrested. One of the survivors, Vann Nath, has given an account of his first interrogation session:

'What is the problem that caused them to arrest you?' the interrogator asked. I said I did not know.

'Angkar (the Government) is not stupid', he said. 'It never catches people who are not guilty. Now think again — what did you do wrong?'

In many cases, no specific charge was ever laid, but it was accepted that the Party could declare guilt or innocence. As one prisoner wrote in his confession, 'Only the Party knows my biography'. It was if, as in Milan Kundera's words, there was a 'punishment seeking the crime'. Other prisoners were there for overtly political reasons. Purges of members of the pre-Revolutionary regime and later of intellectuals and outspoken party officials provided a central role for S-21.

One former commerce official, arrested due to his connections with another high profile prisoner, eventually confessed to shirking combat in the civil war, encouraging subordinates to 'lose faith in the Revolution' and planting fruit trees without permission. Another official in the North West confessed to

Right: the notorious memorial map of Cambodia made of the skulls of victims, displayed in Block D of S-21.

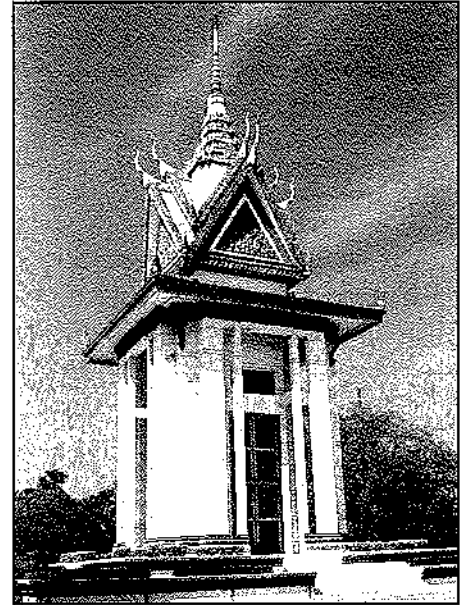
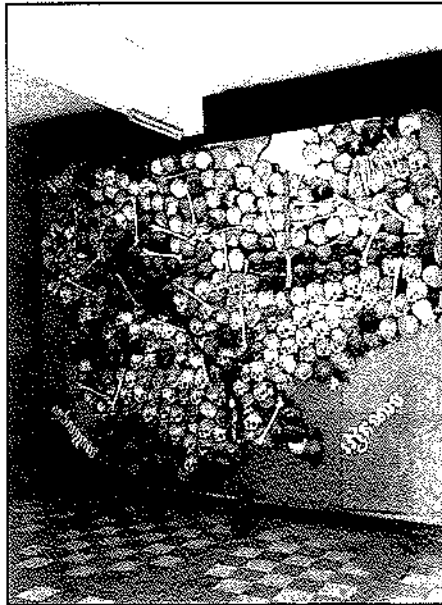
wrecking the harvest when it failed to meet the required quotas. All confessions had appended to them 'strings of traitors', often running to hundreds of names. These would detail people who had allegedly coerced, persuaded, tempted or joined them in committing their crimes against the Party.

In this atmosphere, a paranoia started to grow where the Party leadership became increasingly suspicious and everyone else became increasingly fearful. It eventually undermined the whole of the Party. S-21 was becoming a self-perpetuating source of counter-revolutionary crime until it reached the point where 'Everybody was accusing everybody of treason, and nobody knew what was really happening'.

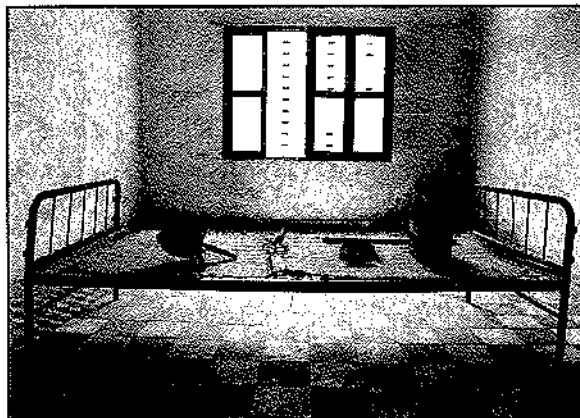
The process

The operation of S-21 had a perverse procedural order to it. There were prison rules, procedures for interrogation and all prisoners were processed and their confessions logged. It was almost as if these processes gave a feeling of legitimacy to those responsible. The prisoners would usually be held in large rooms, shackled by their ankles to each other. As many as thirty could be shackled together at any one time. Whilst there, they were expected to obey the following rules:

1. You must answer accordingly to my questions. Do not turn them away.
2. Do not try to hide the facts by making pretexts of this and that. You are strictly prohibited to contest me.
3. Do not be a fool for you are a chap who dares to thwart the revolution.
4. You must immediately answer my questions without wasting time to reflect.
5. Do not tell me either about your immoralities or the revolution.
6. While getting lashes or electrification you must not cry at all.
7. Do nothing. Sit still and wait for my orders. If there is no order keep quiet. When I ask you to do something, you must do it right away without protesting.
8. Do not make pretexts about Kampuchea Krom in order to hide your jaw of traitor. (Kampuchea Krom is an island disputed with Vietnam).
9. If you do not follow all of the above rules, you shall get many lashes of electric wire.
10. If you disobey any point of my regulations you shall get either ten lashes or five shocks of electric discharge.



