



Prosecution demands life for Duch

March 29, 2011

Prosecutors at Cambodia's U.N.-backed war crimes tribunal have demanded a life sentence for convicted former Khmer Rouge prison warden Duch, saying he has shown no remorse for his role in the slaughter of thousands of his compatriots.

Duch, 68, whose real name is Kaing Guek Eav, was sentenced by the Extraordinary Chambers in the Courts of Cambodia (ECCC) to 30 years in prison last July for crimes against humanity, torture, and premeditated murder as overseer of the notorious Tuol Sleng torture prison in the late 1970s.

On the second day of a three-day appeal process, the prosecution on Tuesday requested the ECCC's Supreme Court judges to order that Duch be locked up for life.

Duch's defense attorneys had appealed to overturn or reduce the sentence on Monday.

Co-prosecutor Andrew T. Cayley told the Supreme Court that the 30-year sentence was inadequate because Duch would likely see his sentence shortened due to a lengthy detention before his arrest.

"The prosecution requested the court to sentence [Duch] to life imprisonment. But, because he had been illegally detained in the military prison, we have no objection if the court rules in favor of leniency," Cayley said.

"However, whatever sentence the court decides, it should be according to a time frame proposed by the prosecutor that is ... a 45-year sentence or longer."

Duch was detained in 1999 after he was found to be working as a Christian aid worker in the jungle, but was not formally arrested until 2007 and, because of time already served, could be set free in less than 19 years.

The former jailer apologized for his part in the murders at Tuol Sleng, also known as S-21, at his trial, but asked to be acquitted during his closing statement in November 2009. Cayley said Duch's refusal to accept responsibility for the mass killings demonstrated that he "to this day lacks a real, sincere remorse for what happened."

The prosecution has also asked the court to add enslavement, imprisonment, torture, extermination, rape, and other inhumane acts to Duch's list of convictions.

Defense appeal

Meanwhile, defense lawyer Kong Ritheary said Tuesday that the ECCC should reduce Duch's sentence because of his illegal detention.

"Based on ... the Cambodian Criminal Law, the minimum penalty is 15 years, and that should be sufficient because of the mitigating circumstances recognized by the court," he said.

Ritheary added that Duch had confessed to committing his crimes and that he had been cooperative with the court during the investigation and court proceedings.

On Monday, the defense team argued that Duch's sentence should be overturned because he was only following the orders of superiors and was therefore not subject to trial by a war crimes tribunal.

The same line of defense was used by Nazi war criminals during the Nuremburg trials in the aftermath of World War II, but an International Tribunal ruled that following orders did not absolve perpetrators of their actions.

The ECCC's Supreme Court Chamber is expected to rule on the appeals in late June.

The Khmer Rouge operated its security apparatus in Phnom Penh out of S-21, from which thousands of inmates were taken for execution in a nearby orchard.

The tribunal will try an additional four more members of the Khmer Rouge regime later this year. Duch will be called to appear as a witness in the cases.