



KRouge Jailer's Life Term 'Bad Example': Observers
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A life term handed to a feared Khmer Rouge jailer has elated Cambodians, but observers say the historic verdict violates the torture chief's human rights and serves public opinion rather than justice.

Kaing Guek Eav, or Duch, who oversaw the deaths of some 15,000 people at S-21 prison in the late 1970s, had his punishment increased on appeal by Cambodia's UN-backed tribunal from 30 years to a full life term for war crimes and crimes against humanity.

The long-awaited ruling last Friday, which dismissed Duch's appeal against his conviction, was hailed by survivors of the brutal regime, with Bou Meng, 71, one of the few to walk out of S-21 alive, calling it "perfect justice".

Legal experts and human rights campaigners however voiced dismay at the judges' decision not to give Duch a reduction for the time he spent in illegal detention before the court was established.

"I think there could be a perception that public opinion has trumped human rights," said Rupert Abbott, Cambodia researcher for Amnesty International.

"We understand this life term has been welcomed by Cambodians," he told AFP. "But we think it's important that the human rights of Duch aren't completely forgotten."

Duch, the first cadre to face the court, has been held in detention since he was found working as a Christian aid worker in the Cambodian jungle in 1999 and held unlawfully until his formal arrest by the tribunal in July 2007.

No legal process was started during these years and no substantial investigation was carried out, leaving Duch to languish in jail while Cambodia figured out what to do with him.

In acknowledgement of this the original verdict reduced the 69-year-old's sentence by five years.

Prosecutors had suggested a similar gesture on appeal, calling for a life term commuted to 45 years.

In the end, the court's highest body went even further in what Ou Virak, head of the Cambodian Centre for Human Rights, said "sets a very bad precedent" in Cambodia, where arbitrary pre-trial detention is routine.

As a Khmer Rouge survivor whose father was executed under the regime, he admitted the verdict left him with mixed emotions.

"From a personal point of view I'm pretty happy to see a life term. But on a professional level, looking at the human rights aspect and the legacy of this tribunal, I'm reluctant to congratulate the decision.

"It's a violation of his human rights, however heinous the crimes may be."

Appeal judges also gave no weight to Duch's cooperation during his trial, when he repeatedly admitted responsibility.

They argued that these signs of remorse were severely undermined when Duch changed his tune on the final day and asked to be acquitted because he was just following orders and not senior enough to be tried by the court.

But observers stressed the supreme court chamber was not unanimous in its final verdict.

Two foreign judges wanted to take into account Duch's eight illegal years in detention, which would have seen the former maths teacher given a life sentence reduced to a fixed term of 30 years. But they were overruled.

"The devil is in the detail," said human rights activist Theary Seng of the judicial split.

"It feeds into my fear that this was really a political decision to make Duch the scapegoat for the whole regime," said the campaigner, who lost her parents under the regime.

"We're only starting to chip away at the atrocities of the Khmer Rouge era. Duch should not be made the face of the Khmer Rouge regime," she said.

Led by Pol Pot, who died in 1998, the Khmer Rouge were responsible for one of the worst horrors of the 20th century, wiping out up to two million people through starvation, overwork and execution between 1975-1979.

S-21, also known as Tuol Sleng, was transformed from a high school to a torture prison and thousands of inmates were taken from there for execution in Phnom Penh's "killing fields".

While Duch's case has come to an end, he may return to the courtroom as a witness in the tribunal's ongoing second trial of the regime's three most senior surviving members.

The defendants, who are in their eighties, all deny charges of war crimes, genocide and crimes against humanity and there are fears that not all of them will live to see a verdict.