



Cambodian ex-prison chief pleads for release
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After claiming to feel great remorse for his part in Khmer Rouge atrocities, the defendant in Cambodia's first genocide trial on Friday surprised the court with a last-minute plea for his freedom, saying he should not have been prosecuted and has already spent ten years in jail.

Kaing Guek Eav, who headed a torture center from which about 16,000 men, women and children were sent to their deaths, seemingly stepped back from previous assertions of responsibility for his actions and expressions of sorrow to his victims, as well as willingness to accept severe punishment.

His Cambodian lawyer, Kar Savuth, went a step further and stunned the tribunal by issuing the trial's first clear call for an acquittal of his client, even after his French lawyer, Francois Roux, denied seeking such a verdict.

Only when directly pressed by a frustrated Judge Dame Silvia Cartwright of New Zealand did Kar Savuth say that in calling for Duch's release he was seeking his acquittal.

After consultations, the judges at the U.N.-assisted tribunal accepted the plea for acquittal, even though the legal basis for it was unclear.

Acquittal in legal terms normally means a finding that the defendant is not guilty of the crimes he is charged with, while the defense case hinged generally on claims that Kaing Guek Eav, also known as Duch, ought to have any punishment lightened in view of his cooperation with the court and expressions of remorse.

Cambodian-American human rights lawyer Theary Seng said the call for an acquittal was difficult to understand.

"What he did totally undermines his efforts up until now in terms of remorse and it undermines his request for forgiveness, which I thought was genuine," she said. "It's inexplicable and calls into question his previous efforts of remorse. This is really disturbing."

Friday's dramatic turn of events came as the trial was in its next to last stage, with prosecution and defense making rebuttals to the other's closing arguments. Judges are expected to issue their verdict early next year.

Duch is charged with crimes against humanity, war crimes, murder and torture. The prosecution earlier this week asked the court to sentence Duch to 40 years in jail, taking into account his cooperation and time served while waiting for trial. The maximum sentence he could receive is life imprisonment. Cambodia has no death penalty.

Some 1.7 million Cambodians died of torture, execution, disease and starvation due to the radical communist policies of the 1975-79 Khmer Rouge regime. Four senior leaders of the Khmer Rouge are also in the tribunal's custody, and they are expected to be tried next year or later.

Even Friday, Duch spoke of acknowledging and apologizing for "the more than one million souls who perished" due to the crimes committed by the Khmer Rouge. But he went on to claim that the tribunal's mandate was to prosecute senior Khmer Rouge leaders, and didn't apply to him, an argument that had already been rejected by the court.

Also pointing out the time he had already spent in custody, Duch said to the judges, "I ask the chamber to release me."

The tribunal earlier this year ruled that Duch had been held illegally for five of the eight years he was in the custody of Cambodia's military court before being transferred to the tribunal, and that if found guilty, he could get credit not only for time already served but also to compensate for the earlier violation of his rights.

The positions of Duch's two lawyers seemed to diverge in their closing arguments earlier this week, with Kar Savuth seeking an acquittal, and Roux pleading for a lenient prison sentence due to his client's contrition and cooperation with the court.