Today’s historic verdict for Kaing Guek Eav, also known as “Comrade Duch,” will no doubt generate debate. A reduced sentence of 19 years, for a man responsible for the deaths of thousands of people, will anger many — especially those who wanted him to face the death penalty (which is illegal in Cambodia).

At the same time, it is true that Duch has cooperated with the court, probably does not present a threat to society if ever released and most likely, given his age, will end up serving a life sentence anyway. Moreover, as the Cambodian Center for Human Rights pointed out in reaction to the verdict, it was not unreasonable of the court to take into account the years Duch was illegally detained by the Cambodian military.

“The Universal Declaration of Human Rights states that ‘all members of the human family’ have ‘equal and unalienable rights.’ This necessarily includes senior members of the Khmer Rouge, who are viewed by many as indefensible,” according to a CCHR press release. “It is for this reason that the CCHR welcomes the reduction in Duch’s sentence as the result of the ‘violation [of his rights] occasioned by his illegal detention by the Cambodian Military Court between 10 May 1999 and 30 July 2007.’”

Shockingly excessive, and illegal, periods of pre-trial detention are common in Cambodia, a country whose judiciary is known for its pervasive corruption and incompetence. The rights of the accused are regularly violated. If, as many hope, the Khmer Rouge tribunal is to serve as a model for the domestic courts, addressing Duch’s illegal pre-trial detention makes sense. While I, like CCHR, do not feel comfortable commenting on the adequacy of Duch’s sentence, in this respect, I can understand the court’s decision.

“It may be hard for some victims and observers to reconcile the findings of the court with the sentence handed down,” according to CCHR President Ou Virak, himself a Khmer Rouge survivor. “However, problems persist in Cambodia with detention practices, and the reduction of sentence as a result of Duch’s previous illegal detention offers a good example to our domestic courts. Equally important I think, is the fact that the verdict brings home the universality of human rights and the fact that rights are for all, even those individuals who are viewed by so many as reprehensible.”
In addition to serving as a judicial model, however, many have hoped the tribunal will bring some feeling of justice to Khmer Rouge survivors, such as S-21 detainee Bou Meng. I hope this is still possible, even with a lighter sentence than some may have expected.

Finally, while the Duch verdict is of great historical significance, we cannot forget that much more powerful members of Democratic Kampuchea are still awaiting trial. I sincerely hope that Duch is not the government’s sacrificial lamb, and that his verdict will not be the last.