



For most Cambodians, 'justice' has little meaning
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PHNOM PENH, Cambodia — A Khmer Rouge prison chief who oversaw crimes of savagery a generation ago is told he will spend the next 19 years in jail: That's the same sentence that many low-level drug dealers, women who shoot their husbands after a lifetime of abuse and political scapegoats receive.

Far from providing closure from the trauma of the "killing fields" regime that scarred a generation of Cambodians, the sentence given to Kaing Guek Eav, or Duch, seen by many as too lenient, has become another example of the failings of the country's criminal justice system.

For decades, the rich and powerful have enjoyed near impunity, while those who have neither money to pay off corrupt police and judges, nor political or military ties, end up in jail, sometimes for years.

For many Cambodians, the word justice has little meaning.

Many hoped the creation of a U.N.-backed tribunal — set up to try leaders of the 1975-79 Khmer Rouge regime blamed for the deaths of up to 1.7 million people — would serve as a model for judicial reform in the young democracy.

But critics are quick to point out the process was flawed from the start, its problems mirroring many of the weaknesses in Cambodia's rule of law.

Duch was convicted last month of war crimes and crimes against humanity. He was the first major Khmer Rouge figure to face trial more than three decades after the regime's brutal rule.

The government insisted prosecutors and judges included Cambodians, several of whom had been involved in some of the nation's most controversial political trials.

Among the judges on the panel that sentenced Duch was Thou Mony, who acquitted Prime Minister Hun Sen's nephew of manslaughter charges several years ago. He also twice ruled against Bom Samnang and Sok Sam Oeun, widely seen as scapegoats in the 2004 murder of an opposition activist, Chea Vichea.

The broad daylight killing, which occurred in front of a newsstand in Phnom Penh, and the investigation that followed sparked local and international outcry.

So did the trial. None of the prosecution witnesses appeared, providing only written testimonies that could not be challenged in court. Several of those present for the defense were rejected, including an alibi who put one of the suspects 35 miles (60 kilometers) from the scene.

"I have no faith in the Cambodian justice system. If you're poor and powerless, you basically have no chance," said Sok Sam Oeun. "I should know ... I got 20 years for a crime I didn't commit. "

While Duch himself has no political power and little money, many Cambodians' disappointment with what they see as a too lenient sentence has added to their frustrations with the country's legal system.

Duch got 35 years for war crimes and crimes against humanity, but the number was whittled down to 19 after judges took into consideration time served and other factors.

Headlines splashed across the front pages of newspapers after the first ruling was handed down against Duch, who oversaw the killings and executions of up to 16,000 people, pointed to the high level of disillusionment.

"Less than one day for every person killed!" the popular Rasmei Kampuchea daily screamed.

Another highlighted the much-higher 98 years given by local courts to Heng Pov, a former police chief in the capital. He was found guilty of extortion, kidnapping and murder — but only after a hugely public fallout with the government.

Meanwhile, it took a decade and \$100 million to get the U.N.-backed tribunal up and running, something analysts blame on foot-dragging by the government.

Prime Minister Hun Sen once served as a Khmer Rouge cadre and has expressed considerable irritation with the tribunal in the past, especially when it suggested defendants beyond the ultra-communist regime's top leadership could be indicted, warning that could lead to civil war.

Human rights groups say there is no evidence the U.N. tribunal, with all its flaws, has helped raise the standards of Cambodia's own court system.

Though there have been improvements in the last decade, with judges generally more knowledgeable about laws and procedures, political and financial influence over the courts are as strong as ever.

"Again and again, we deal with victims who have been further victimized by the judiciary to keep them silent or as a way to withdraw lawsuits against the well-connected people and companies," said Naly Pilorge, director of the human rights group LICADHO.

In a classic case of victims turned into perpetrators, 11 villagers in Siem Reap province have been detained for over a year for allegedly shooting at security forces during a land dispute in 2009, she said.

Video footage shows a joint force — including police, military police, border police and soldiers — opening fire on the farmers, injuring four.

In another case, Sman Esma El is serving a life sentence for "attempting to kill people" in a foiled plot on the British Embassy in 2003 at the height of the U.S.-led war on terror.

The ruling was based on testimony of one moto taxi driver allegedly hired by an Islamic militant and still secret documents provided by the United States.