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Former KR cadres react to verdict Thet Sambath July 29, 2010

Former Khmer Rouge cadres in the regime's onetime stronghold of Northwestern Cambodia said yesterday that they were uninterested in Monday's verdict against Tuol Sleng prison chief Kaing Guek Eav at the Kingdom's war crimes tribunal, and untroubled by the prospect of further prosecutions.

Royal Cambodian Armed Forces Brigade 8 commander Yim Phim, a former Khmer Rouge military commander whose RCAF troops are now stationed at Preah Vihear temple, said he was aware of Monday's proceedings but had not followed them closely.

"I am not interested in this verdict, and neither are my soldiers," Yim Phim said. "I don't see it as necessary."

Although the court had begun preliminary investigations in its third and fourth cases, and prosecutors had submitted a list of five unnamed potential suspects in September, Yim Phim said he and other former cadres were unconcerned.

"If Samdech Hun Sen is in power, I believe it will be no problem and there will be no more arrests," Yim Phim said. The prime minister has publicly expressed his opposition to prosecutions beyond the court's second case.

In the most widely discussed aspect of Monday's ruling, judges sentenced Kaing Guek Eav – alias Duch – to 30 years in prison. This penalty was reduced from 35 years because of Duch's illegal detention from 1999 to 2007, and with credit for time already served, he will spend just 19 more years in prison.

Many victims expressed anger at this relatively light sentence, though Kong Doung, a former Khmer Rouge radio officer who is now director of Pailin province's information department, said he was puzzled by this sentiment.

“Why do they want him to spend his whole life in prison? There is no need for this kind of vengeance,” Kong Doung said. Most people near the border, he said, were more concerned with the ongoing standoff with Thailand than with the Khmer Rouge tribunal.

“We are worried about Preah Vihear temple – we want to know whether the Thai troops will withdraw or not,” Kong Doung said.

Keut Sothea, a former Khmer Rouge military officer and now a member of the Pailin provincial council, said he had not tuned in for the announcement of Monday’s verdict.

More basic concerns, he said, occupied the minds of his constituents.

“People are too busy working and farming to feed their families and children,” he said.

Khan Nang, a former Khmer Rouge soldier now living in Banteay Meanchey province’s Malai district, said he did not take the tribunal seriously because it was not investigating all of those responsible for committing atrocities under Democratic Kampuchea.

“I do not see it as justice because the trials are just for a few leaders,” Khan Nang said. “They should try all the cadres who were involved in these crimes, even those who are leaders in the government today.”

Duch’s detention

One question on the minds of some observers in the aftermath of Monday’s verdict was whether Duch, already the beneficiary of a reduced sentence, could see his prison term further reduced by earning parole.

Upon the conclusion of their cases, the Cambodian government assumes responsibility for suspects convicted at the Khmer Rouge tribunal.

Suspects convicted in the Cambodian criminal system are eligible for parole after having served two thirds of their sentences.

The 2004 Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia states that the government “shall not request an amnesty or pardon” for anyone convicted at the

tribunal, and ECCC deputy prosecutor William Smith said Tuesday that this provision thus excluded the possibility of parole.

Asked about the legal status of Duch's detention, Ministry of Interior spokesman Khieu Sopheak said it was "a good question" and referred questions to ECCC officials. Phnom Penh Municipal Court president Chiv Keng said such detention procedure was "under the ECCC's duty".

UN court spokesman Lars Olsen said Tuesday that there were "established procedures in Cambodian law for applying for parole, and it is not within the ECCC's mandate to enforce those rules".

ADDITIONAL REPORTING BY MAY TITTHARA