



KR cadre faces more charges

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December 8, 2008

Prison chief Duch will face additional charges under domestic law, but has avoided a controversial conspiracy charge, paving the way for a trial in early 2009

The Khmer Rouge tribunal on Friday added domestic law charges to the indictment of Tuol Sleng prison chief Kaing Guek Eav, who is awaiting trial on charges of war crimes and crimes against humanity.

Known by his revolutionary name Duch, the notorious S-21 prison camp chief will now stand trial for premeditated murder and torture under Cambodian law, avoiding a further conspiracy charge that would have made him responsible for crimes occurring under the regime at large.

The 66-year-old, who has been in detention since 1999, was formally indicted in August for his alleged role at Tuol Sleng. His indictment was then appealed by prosecutors, who said the charges were not broad enough.

The conspiracy charge, based on the legal doctrine of "joint criminal enterprise", was dismissed after judges deemed prosecutors' evidence was "too vague".

The extra charge threatened to broaden the scope of the trial to include crimes in which the accused had no direct role, but whose actions "furthered" the crimes indirectly.

Defence lawyers for other suspects had opposed the joint criminal enterprise charge, fearing that a conviction in Duch's case would leave their clients automatically liable.

Trial now obstacle-free

According to officials at the court, Friday's decision means the lead-up to Duch's trial - the first of a likely five - is now legally obstacle-free.

"We will definitely have a trial in the first quarter of 2009," court spokesman Reach Sambath said Sunday.

"[The decision] marks the end of the appeal and is a signal that the trial is getting closer. There will be a meeting with pretrial judges in January to set the date," he added.

Although some observers have speculated that the additional charges may expedite the trial, sources inside the court told the Post Sunday that it was unlikely to make a difference. Rather, it was a way for prosecutors to cover more ground in the event that the much more significant international charges cannot be proved.

Up to 16,000 men, women and children were imprisoned and tortured at Tuol Sleng, now a popular genocide museum.