



## **Israeli lawyer unlikely defender in Cambodia case**

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JERUSALEM (AP) — A Jewish lawyer here is helping a Cambodian man appeal his conviction for war crimes similar to the Nazis' persecution of Jews.

Nick Kaufman's role in the defense of a former Khmer Rouge prison head has prompted some pointed questions from Israeli TV journalists and the head of a Holocaust survivor group.

"Are you certain that if you succeed in reducing his punishment, you will be doing a good thing?" anchor Yaron London asked on a popular evening news show.

"I am not here to deal with ethics," the Jerusalem-based Kaufman responded. "I am a lawyer and I have a job to do."

From 1975-79, about 1.7 million people died in Cambodia from execution, starvation and overwork under the Khmer Rouge, a communist guerrilla movement that took control of the Southeast Asian country.

Kaing Guek Eav, who is better known as Duch, ran the feared S-21 prison in Phnom Penh, the capital. Most of the roughly 16,000 who entered its gates were tortured before being executed and buried in mass graves, which became known as the killing fields.

Kaufman acknowledged the industrial nature of the Nazi mass killings "raised its head once again in the Cambodian experience."

He noted the meticulous categorization, numbering and records kept of the doomed inmates in the prison overseen by Duch (pronounced Doik).

But "everyone has a right to an effective and strong defense," said Kaufman, even Adolf Eichmann, the top German Nazi officer who was tried in Jerusalem in 1962 and later executed.

He added that Duch has accepted responsibility for what he did, so "the moral dilemma (of whether to assist in his defense) never arose as far as I was concerned."

In July, a U.N.-backed tribunal in Cambodia convicted the 67-year-old Duch of war crimes, crimes against humanity, murder and torture. He was the first person tried by the court. Four other Khmer Rouge leaders are due to go on trial next year.

His sentence of 35 years was reduced to 19 years after taking into account time served and other factors. Many Cambodians think the punishment is too lenient, and prosecutors are seeking to increase it to life in prison. Duch has also appealed, seeking a shorter sentence.

In August, the tribunal's defense support section hired Kaufman as a temporary consultant to prepare a report for Duch's lawyers on possible lines of appeal. He also may be retained to write a friend of the court brief, if the judges agree to accept one.

In his appeal, Kaufman said, Duch will argue that he should not even have been convicted. The tribunal was set up to try senior leaders and those most responsible for the crimes committed during Khmer Rouge rule.

Duch does not deny that he ran the prison. But he believes he was not among "the most responsible" and says that many other officers and prison commanders committed similar crimes, Kaufman said.

The defense is similar to what some Nazis argued unsuccessfully at the Nuremberg trials, said Yuval Shany, an international law professor at Hebrew University in Jerusalem. "The argument is interesting, but I wouldn't pin too many hopes to this," he said.

Kaufman isn't the first Israeli lawyer to help represent an alleged mass murderer. In 1993, Yoram Sheftel persuaded Israel's Supreme Court to overturn the murder conviction of John Demjanjuk, who was accused of being a Nazi death camp guard. Sheftel was vilified by many Israelis and nearly blinded by a Holocaust survivor who threw acid on his face.

Demjanjuk, a retired U.S. autoworker, is currently on trial on similar charges in Germany.

The Duch case hasn't attracted as much controversy in Israel, because most aren't following the trial closely, Shany said.

Still, Kaufman's role is striking a nerve with some.

"Emotionally, it's hard for me to accept that an Israeli Jew would defend a mass murderer," said Noah Flug, a survivor of the Auschwitz camp and head of an umbrella group of Holocaust survivor organizations in Israel.

The British-born Kaufman has not always represented high-profile defendants. He used to put them behind bars.

After moving to Israel at age 23, Kaufman spent 16 years in the Jerusalem district prosecutor's office, handling rape and murder cases and winning life sentences for Palestinian militants.

His prosecutorial flair and knowledge of international law landed him a job with the U.N. war crimes tribunal in The Hague in 2003, where he helped convict Serbian and Montenegrin generals of war crimes for a 1991 attack on the city of Dubrovnik. He later helped prosecute two Congolese war lords in the International Criminal Court, also in The Hague.

Last year he switched sides, joining the defense of former Congolese Vice President Jean-Pierre Bemba, who is due to go on trial for war crimes on Monday. He was the first prosecutor to do so at the international court.

Kaufman still fights for victims: He is representing eight people who fled from Darfur to Israel in an International Criminal Court case against Sudanese president Omar Al-Bashir.

But he also represents such defendants as Rwandan rebel leader Callixte Mbarushimana, who was arrested this month on 11 counts of crimes against humanity and war crimes.

"What are you doing with all these friends?" Motti Kirshenbaum, a veteran Israeli interviewer, asked Kaufman on TV.

The lawyer chuckled but remained firm. "They are not my friends, they are my clients," he said.