



Court urged to accept Khmer Rouge jailer's remorse

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PHNOM PENH — The lawyer for Cambodia's Khmer Rouge jail chief urged judges Thursday to recognise his client's remorse, as the landmark first UN-backed trial over the "Killing Fields" era draws to a close.

Since his trial began in February, Kaing Guek Eav, known as Duch, has begged forgiveness for overseeing the murders of around 15,000 men, women and children at the S-21 or Tuol Sleng prison, a former high school in the capital.

French defence lawyer Francois Roux said in final arguments that prosecution demands for a 40-year jail term for the former prison chief failed to take account of his repeated apologies.

"We have before us an accused who recognises his guilt. This is an historic moment for this country.... We must build the truth," Roux told the court.

"The prosecution has... missed its date with history," he said.

"They said lock him up for 40 years and society will be the better for it. But when will the prosecution admit that these are words that have been heard before? These are cliches and we must go further."

Duch, formerly a maths teacher, is accused of crimes against humanity, war crimes, torture and premeditated murder.

The trial's final arguments began on Monday and are to be completed Friday, when lawyers rebut each other's concluding presentations. The court will then process and translate submissions before its verdict, expected early next year.

Roux told the court there were "doubtlessly dark areas" in Duch's confessions, but said he should be credited for helping court investigators.

"Through your ruling, will you bring back Duch into the fold of humanity?" said Roux.

Duch sat in the dock with his arms folded across his chest as his lawyer sought to counter prosecution arguments that his remorse was not genuine.

"One final word: Duch is dead. Today his name is Kaing Guek Eav. He is no longer the revolutionary Duch," concluded Roux.

Roux compared Duch's prosecution with that of Bosnian Serb army commander Dragan Obrenovic, who had several charges dropped in 2003 after apologising for the murder of hundreds of Bosnian Muslims, and received a 17-year sentence.

"In my view, this is what this trial should have been," Roux said.

But in a sign of disharmony among the defence team, Roux also rebutted arguments made Wednesday by Cambodian co-lawyer Kar Savuth, who said Duch should be acquitted, contradicting his own client.

"The defence has not laboured without disagreement," Roux admitted.

Duch, 67, has repeatedly apologised, this week offering "excruciating remorse", for his role in the hardline communist regime, which killed up to two million people.

But prosecution lawyers on Wednesday said he fulfilled duties with ruthless zeal as the "personification" of the Khmer Rouge's "ruthless efficiency".

Duch has argued that he was not a leading figure in the regime and that he acted out of fear for his own safety and that of his family. He faces a maximum life sentence as the court does not have the power to impose the death penalty.

Inmates at S-21 were tortured into giving false confessions that they had betrayed the regime or were working for foreign intelligence services.

Most prisoners were taken to a so-called "Killing Field", an orchard at Choeung Ek, near Phnom Penh, where they were killed by a blow to the base of the neck with a steel club and then had their bellies sliced open.

The Khmer Rouge were toppled by Vietnamese-backed forces in 1979 but continued to fight a civil war for nearly two decades.

Khmer Rouge leader Pol Pot died in 1998. The trial of four more senior Khmer Rouge leaders is expected to start in 2011, while the court is considering whether to open cases against five other former Khmer Rouge officials.