



Khmer Rouge defendant seeks change of detention

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An accused torturer for the Khmer Rouge should be detained separately from his former comrades after he apologized in court for atrocities committed by the communist regime he served three decades ago, his lawyer said Wednesday.

The lawyer for Kaing Guek Eav — better known as Duch — said his client should be released from the specially built jail of Cambodia's genocide tribunal where he is housed with four other Khmer Rouge defendants whom he may implicate in crimes during his testimony.

Duch's French lawyer, Francois Roux, also suggested the court release his client and send him to a "safe house," because his rights have been violated by his 10-year detention without trial. Cambodian law prohibits "provisional detention" longer than three years, he said.

Duch commanded the 1975-79 regime's main S-21 prison, also known as Tuol Sleng, whereas many as 16,000 men, women and children are believed to have been brutalized before being sent to their deaths.

Co-prosecutor Chea Leang contested the request, saying that Duch must stay in the tribunal's jail in order to ensure his own safety. She said releasing him would affect the victims' families: "It would make them angry and take revenge on him."

The judges took Roux's request under consideration.

The U.N. assisted tribunal represents the first serious attempt to hold Khmer Rouge leaders accountable for the deaths of an estimated 1.7 million Cambodians from starvation, medical neglect, slave-like working conditions and execution.

Duch, 66, is the first of five surviving leaders of the regime to go on trial. His fellow detainees are Khieu Samphan, the Khmer Rouge's former head of state; Ieng Sary, its foreign minister; his wife Ieng Thirith, who was minister for social affairs; and Nuon Chea, the movement's chief ideologue. They are expected to be tried sometime over the next year.

Duch, the sole defendant to express remorse, is charged with war crimes and crimes against humanity as well as murder and torture, and could face a maximum penalty of life in prison. Cambodia has no death penalty.

Duch was the center of attention Tuesday as he delivered a personal statement accepting responsibility for crimes committed at S-21 and expressed his "deep regretfulness and ... heartfelt sorrow."

Duch told the courtroom filled with hundreds of spectators — including relatives of the victims — that he tried to avoid becoming commander of Tuol Sleng. But once in the job, he feared for his family's lives if he did not carry out his duty to extract confessions from supposed enemies of the regime.

"I never thought to challenge the orders, though I knew they were criminal. It was a life or death situation for me and my family," he said.

Nevertheless, he took responsibility for the crimes and offered apologies to the victim's families, and acknowledged that it may be too much to ask for immediate forgiveness for "serious crimes that cannot be tolerated."

His trial opened Monday with court officials reading an indictment that contained wrenching descriptions of the torture and executions that Duch allegedly supervised. Duch betrayed no emotion as he listened to allegations that his prisoners were beaten, electrocuted, smothered with plastic bags or had water poured into their noses, and that children were taken from parents and dropped to their deaths or that some prisoners were bled to death.

Procedural questions occupied much of Wednesday's session. The trial, which is due to end in July, will resume Monday.