

TIME

A Khmer Rouge Sentence is Denounced as Too Lenient **Douglas Gillison** **July 26, 2010**

Cambodians hoping for a punishment to match their suffering expected more. In its first verdict, the U.N.-backed tribunal established in 2006 to try the leaders and decisionmakers of the Pol Pot regime convicted the regime's secret police chief of war crimes and crimes against humanity, sentencing him on Monday, July 26, to 35 years in prison for the murders of as many as 14,000 people.

But in an irony few victims will appreciate, the court allowed the accused, Kaing Guek Eav, 67, who is best known by his revolutionary name Duch, a five-year sentence reduction for violations of his human rights, owing to his eight-year pretrial detention by Cambodian authorities. In addition, Duch — a Christian convert who during his nine-month trial admitted ordering the executions of 160 children in a single day in June 1977 — was credited for the 11 years he has served since his arrest in 1999. Only 19 years of his sentence remain, and if Cambodian law is applied, he could, in theory, be eligible for parole in just 12 years.

The 500-seat public gallery, the largest of any courtroom in the world, was filled to capacity. There was uncomprehending silence as Judge Nil Nonn, the trial chamber's president, read the judgment and the arithmetic of the sentence's reductions.

Later, outside the courthouse, Chum Mey, 79, one of the handful who survived internment at S-21 but who lost his family to the regime, said he was outraged. "I will never accept such a decision," he said. "I am not happy with this court. My tears have dropped twice already because it's not what I wished."

War-crimes tribunals are known for punishing mass atrocities with sentences that resemble those given to criminals in ordinary courts. For his role in the 1995

Srebrenica massacres, Bosnian Serb Major General Radislav Krstic was sentenced by a Yugoslavia tribunal to 35 years; as he'd killed 7,000 to 8,000 men and boys, the lead prosecutor calculated that this amounted to 1.825 days in prison per victim.

In Duch's case, the prosecution in November had recommended 40 years; following the verdict, it said it was considering an appeal. "It certainly provides a penalty that the Cambodian public will appreciate, in the fact that it's a custodial sentence," says William Smith, international deputy co-prosecutor, who notes that the defense had improbably asked for an acquittal at the very end of the trial.

"We'll be reviewing the judgment, reviewing the findings of fact and seeing whether or not there have been any errors made."

In the service of the Khmer Rouge leadership, Duch committed crimes that became emblematic of the atrocities of his regime, though they were only one part of the wave of criminality that convulsed Cambodia in 1975 and that prosecutors say left 1.7 million to 2.2 million dead through starvation, overwork, disease and execution.

Pol Pot and the leaders of the communist insurgency that seized Phnom Penh in 1975 put Duch in the service of their implacable, paranoid belief that secret enemies were hiding everywhere. Duch, a former schoolteacher turned chief of Cambodia's secret police, known by the codename S-21, became a killing machine, sacrificing men, women and children to his superiors' foregone conclusions. Under torture, thousands were forced to invent fantastic confessions of treachery for the CIA, the KGB or Vietnamese agents, though interrogators knew they were false.

By the time the S-21 detention center, located in Phnom Penh, was abandoned as invading Vietnamese forces took the capital in January 1979, the mass murders had spread to nearly every zone, district, ministry and military unit, capturing Duch's own childhood schoolteacher, his brother-in-law, his predecessor as chief of the S-21, the Minister of Finance, the Minister of Commerce, 5,000 government officials, 4,500 military personnel, 400 Vietnamese soldiers and civilians, a handful of captured Westerners and 200 of

the S-21's own staff.

On Duch's detailed instructions, methods of torture included electrical shock, the force-feeding of human excrement, waterboarding, the removal of fingernails, the insertion of needles under the fingernails, suffocation and beating. Vivisections were performed on live prisoners, and the court determined that 100 people were executed by being bled to death. Pending their executions, seminude detainees were shackled in rows or kept in tiny brick cells on a starvation diet.

Duch remains part of a second case that includes four other suspects accused of the entirety of the regime's crimes. Though indictments in that case have yet to be handed down, the prosecutions promise to involve the largest number of victims in any trial since the Nazi war-crimes trials at Nuremberg.

With the guidance of his French defense lawyer, François Roux, Duch began his trial last year hoping to receive a lesser sentence by confessing to his crimes, promising to accept any punishment the court would impose and apologizing to his victims. But in a shock reversal, Duch told the court in November, "Release me," and his Cambodian lawyer, Kar Savuth, who boasts of close ties to the family of Prime Minister Hun Sen, has vowed to appeal.

Roux was fired earlier this month by Duch, who told the judges he had lost confidence in the attorney, an acclaimed litigator who won the first-ever acquittal at the Rwanda tribunal and now directs the defense office of the Special Tribunal for Lebanon at the Hague.

Youk Chhang, director of the Documentation Center of Cambodia, an organization that collected and preserved much of the evidentiary records used by the tribunal, says that in the capital, the verdict has been met with disbelief by many, with one man saying he wanted to punch his television screen. "I think they don't see any humanity in him at all," he said. "He was a living devil."

Chhang says he believes the verdict begins a "healthy" process of reconciling Cambodians with their history. "Any amount of years will not satisfy anybody," he said. "It is a difficult lesson for [Cambodians] to learn, but it will take time."

— *With reporting by Kuch Naren / Phnom Penh*

