

The Duch Trial: A Good Example for the Cambodian Courts

Press Release

Date: July 26, 2010
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The [Cambodian Center for Human Rights](#), a Southeast Asia Initiative grantee, applauded the Extraordinary Chambers in the Courts of Cambodia for highlighting military abuses and illegal detention in Cambodia. The complete text of their announcement follows.

The Cambodian Center for Human Rights (“CCHR”) congratulates the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) on the delivery of its verdict in the case of Kaing Guek Eav, “Duch”, the first senior cadre to be brought to justice for the crimes of the Khmer Rouge era. The trial of Duch constitutes an important model for the domestic courts in Cambodia to follow in terms of procedure and the rights of the accused. In this regard, the CCHR welcomes the five year reduction in the sentence given to Duch as a result of his illegal detention by the Cambodian Military between 10 May 1999 and 30 July 2007. This reduction in sentence provides a good example to the domestic courts of Cambodia, whose detention practices remain a serious concern, and serves as a reminder of the universality of human rights.

Having been convicted of crimes against humanity and war crimes, Duch was given a prison sentence of 35 years. With time served and the five year reduction, the sentence is reduced to 19 years; a term that the New York Times has stated is likely to be viewed by many as “shockingly lenient”. Indeed, with the deaths of at least 12,273 prisoners at Tuol Sleng on his hands, the sentence may appear to be a light one. The CCHR does not wish to comment on the adequacy, or otherwise, of the sentence. However, the Universal Declaration of Human Rights states that “all members of the human family” have “equal and inalienable rights”, this necessarily includes senior members of the Khmer Rouge, who are viewed by many as indefensible. It is for this reason that the CCHR welcomes the reduction in Duch’s sentence as a 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”.

The reduction in sentence is equally important as an example to the domestic courts of Cambodia of the inalienable rights of the accused. The Criminal Procedure Code of Cambodia provides that there is a presumption of liberty and against pre-trial detention, for individuals who are charged with a crime and who are awaiting trial. However, as stated in our recently published first bi-annual trial monitoring report, a number of concerns exist in Cambodia with detention practices. Of particular concern is our finding that in 88% of trials monitored, the accused were detained in pre-trial detention. In this context, the decision of the Trial Chamber to reduce Duch’s sentence as a result of his illegal detention is a welcome one.

CCHR President Ou Virak, himself a victim of the Khmer Rouge, reacted to the verdict and sentence as follows: "It may be hard for some victims and observers to reconcile the findings of the court with the sentence handed down. However, problems persist in Cambodia with detention practices, and the reduction in sentence as a result of Duch's previous illegal detention offers a good example to our domestic courts. Equally importantly 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."

The first biannual report by the CCHR Trial Monitoring Project, entitled [Fair Trial Rights in Cambodia](#), is available on [sithi.org](#), the Cambodian Human Rights Portal.

You can access this page at the following URL:
<http://www.soros.org/initiatives/bpsai/news/duch-trial-cambodia-20100726>



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