



**Duch's defence split as closing arguments conclude**  
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Phnom Penh - Cambodia's war crimes tribunal saw a remarkable turn of events Thursday when the defendant's two lawyers presented contradictory closing arguments in the trial of the former Khmer Rouge prison camp commander Comrade Duch. Duch, whose real name is Kaing Guek Eav, ran S-21, the Khmer Rouge's most notorious prison where thousands of perceived enemies of the regime were tortured and murdered between 1975-79.

Trial observers said the defence's surprising inability Thursday to run a consistent argument in the closing stage had undermined its own case and revealed long-standing disagreements between Duch's Cambodian lawyer and his international lawyer on how best to proceed.

Duch's international defence lawyer Francois Roux, told the court that the closing arguments advanced on Wednesday by his Cambodian counterpart, Kar Savuth, had undermined Roux's own planned closing statement at the joint UN-Cambodian tribunal in Phnom Penh.

Kar Savuth told the tribunal that Duch, who is charged with crimes against humanity, war crimes and crimes under Cambodian law, should be freed for a number of reasons, including his contention that international law did not apply and the statute of limitations under the Cambodian law had expired.

Heather Ryan of the Soros-funded Open Society Justice Initiative, which is monitoring the trial, said the breakdown in the defence was "a surprise."

Ryan ascribed it to long-running disagreements between the two defence lawyers.

"The defence has damaged its credibility by presenting an inconsistent argument in its closing statement," Ryan concluded.

Lawyers for civil parties, who are mainly relatives of victims tortured and murdered at S-21, were clearly angry at the defence move.

They told the court in final rebuttal statements late Thursday that the defence's split position of trying on one hand to have Duch freed and on the other to have him admit liability completely refuted Duch's numerous protestations of remorse.

Lawyer Karim Khan said the defence's position was unworthy, since "truth and justice are the minimum that the people of Cambodia deserve and the minimum that the civil parties deserve."

Final rebuttals from the prosecution, the defence and Duch himself are expected Friday.

Kar Savuth's statement followed a further admission and apology on Wednesday by Duch, in which he accepted responsibility for the torture and murder of more than 12,000 people at S-21.

Among Kar Savuth's arguments was that since Duch was following orders while allegedly living in fear of his life, he could not be prosecuted for ordering his subordinates to kill.

Some of Roux's comments Thursday were clearly at odds with his co-defence lawyer, including an outright repudiation of Kar Savuth's comments that international law does not apply.

For much of the first two hours of his closing arguments, Roux lambasted the prosecution, not least its contention that Duch was at the centre of "a network of terror."

"I apologize in advance to the victims for what I am about to say," Roux told the court Thursday. "But how many people died at S-21? We know 12,383 ... and a total of 1.7 million in Cambodia. That means S-21 was responsible for less than 1 per cent of the deaths in Cambodia."

Later Thursday Roux said that Duch was a victim of the Khmer Rouge too, and was a man caught up in a system where he had no choice but to follow orders or be killed.

"The crime that Duch has committed is above all a crime of obedience," he said.

On Wednesday the prosecution called on the tribunal to hand down a 40-year sentence to Duch. The prosecution acknowledged some mitigating factors, including that Duch had shown some cooperation and took limited responsibility for the crimes committed at S-21.

Duch is 67, so the prosecution's demand would effectively translate to life in prison.

Sentencing in Duch's trial is due to take place early next year. There is no death penalty in Cambodia, and he faces a maximum punishment of life in prison.

Witnesses at the 72-day hearing this year have told how some prisoners at S-21 had their blood entirely drained, while others suffered simulated drowning, electrocution and beatings. Very few prisoners sent to S-21 survived.

Four senior surviving Khmer Rouge leaders are currently in jail and awaiting trial.

The Khmer Rouge ruled Cambodia between 1975 and 1979 before being forced out of power by neighbouring Vietnam. Around 2 million people died of starvation and disease or were executed under the radical regime.