

## **Khmer Rouge war-crimes trial of prison chief Duch closes in surprise twist**

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November 27, 2009

Phnom Penh, Cambodia - In a surprising plea on the final day of statements at the Khmer Rouge war crimes tribunal Friday, a prison chief asked judges to release him, claiming he was not a high-ranking member of the regime.

Kaing Guek Eav, better known by his nom de guerre, "Duch," was in charge of the S-21 prison, where he oversaw the torture and execution of approximately 15,000 people.

Prosecution lawyers have asked for a 40-year sentence for the 67-year old, arguing that Duch was a key intelligence operative (to read about his transformation from Khmer Rouge torturer born-again Christian, click [here](#)). Defense lawyers pleaded for leniency, suggesting that their client has been made a scapegoat. They have noted that S-21 was one of a network of similar prisons, and pointed out that Duch is the only one of the four suspects currently facing charges to admit his role in atrocities committed by the regime.

Duch's request for acquittal was an unexpected twist in a trial that has been cathartic for Cambodians who suffered under the brutal regime, which killed as many as 2 million of its own citizens between 1975 and 1979. But some say the UN-backed tribunal is in danger of falling apart due to political interference from Cambodian officials, who are worried about compromising information emerging from testimonies in the trials of the remaining suspects, all of whom were members of the inner circle of Khmer Rouge leadership.

"I have a feeling this is the only trial we're going to get," said David Chandler, an expert on the Khmer Rouge who first arrived in Cambodia as an American diplomat in 1960 and now teaches at Monash University in Melbourne, Australia.

### **Sharp departure for Duch**

Duch's last-minute plea for release was a sharp departure from his previous nine months of testimony, during which he consistently took responsibility for crimes at S-21 and begged forgiveness from his victims. As late as Wednesday, he said he felt "excruciating remorse." But Duch has also argued that he and his family would have been killed if he had not followed orders to root out imagined spies through false confessions extracted by torture, even though he knew his orders were criminal.

At a speaking event on Tuesday, the former head of the S-21 prison guard unit, Him Huy, painted a more sinister picture of Duch as a man devoted to Khmer Rouge ideology. He

alleged that his former boss had stated that the majority of Cambodians were antirevolutionary and should therefore be exterminated.

"Duch said he only wanted to keep 3 million Cambodian people, and all the rest should be killed," claimed Mr. Him.

In addition to the four members of the regime still awaiting trial, the prosecution has announced its intention to pursue charges against five more suspects. But Cambodia's prime minister, Hun Sen, has said he would rather see the court fail than expand the scope of prosecution. He raised the specter of civil war if the court were to arrest more former Khmer Rouge members, a threat dismissed by most analysts.

Mr. Chandler suggested instead that further trials could harm the reputations of government officials who were once members of the Khmer Rouge.

"Their fear is it expands to five more, why not 10? What happens if they start pointing fingers? They are afraid that might implicate them," said Mr. Chandler.

In particular, he mentioned Chea Sim, now president of the Senate, and Heng Samrin, president of the National Assembly. They were both military division commanders under the Khmer Rouge.

"They did some bad stuff, running raids into Vietnam, and it's documented," said Mr. Chandler.

They are among a handful of government officials who have refused requests to act as witnesses in the case against the four suspects currently awaiting trial, said Panhavuth Long of the Open Society Justice Institute (OSJI).

A report released on Thursday by OSJI stated concerns about "the refusal of the Cambodian investigating judge to participate in summoning for questioning witnesses who hold a high rank in the Cambodian government, [and] statements by key government officials that it was not necessary for the officials to comply with the summonses."

### **Trial attracts large audience**

Despite the danger that political interference could be the court's undoing, Mr. Panhavuth said the Duch trial has been a success, both as an example of judicial independence and for the fact that it has established a key aspect of "historical record" of the Khmer Rouge period.

The trial has also generated tremendous interest among Cambodians. More than 28,000 people have attended 77 days of proceedings, and people throughout the country have tuned into live radio and television broadcasts of the trial, said Reach Sambath, the court spokesman.

"This is part of the healing process for the suffering they kept with them for 30 years," said Mr. Reach.

Such suffering still traumatizes Duch's victims, including the handful of survivors of S-21, such as Norng Chanphal. He was brought to the prison as a child along with his mother, who was immediately put in a jail cell.

"I saw her standing at the window holding the bars, looking at me like she wanted to say something," recalled Mr. Norng who began weeping at the memory. "Even after 30 years, I still remember that picture of my mother standing at the window."

He said seeing Duch on trial gave him a small measure of satisfaction.

"This way we find justice for my family and other Cambodians as well. For 30 years, there was no justice for my mother," he said.