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Cambodia's war-crimes trial Scarred, not healed

The first war-crimes conviction in Cambodia was long overdue

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SLIGHT, well-kempt in grey trousers and a powder-blue shirt, the man in the dock cut the image of an ageing schoolteacher. In fact he had taught maths in the years before the Khmers Rouges seized power in Cambodia. Then he assumed a far more terrifying role: as commandant of the S-21 detention centre, overseeing the torture of some 14,000 adults and children, before they were carted off to the "killing fields". On July 26th the ex-teacher, Kaing Guek Eav, became the first Khmer Rouge official to pay for his part in the genocide of 1975-79, when some 2m people died: a UN-backed tribunal convicted him of war crimes and crimes against humanity, and jailed him for 35 years.

Comrade Duch, as he is better known, will serve only another 19 years because of time he has already spent behind bars and as compensation for a spell of illegal detention before he got to the tribunal. One of the five judges called his offences "shocking and heinous", but also noted how the defendant had followed orders in a coercive climate, and had since co-operated with the tribunal and shown remorse.

Most Cambodians at the trial thought the sentence unconscionably lenient. Speaking outside of the tribunal, Chum Mey, one of only a handful of survivors of S-21, which was also known as Tuol Sleng, said: "I cannot accept the court's decision". Nor could Duch, who will appeal. He had been contrite and compliant for much of the trial, but during closing arguments in November he changed tack, rejecting the court and demanding to be let go.

For his victims, some of whom had watched his testimony from the public gallery, the 67-year-old had in any case failed to take responsibility for his actions. They had desperately hoped to hear why their families or their friends had been tortured and killed, but had to settle for a mix of limited remorse, claimed ignorance and, at times, condescension.

Human-rights groups say that Duch's sentence represents a measure of hope: he is the first, but hopefully not the last, to be punished for the genocide. The ultra-Maoists, seeking an agrarian Utopia, forced almost all Cambodians onto collective farms and banned money, schools and religion. Their mass killings stopped only when Vietnamese-led invaders toppled the regime. "My father was also killed at that time and I was personally disappointed with the sentence," says Ou Virak, president of the Cambodian Centre for Human Rights. Still, he believes the court may help to tackle impunity and act as a "good influence" on the flawed national legal system.

Yet the hybrid tribunal itself has not been perfect. Since its inception in 2006, it has suffered from delays, weary donors and claims of grave corruption and political meddling. The underlying difficulty is holding together the coalition of local and foreign judges, lawyers and administrators who staff the court.

Foreign staff want to expand the docket from five to ten suspects and to order testimony from six high-ranking members of the current government. Local staff have resisted, warning that a more



Duch, comrade and killer

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the prime minister, Han Seny, this fact, Sen said he would prefer to see the tribunal run instead of seeing war return to my country." In any case, officials say, they lack the authority to call on prominent politicians to testify. Outsiders say that the government is trying to limit the tribunal, which it sees as an imposition.

That row is a far cry from an oft-stated hope that the tribunal would help Cambodians to discuss their history, and so promote reconciliation. Ordinary people are only slowly becoming aware of the court, helped by broadcasts of synopses of proceedings, which often draw some 2m viewers, of a population of 14m.

Interest may grow. Four of the Khmers Rouges' highest-ranking leaders await trial (see [article](#)), but they are old and infirm. Their proceedings are scheduled for next year and will be more complicated. Duch, a relatively lowly official, left a meticulous paper trail at S-21 and acknowledged many of his crimes. By contrast, the leaders have mostly refused to co-operate. Pol Pot, the overall leader, went on to command a rebel army that inflicted civil war on the country until the mid 1990s. He died, perhaps by suicide, perhaps murdered, in 1998, after hearing that he might be handed over for trial. Other leaders have made no admissions or apologies and may also not survive to face trial. "The strange thing," says Youk Chhang, director of the Documentation Centre of Cambodia, which has unearthed much evidence, "is that we have to hope they stay alive."

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