



Khmer Rouge tribunal prosecutors seeking 40-year prison term for Duch

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Prosecution says former Tuol Sleng prison chief abandoned "all respect" for human life at regime's most notorious torture centre

Prosecutors at Cambodia's Khmer Rouge tribunal on Wednesday requested a 40-year sentence for Tuol Sleng prison chief Kaing Guek Eav, alias Duch, saying the lengthy term behind bars would "reflect his conscious and free choice to abandon all respect for human life" while overseeing the torture and execution of more than 12,000 detainees during the regime's 1975-79 rule over the Kingdom.

The decision not to request a life sentence – the maximum allowed under Cambodian law – was prompted by several factors, including by the unlawful nature of Duch's pre-trial detention, prosecutors said.

Duch was first apprehended in 1999 and held in a Cambodian military court until 2007, when he was transferred to the UN-backed tribunal's custody. The maximum length of time he should have been held under the Law on Duration of Pre-Trial Detention, adopted by the government in 1999, was three years.

In a June ruling, the tribunal's Trial Chamber determined that the period Duch spent at the military court had been "an error of application of procedural law".

Acting international co-prosecutor William Smith said Wednesday that "the conversion of a life sentence to 45 years" would be an "appropriate remedy" for what he termed a "serious" violation of Duch's rights.

In addition, Smith asked the judges to reduce Duch's sentence by five years for his "general cooperation, limited acceptance of responsibility, his conditional remorse and the possible effect it may have on national reconciliation".

The prosecution's sentencing request angered at least one survivor of the Khmer Rouge regime: Civil party Chum Mey, one of only a handful of inmates who survived

the prison who in June told the court how he endured beatings and electric shocks while being held at Tuol Sleng.

“Forty years is not acceptable,” he said.

“I am not happy with the prosecutor’s request. For me personally, I think the court should sentence Duch for at least 70 or 80 years or the whole life sentence imprisonment. And in my heart, Duch should be punished by hanging. But we do not have the law that allows that.”

Duch is the first of five former Khmer Rouge leaders in tribunal custody to be tried for crimes committed by the regime, under which an estimated 1.7 million people died of starvation, illness or execution.