



Former Khmer Rouge Jailer's Sentence Increased, Will Spend Life in Prison
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A math teacher turned prison chief who oversaw a torture center where at least 12,000 people died under Cambodia's genocidal Khmer Rouge regime will spend the rest of his life behind bars, after a war crimes court rejected his appeal to overturn his conviction and instead increased his sentence.

Kaing Guek Eav, also known as Duch, was deputy and then chairman of S-21, a school converted into a prison where thousands of Cambodians were brought for execution during the regime's 1975-1979 rule. He is the only former cadre to accept responsibility and express remorse for his role in what has become known as "the killing fields."

Duch, the first former Khmer Rouge cadre to stand trial before a United Nations-backed tribunal, was sentenced to 35 years in prison in July 2010 on charges that included crimes against humanity and numerous grave breaches of the 1949 Geneva Conventions. After reductions for 11 years he had already served in custody and another five years for his illegal detention by the Cambodian military, he received a 19-year term, angering survivors and activists.

Prosecutors appealed, asking for a life term. Duch's attorneys also appealed, seeking an acquittal for the 70-year-old.

On Friday morning, at the tribunal on the outskirts of the Cambodian capital of Phnom Penh, a judge said the tribunal's Supreme Court Chamber had rejected his appeal while accepting part of that made by the prosecutor. A number of Buddhist monks could be seen in the gallery at the hearing, which was shown online via livestream.

The chamber threw out his original sentence, imposing life instead, and tacked on additional convictions for the crimes against humanity of extermination (encompassing murder), enslavement, imprisonment, torture and other inhumane acts.

"The chamber noted that the high number of deaths for which Kaing Guek Eav is responsible (minimum 12,272 lives), along with the extended period of time over which the crimes were committed (more than three years), undoubtedly place this case among the gravest before international criminal tribunals," the court said in a statement. "The chamber also held that the fact that the accused was not on the top of the command chain in the regime does not by itself justify a lighter sentence, and that there is no rule that dictates reserving the highest penalty for perpetrators at the top of the chain of command."

After a judge finished reading the decision, Duch nodded his head and put his hands together in a prayer-like gesture -- a sign of respect in Cambodian culture.

"It is not over yet," Youk Chhang, head of the Documentation Center of Cambodia, said before the judgment in an email to msnbc.com. "There is a long road from here to one day that such atrocities could be prevented. Duch's verdict will be a reminder of a starting point of this long journey to justice."

Under the Khmer Rouge, nearly one quarter of the country's population -- or at least 1.7 million people -- died from execution, disease, starvation and overwork, according to the Documentation Center of Cambodia.

The ultra-Maoist group strived to create an agrarian utopia (and called their effort a return to "Year Zero"), forcing city dwellers to rural areas to work on large farms, destroying money, shuttering schools and prohibiting religious worship in the predominantly Buddhist country. Intellectuals, or those with an education, were often deemed their enemies and targeted for execution.

Intensifying border skirmishes with neighboring Vietnam led the Vietnamese to invade Cambodia and thereby end Khmer Rouge rule.

Vietnamese troops entered S-21 in April 1979, finding a few surviving prisoners and endless documentation -- confessions, execution orders -- of what had happened there. The classrooms served as torture centers and where prisoners were held shackled for days and months on end often until a "confession" was extracted from them.

Now called Tuol Sleng, the site serves as a memorial to the victims, with photos taken of them -- by the Khmer Rouge as part of their prisoner intake process -- serving as a haunting reminder of the past.

Khmer Rouge leader Pol Pot died in 1999. Four of the regime's top surviving cadres are currently on trial before the tribunal, which has come under criticism for alleged political interference by the Cambodian government and lack of judicial independence. An international judge said he resigned last October after government ministers made statements about the court not pursuing more trials after those of the four regime survivors.

The Extraordinary Chambers in the Courts of Cambodia, a hybrid of international and Cambodian judges, began in 2007 -- after 10 years of halting back-and-forth negotiations on its composition and operations.

Theary Seng, who survived the Khmer Rouge regime and is an advocates for victims, said though she agreed with Duch's life sentence since it matched the gravity of his crimes, she was disturbed by the chamber's decision to overturn the lower court's acknowledgment of his confession, cooperation and illegal pre-trial detention.

"The legal implication carries dangerous consequences for the Cambodian national court system in the embedding of fair trial rights and due process, especially on the violation of pre-trial detention rights which is an abhorrent and pervasive problem in the national court system that we want (to) change in our society," she wrote in an email to msnbc.com.

She also noted that the life term, while appeasing the emotional sentiments of victims in handing out the most extreme sentence, had aligned with the Cambodian government's efforts to make Duch, "a small fish" in the regime, the "sole scapegoat."

"I am extremely disturbed because today's final closure on one case involves a man who was not a senior KR leader; Duch was the director (of) one prison, among 200 KR prisons. Where I was detained as a child (at age) seven, DCCam (the Documentation Center of Cambodia) estimated 30,000 were believed to have been killed there, including my mom," she said. "But this and similar other prisons will never get a hearing."