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Kar Savuth: 'I Will Request the Release of Kaing Khek Iev, Known as Duch, from Detention Awaiting Trial'

Kar Savuth, defense lawyer for Kaing Khek Iev, known as Duch, former chief of Toul Sleng prison or Bureau S-21 said on Wednesday, February 28th, 2007 that he would send a letter to ask for the release of his client soon.

"I will request the release of Kaing Khek Iev, known as Duch. We knew that the UNTAC law allowed the detention period for 4 months to 6 months only. When the Khmer Rouge leaders were arrested, there was a law stating that it (the detention period) could last for one year. When one year finished, there was another law stating that the period of one year could be extended three times. But now there is no law and the detention period ends on the 28th of February," lawyer Kar Savuth said on the 28th of February, 2007.

Kaing Khek Iev, who served the Democratic Kampuchea Regime which occurred in Cambodia from 1975 to 1979, was arrested in 1999 by PM Hun Sen's authority for the crimes against security.

Concerning the request for the release of Duch, director of the military court Ney Thol said, "Under the authority of this court, we will continue to detain Duch for one more year. There is no change in this."

However, lawyers of civil society said that Duch's continuous detention is not acceptable as it violates rights of the accused.

According to officials from the Extraordinary Chambers in the Courts of Cambodia (ECCC), co-investigating judges are investing and collecting evidence for the case of Duch, who was directly responsible for the mass killings in Bureau S-21 during the Democratic Kampuchea Regime or the Khmer Rouge genocide.

It should be remembered that during the Democratic Kampuchea Regime, which was controlled by the Khmer Rouges, Toul Sleng primary school became a prison and a place where Duch, who was directly commanded by Noun Chea, Big Brother 2, questioned, tortured and killed the people whom Noun Chea thought were the enemies of the revolution.

However, Noun Chea has never accepted that there were mass killings in the regime and said that the word "genocide" was not suitable for it.

Moreover, Noun Chea claimed that skulls and bones [of the victims during the Khmer Rouge Regime] around the country have been invented through the use of new technologies.

This caused a harsh reaction from the general public who could hardly believe that despite his age, Noun Chea could cowardly refuse to accept his mistakes.

Meanwhile, Ieng Sary and Kieu Samphan have also refused the idea that there were mass killings during the Khmer Rouge Regime. This refusal hurt the Cambodian victim's families so much that they insisted on immediate trials for the Khmer Rouge Tribunal.

Since 1999, Ta Mok and Duch are the only two former Khmer Rouge leaders who have been detained for a matter of years. However, Ta Mok died in the Preah Ketmeala hospital in July, 2006 without any word about the crimes against humanity he perpetrated during the Khmer Rouge Regime.

Benson Samay, former lawyer for Ta Mok, said that Ta Mok—whilst living—wanted to give the tribunal his version of the people who were responsible for the death of innocent Cambodian victims.

Kar Savuth, who visited Kaing Khek Iev last week, said that Kaing Khek Iev is in good health now.

There was a declaration made on the 27th of February, 2007 stated that the judges would meet in a plenary session next week to seek the reform of the internal rules for the ECCC.

It is said that the former Khmer Rouge leaders are already old, so there should not be anymore delay as they might die before facing the trials. There will not be justice for nearly 2 million Cambodian victims who died during the Khmer Rouge Regime if these former Khmer Rouge leaders died.

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Moneaksekar Khmer