Top right: The memorial stupa at Choeng Ek. This was built on the site where 8,985 bodies were exhumed from 86 mass graves in 1980. A further 43 mass graves on the site have been left untouched. The stupa contains over 8,000 skulls, arranged on glass shelves.



Left: Large cell on the ground floor of Block A. This block, a former classroom, was used for both general workers and important prisoners. Important prisoners would be held alone and usually chained to the bed. They would be subject to much longer interrogation sessions in order to gain as much information as possible. They would often be held for 6-7 months before execution, twice as long as normal.

These rules make clear the barbarity, cruelty and torture endemic in the daily treatment of prisoners.

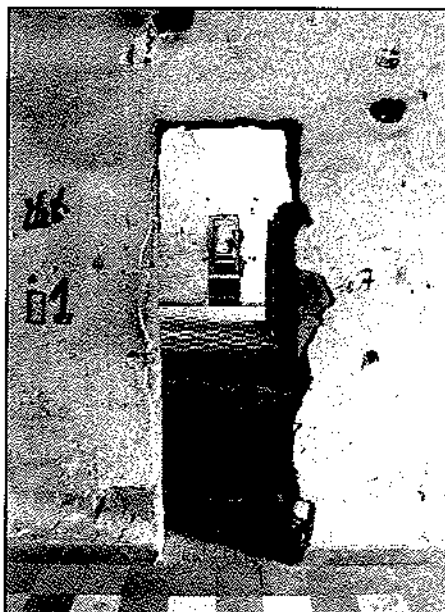
The details of the prisoners were collected and a biography was compiled on each of them. They were also all photographed and the confessions recorded and stored. Vast documentation was recovered and is now held in the Tuol Sleng museum, providing an insight into the regime. The photographs of the victims are also displayed in the museum, a harrowing reminder of the real cost of this era.

The interrogation process was incremental:

1. First, extract information from them.
2. Next, assemble as many points as possible to pin them down with and to prevent their getting away.
3. Pressure them with political propaganda.
4. Press on with questions and insults.
5. Torture.
6. Review and analyse the answers so as to ask additional questions.
7. Review and analyse the answers so as to prepare documentation.

Right: Converted classrooms in Block C. These classrooms have been converted into cells. All the way along each side are tiny cells used for interrogation.

Far right: Skulls in the memorial stupa at Choeung Ek.



The process escalates, from questioning (1-2) to 'doing politics' (3-4) to torture (5). The final two points show how this has been formalised and proceduralised so as to make it an accepted part of the bureaucratic process. This strangely replicated the Orwellian depiction of interrogation. 'Doing politics' is the confusing use of sympathy, bullying and persuasion in order to disorientate and make vulnerable, before using torture to force the fullest possible 'confession'.

Vann Nath survived S-21 as he was an important worker, an artist put to work painting portraits of Pol Pot. He has subsequently painted scenes of his memories of the prison including torture of prisoners. This included everything from removing fingers to electrocution, whippings, beatings, drowning and being hanged by the arms or legs for long periods. The guards conducting this torture are always depicted in a way that suggests their casual approach to such barbarity.

Following their confessions, the prisoners were finally executed. This did not take place at the prison, but took place at the 'killing field' in Choeung Ek, just outside Phnom Penh. Regularly, a truck-load of prisoners would be taken there and beaten, clubbed, stabbed or shot until they were dead; men, women and children.

Conclusion

S-21 stands as a symbol of Pol Pot and his government. The corruption of a school mirrors this teacher's personal corruption. The site of such extensive and barbaric 'autogenocide' is also a powerful reminder of those years and the victims of that era. S-21 started as an enforcement centre, but eventually contributed to the downfall of the regime. By doing what they thought was expected in extracting confessions and 'strings of traitors', they fed into an increasingly paranoid government and national psyche.

The prison moved from peripheral enforcement to being a self-perpetuating destructive force.

S-21 also provides a lesson on how individuals and groups of people can be corrupted into committing the cruellest acts on the pretext of carrying out orders or bureaucratic process. Established procedures are not always or automatically right. S-21 stands as the heart of the Pol Pot era as well as its eventual demise. It is a painful illustration of the potential abuse of criminal justice process in corrupt and oppressive regimes.

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