Cambodia: Mixed views on Duch Verdict

Posted By Sopheap Chak On 2 August 2010 @ 22:46 pm In Cambodia, East Asia, English, Feature, Human Rights, Khmer, Law, Politics, War & Conflict, Weblog | 1 Comment

More than 30 years after the fall of the *Khmer Rouge Regime*[^1] in Cambodia, the first guilty verdict was handed out last 26 July 2010 by the Trial Chamber of The Extraordinary Chambers in the Courts of Cambodia (ECCC)-popularly known as *the Khmer Rouge Tribunal*[^2]. It was the conviction of Kaing Guek Eav aka Duch, one of four people including Nuon Chea aka Brother Number Two, Ieng Sary, Ieng Thirith (aka Khmer Rouge First Lady) and Khieu Samphan who have been brought to court for genocide, crime against humanity and other war crimes.

*Duch*[^3], Tuol Sleng prison chief, was sentenced to 35 years in prison; however, it was reduced to 19 years since he has been in detention in the past 16 years including the illegal detention for five years ordered by the military court in 1999. This *verdict*[^4] sparked mixed reactions from various institutions and individuals particularly those who suffered during the Khmer Rouge period. These reactions can be categorized into three groups.

First, a group of people who are looking forward to the outcome of the Khmer Rouge Tribunal welcomes this verdict by highlighting the event as a historical moment for Cambodia especially to human rights victims. *Sovachana Pou*[^5], a volunteer teacher and blogger who attended the trial session, immediately wrote a post sharing his feelings:

> In the court chamber, I personally witnessed the hybrid justice proceeding live with more than 500 people, most of them are victims. It was a moving experience and historic event for all the victims to wait more than 30 years to finally have some sort of justice.

On one hand, *Sophal Ear*[^6], a survivor of the genocide and who once gave a remarkable talk for TED on *'escaping the Khmer Rouge,'*[^7] in February 2009 in Long Beach, California, remembered the words of his mother when the Duch Verdict was announced:

> On this momentous occasion, I’d like to step back by reflecting upon and give voice to one victim of the Khmer Rouge: my late mother, Cam Youk Lim [...] She didn’t live to see this day, but no matter, for her justice would inevitably be rendered the Buddhist way. She decided long ago the Khmer Rouge were Karmic pestilence who would pay the price for their crimes, if not in this lifetime, then in their next life.

Another group of reaction refers to those who are disappointed with the verdict claiming that the sentence is too light for a criminal who supervised the execution of more than 14,000 people. In a letter titled *“ECCC brought no fairness to the people of Cambodia”* to editor of Phnom Penh Post, *Jeffrey Serey Hola* highlighted the *press statement*[^8] of Cambodian Center for Human Rights (CCHR). While CCHR welcomes the reduction of Duch’s prison sentence as a good model for domestic courts whose detention practices remain a serious concern, Jeffrey questioned the “light” sentence if the intent is to provide justice to victims. The demand is at least a life sentence for Duch while the death penalty is not legalized in Cambodia.

> It is understandable that many wanted him to face the death penalty, even though capital punishment is illegal in Cambodia. The reduced sentence of 19 years for Duch is too lenient for such a vicious mass murder. Duch should at least serve a life sentence [...] For those who have lived and experienced such horrors, how could this sentence ever be considered justice? For them, it is just a slap on the wrist. Justice was not served for the people of Cambodia.
This sentiment is similarly shared by Bernard Krisher[9], chairman of American Assistance for Cambodia and publisher of a local foreign newspaper named Cambodia Daily. Writing from Tokyo, he said that the tribunal sentence is too light and demanded that Duch should be hanged.

As a survivor of the Nazi Holocaust against the Jewish people in the 1930s where many of my relatives, including a number of my father’s siblings, perished in Hitler’s gas chambers, I followed the Khmer Rouge war crimes tribunals and was disappointed at the relatively light sentence given to the German and Japanese war criminals at their war crime trials, I feel that Duch should have been hanged [...] 

On the other hand, there is another group which neither supports the Khmer Rouge Tribunal nor the Duch verdict. In an interview with BBC[10], two Cambodian survivors pointed out the credibility problem of the UN-backed tribunal given the fact that it was established only to make good impression in the international community.

Both want to see the top leaders sentenced, they don’t care much about punishment for minions like Duch, who would have been killed himself had he not followed orders from above.

Interestingly, even government ministers shared contrasting views on the Duch verdict. While Cambodia’s Information Minister Khieu Kanharith is pleased with the verdict, the Foreign Affairs Minister Hor Namhong is disappointed with the light sentence on Duch.

Khieu Kanharith, in an interview by Radio VOA Khmer Service[11], said:

«[citation needed]

Firstly it indicate the government commitment in searching for justice for Cambodians and secondly this show the professionalism of the chambers.

On the other hand, Hor Nam Hong interviewed by Radio Free Asia[12] expressed his personal statement:

«[citation needed]

Because this is the work of the Khmer Rouge Tribunal, the government has no position (on this matter). My personal position is that it is not appropriate, especially if we compare it to the nearly 3 million Cambodians who had died. Hundreds of thousands of Khmer people have been tortured at Tuol Sleng and then executed at Cheung Ek (Killing Fields). This sentence seems a bit light, not comparable to the number of people who have been killed. translated by Khmerization. [13]
/DK_History_07.htm
/sopal_earescaping_thekhmer_rouge.html
/pt/cpt?action=cpt&title=%E1%9E%9F%E1%9E%A0%E1%9E%82%E1%9E%98
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