



Lawyers in Cambodia seek release of detained former Khmer Rouge prison chief
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PHNOM PENH, Cambodia: Defense lawyers have mounted their first legal challenge against a ruling by the Cambodia genocide tribunal, arguing against the detention of a former Khmer Rouge prison chief, officials said Wednesday.

The lawyers launched a formal appeal with the tribunal's co-investigating judges against an order to keep Kaing Guek Eav, commonly known as Duch, behind bars ahead of his trial, said tribunal spokesman Reach Sambath.

The tribunal's pretrial chamber will open a hearing soon on the request, which was filed last week, Reach Sambath said, but he declined to elaborate.

Duch, the former the head of the Khmer Rouge's S-21 prison and torture center, is the only suspect detained so far by the tribunal. He has been charged with crimes against humanity committed when the Khmer Rouge held power from 1975-79.

The communist group's radical policies caused the deaths of some 1.7 million people from starvation, diseases, overwork and execution.

Prosecutors have recommended four other suspects for trials, but they have not been named publicly and they remain free in Cambodia.

Duch is being represented by Kar Savuth, a Cambodian attorney, and Francois Roux, a human rights activist from France.

Kar Savuth confirmed that his team has appealed against Duch's detention but declined to discuss details, citing confidentiality rules of the tribunal.

The appeal is the first legal test for the U.N.-backed tribunal to demonstrate its fairness, said Sok Sam Oeun, director of the Cambodian Defenders Project, a nonprofit legal group providing legal aid to the poor.

He said that Duch's previous detention by the government without trial for more than eight years could be the legal basis used by the defense lawyers for their appeal.

"The fact known to us is that Duch had been held for several years already prior to his transfer to the tribunal. We will see if the tribunal comes up with appropriate reasoning in passing a decision" on the appeal, Sok Sam Oeun said.

In their detention order late last month, the co-investigating judges denied the defense lawyers' request for Duch to be released.

They said they have no jurisdiction to determine the legality of Duch's previous detention. They also argued that his present detention by the tribunal will ensure his appearance at trial and protect him from any violent revenge for the crimes he is accused of.

Sok Sam Oeun predicted that, in light of the judges' argument, chances for the pretrial chamber to rule in favor of the defense lawyers are slim.