



## **Khmer Rouge torturer had to "kill or be killed"**

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PHNOM PENH (Reuters) - The Khmer Rouge's chief torturer and jailer had to "kill or be killed" and operate like an "obedient machine," his lawyer said on Thursday in defending the first member of Cambodia's murderous regime to face justice.

In the final two days of testimony in the U.N.-backed war crimes tribunal, a lawyer for the commander of the Khmer Rouge's notorious S-21 prison said his client's life was at stake when he ordered the murder of more than 14,000 people in the 1970s.

Speaking a day after prosecutors asked the court to sentence Kaing Guek Eav, better known as Duch, to 40 years in prison, the lawyer said the tribunal should show leniency because the 67-year-old former maths teacher had fully cooperated.

"Without Duch, the trial could not have unfolded if he, like others, had decided to remain in silence," Francois Roux, Duch's lawyer, told a courtroom packed with more than 600 people, including many survivors of the ultra-communist regime blamed for 1.7 million deaths in 1975-79.

"The accused was absolutely, himself, in the hands of the party. And in fact, he had to operate like a machine, an obedient machine," said Roux. "He himself was in a situation where he had to choose to kill or be killed."

"We do not wish our client to be the scapegoat," he added.

Duch is scheduled to take the stand again on Friday on the final day of the trial. A verdict is expected by March.

He is accused of "crimes against humanity, enslavement, torture, sexual abuses and other inhumane acts" as commander of Tuol Sleng prison, a converted high school also known as S-21, during one of the darkest chapters of the 20th century.

Only seven of 14,000 people who passed through S-21 survived.

Prosecutors have urged the tribunal's five-judge panel to reject Duch's assertion he had little choice but to carry out orders, saying Duch was "ideologically of the same mind" as the Khmer Rouge leaders and did nothing to stop prison guards from inflicting rampant torture.

## QUARTER OF POPULATION DIED

Lead prosecutor William Smith told the court this week "the accused was neither a prisoner, nor a hostage, nor a victim. He was an idealist, a revolutionary, a crusader - prepared to torture and kill willingly for the good of the revolution."

The tribunal seeks justice for nearly a quarter of Cambodia's population who perished from execution, overwork or torture during the Khmer Rouge's agrarian revolution, which ended with the 1979 invasion by Vietnam.

Duch faces up to life in prison if convicted. Smith said on Wednesday he should get 40 years. Cambodia does not have capital punishment.

Now a born-again Christian, Duch expressed "excruciating remorse" on Wednesday for the S-21 victims, most of them tortured and forced to confess to spying and other crimes before they were bludgeoned to death at the "Killing Fields" execution sites.

Witnesses in 72 days of hearings spoke of beatings with metal pipes, electrocution, near-starvation, violent rape and prisoners forced to eat their own excrement.

Duch has asked if he could apologise in person to his victims' families, and has said he was convinced he was fighting to free Cambodia from U.S. imperialism during the Vietnam War.

Four other senior Khmer Rouge cadres are in custody awaiting trial. They are ex-president Khieu Samphan, former Foreign Minister Ieng Sary, his wife Khieu Thirith and "Brother Number Two" Nuon Chea. Unlike Duch, they have not publicly apologised.

Pol Pot, architect of the Khmer Rouge's "Year Zero" peasant revolution, was captured in 1997 and died in April 1998.

The chamber of three Cambodian and two foreign judges -- known as the Extraordinary Chambers in the Courts of Cambodia -- requires four to agree on a verdict.

(Writing by Jason Szep; Editing by Alan Raybould and Dean Yates)