

TIMES ONLINE

Please release me begs Khmer Rouge torturer-in-chief

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The Khmer Rouge's former prison chief asked a war crimes court today to acquit and release him in a surprise development at the end of his nine month trial.

Kaing Gwek Eav, also known as Duch had already admitted responsibility for overseeing the murders of over 15,000 men, women and children when he was director of Pol Pot's most notorious prison, Tuol Sleng between 1977 - 1979.

Earlier this week Duch, who is being tried for crimes against humanity, war crimes, torture and murder, had spoken of his "excruciating remorse" for the atrocities committed on his orders at the interrogation centre. He apologised to his victims as he has repeatedly throughout his trial.

Today however, he asked that he be released, claiming he should be acquitted because he was not a senior member of the Khmer Rouge hierarchy.

"I would ask the chambers to release me. Thank you very much," the man known as the Khmer Rouge's torturer-in-chief said at the end of his closing statement to the UN-backed tribunal. His plea came after prosecutors demanded he serve a 40 year jail sentence.

During the four years of Pol Pot's ultra-Maoist regime, around 1.7 million Cambodians died from starvation and murder as the former monk pursued his genocidal dream of an agrarian Utopia.

The prosecution argued that Tuol Sleng, a former high school in Phnom Penh where prisoners were sent to be tortured and killed, was central to the regime's rule of terror in Cambodia. They said Duch himself was a key figure in the Khmer Rouge, central to its policy of purging enemies of the state.

Infected by the paranoia that swept Cambodia under Pol Pot, the former school master ensured not only that all but a handful of the prisoners at Tuol Sleng would die, but that many of the guards who worked for him would also be executed after being accused of treason.

Under his brutal rule, prisoners at the interrogation centre were water-boarded, tortured with electric shocks to their genitals and had their fingers and toes cut off. The strongest were attached to crude pumps and literally bled to death.

Prosecutors compared his crimes with massacres carried out under Stalin's Soviet Union and Nazi Germany, where those who did not fit in faced a "package of violence".

But in their summing-up, Duch's lawyers attempted to downplay the role of Tuol Sleng, also known as S21, during Pol Pot's rule, claiming that the total number of deaths under Duch's stewardship was less than one percent of the total who perished across the country at that time.

Defence lawyer Francois Roux told a packed public gallery at the Extraordinary Chambers of the Courts of Cambodia in Phnom Penh that attempts by the prosecution to portray the 67-year-old as a monster to be locked-up were clichés that failed to deal with the problem.

"We need to know the mechanism that leads a man – who is a decent man by all accounts – to become a torturer," said Mr Roux. He repeated the defence's constant refrain that Duch had no choice but to follow the orders of a regime dominated by paranoia and fear.

Mr Roux said Duch had "shed tears over the graves of the children" who were processed at Tuol Sleng before being transported to Cheong Ek, known as the Killing Fields, where they, like their parents, were bludgeoned to death with iron bars.

"He is full of remorse," said Mr Roux. "He found himself in situations where he had to kill or be killed."

He told prosecutors: "And you're telling the chamber that Duch started the network of terror that bathed Cambodia in blood. How dare you!"

Prosecutors earlier said the judges must send a "clear message to the future" when they decide Duch's fate, saying the former Khmer Rouge torturer-in-chief had failed fully to confess to his role in the genocidal regime.

"In respect of the victims, in respect of Cambodia's future, in respect of the principle of no peace without justice, I would ask that you remember the victims of S-21," co-prosecutor William Smith told the judges.

"Allow your judgement to send a clear message to the future of Cambodia."

Giving his last arguments in rebuttal of defence speeches this week, Mr Smith said that Duch had missed his last chance fully to confess to his crimes.

"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, I committed them because I believed in the (Khmer Rouge) and I'm sorry for that'," Mr Smith said.

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

The few surviving victims of Tuol Sleng and long-time observers said they did not believe Duch's apologies were sincere and said the 40 year prison sentence demanded by the prosecution was too lenient.

Chum Mey, 78, one of only 15 prisoners who emerged alive from Tuol Sleng said: "I cannot accept this sentence request because it is too little. For me, he should be punished by hanging but Cambodian law doesn't allow it."

Author, lawyer and human rights activist Theary Seng said Duch should be sentenced to two or three life sentences, even after taking into consideration his cooperation with the courts.

"There are too many counts on which he could be found guilty and each one carries a life sentence," she said.

Duch will be sentenced early next year. His trial will be followed by four other of Pol Pot's inner circle but their trials are not expected to start until 2011.