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Khmer Rouge Warden Asks to Be Freed

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PHNOM PENH, Cambodia — Testimony in the nine-month trial of a former prison chief for the communist Khmer Rouge ended Friday when the defendant unexpectedly asked to be set free despite his repeated admissions of guilt. Kaing Guek Eav, 67, known as Duch, in court in Phnom Penh on Friday.

“I would ask the chambers to release me,” said the defendant, Kaing Guek Eav, 67, known as Duch, as he addressed the panel officially known as the Extraordinary Chambers in the Courts of Cambodia. “Thank you very much.”

The judges took no immediate action. They are expected to render their verdict early next year.

The Khmer Rouge caused the deaths of 1.7 million people when it ruled Cambodia from 1975 to 1979, and Duch is the first of five members of the regime to face trial. Because of the complex structure of the mixed Cambodian-United Nations tribunal, the trial of the other four defendants is not expected to open until 2011.

In a formal statement to the court on Wednesday, Duch said he was “deeply remorseful and profoundly affected by the destruction on such a mind-boggling scale.” He apologized to the dead, to their families and to all Cambodians.

Throughout the trial he has described in detail his role as the commandant of Tuol Sleng prison, also known as S-21, where at least 14,000 people were tortured and sent to their deaths. Almost no one who fell into his hands survived.

Duch faces a possible term of life in prison for crimes against humanity and other crimes, but the prosecution asked for a reduced sentence of 40 years because of his cooperation and the five years of unlawful detention he served earlier in a military jail.

There was disarray in the courtroom earlier in the week, when Duch’s two lawyers, in separate statements, took sharply diverging approaches. His Cambodian lawyer, Kar Savuth, broke from the defense strategy of admission and apology on Wednesday and asserted that his client was not guilty.

The next day, Duch's French lawyer, Francois Roux, explicitly disavowed that assertion. He emphasized Duch's cooperation, including sometimes pedantic descriptions of his techniques of prison management and torture. But Mr. Roux sought to minimize his client's significance, saying the Tuol Sleng deaths amounted to only 1 percent of the overall toll.

"As long as the prosecution's submissions make this man a scapegoat, you will not advance the development of humankind one millimeter," Mr. Roux said in his closing statement. "No, Duch does not have to bear the whole horror of the tragedy of Cambodia on his head."

In a statement this week, Duch said he was only following orders that came down from the Khmer Rouge chief, Pol Pot, who died in 1998 without ever facing trial. "I could do nothing to help," Duch said. "Pol Pot regarded these people as thorns in his eyes."

Duch read his apology from a prepared statement, as he had with a similar apology after the start of the trial in February, and a prosecutor, William Smith, said his partial and qualified admissions throughout the process showed that he was "not facing up to who he was back in 1975 to 1979."

Mr. Smith on Thursday asked the five-judge panel to "remember the victims" and to "send a clear message to the future of Cambodia."

"We gave the accused that opportunity about two days ago to say to this court, to say to the people of Cambodia, 'Yes, I committed these crimes. I committed them willingly,'" Mr. Smith said.

"But what he's done," Mr. Smith added, "he's had his international counsel say he was a small cog in a machine."

At a news conference after Duch's request to be released, Mr. Smith said: "We, the co-prosecutors, have been taken by surprise. It's still in my mind unclear whether there was agreement or disagreement between the national and international counsel. The fact that he entered a request for an acquittal reinforces in our mind that the remorse is limited."

The completion of the case against Duch marked a moment of success in a process that has been surrounded by controversy since the earliest discussions about a tribunal in 1997 between Cambodia and the United Nations. There have been continuing concerns over possible political interference, corruption and the quality of the jurisprudence.

But on Thursday, Mr. Roux declared: "How many cynics said it would never take place? And then the trial took place, with all the complexities we had to deal with and transcend. But here we are. We have done it."

The tribunal is now scheduled to move to “Case 2,” what is likely to be a long and complicated proceeding for the other four defendants, who, unlike Duch, had held official senior positions in the Khmer Rouge leadership.

These defendants — including 83-year-old Nuon Chea, “Brother No. 2” behind Pol Pot — have denied their complicity, which is based on less concrete accusations of command responsibility.

Their lawyers have already filed many motions and are expected to add to the complications in a case where legal maneuvering is likely to overshadow the kind of dramatic accounts provided by Duch and the witnesses who testified against him.