



## **Court rules KRouge jail chief's rights violated**

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Cambodia's war crimes court ruled Monday that the Khmer Rouge prison chief's rights were violated when he was detained for a decade before trial, a decision that could reduce any eventual sentence.

Duch, who was arrested by the Cambodian military in 1999, had to wait in prison until earlier this year to face crimes against humanity charges for his role in the 1975-79 hardline communist regime.

The chief judge at the UN-backed tribunal, Nil Nonn, said it was "unlawful" that the 66-year-old former maths teacher had spent so long in detention before the case came to court.

"The accused, under international law and the law of the kingdom of Cambodia, is entitled to a remedy for the time spent in detention under the authority of the military court and the violation of his rights," Nil Nonn said.

The ruling appeared to be a small victory for Duch, whose lawyers in April argued he had been held illegally and urged the judges to compensate by subtracting time from his final sentence and softening their eventual verdict.

Duch, whose real name is Kaing Guek Eav, took the stand in March and accepted responsibility for supervising the extermination of around 15,000 people who passed through the Khmer Rouge's notorious Tuol Sleng prison.

He faces a maximum sentence of life in jail if convicted by the court, which does not have the power to impose the death penalty.

Prosecutors showed the court footage of corpses shackled to cots in Tuol Sleng, which was discovered by invading Vietnamese forces when they ousted the Khmer Rouge in 1979.

Duch said there "was a bad smell" in Tuol Sleng and told judges he felt shame when he remembered the abuse of prisoners.

However, he added that he avoided the holding area because he did not want inmates -- most of whom were fellow Khmer Rouge cadres -- to recognise him.

"Those people who were there and were being mistreated were people who I knew before. So I would be shocked if I could see them," Duch said.

"I closed my eyes, closed my ears. I did not want to see the real situation... You could say I even betrayed my friends. That was beyond cowardice," he added.

Shown a list of children executed at his prison on suspicion of espionage, Duch told the court many more undocumented children were killed after they had accompanied their parents to Tuol Sleng, also known as S-21.

"Most of the women at S-21 were arrested because their husbands were arrested," Duch said.

"The children were separated from their mothers and those children were smashed. Because they needed the mothers to be separated so they could be interrogated, those children were smashed," he added.

Wearing a striped short-sleeved shirt, Duch told the court that he was the only staff member at the prison who spoke with senior Khmer Rouge leaders.

"It was me who reported to the upper echelons but it was not done in writing. It was done verbally," Duch said.

But he has consistently denied prosecutors' claims that he played a central role in the Khmer Rouge's iron-fisted rule and maintains he tortured only two people himself and never personally executed anyone.

Khmer Rouge leader Pol Pot died in 1998, and many believe the tribunal is the last chance to find justice for victims of the regime, which killed up to two million people.

The court was formed in 2006 after nearly a decade of wrangling between the United Nations and the Cambodian government, and is expected next year to begin the trial of four other senior Khmer Rouge leaders also in detention.

But the troubled tribunal also faces accusations of interference by the Cambodian government and claims that local staff were forced to pay kickbacks for their jobs.