

Judging the Khmer Rouge

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What is it with mass murderers? Throughout his trial, Kaing Guek Eav, also known as Duch, pleaded guilty, apologized for the deaths of thousands, cooperated with the UN-backed tribunal prosecuting surviving leaders of the Khmer Rouge, then changed his mind and thinks he can go home.

The bench of Cambodian and international judges disagreed with Duch's last minute plea change and last year sentenced him to 35 years behind bars, with five years off because he was illegally detained following his initial arrest more than a decade ago.

Khmers were angered by the perceived leniency in the sentence, but he didn't get life because at the start of the trial he pleaded guilty, showed remorse and his evidence could be critical in prosecuting other surviving leaders who are about to go on trial.

The plea change stunned the court, and an appeal was lodged that was heard this week. His defence team argued Duch wasn't a senior Khmer Rouge leader, nor the one most responsible for crimes against humanity committed between 1975 and 1979 under Pol Pot. Therefore he should be acquitted.

The ultra-Maoists abandoned money and emptied cities as millions were marched into the country side to work as slave labour. Hundreds of thousands were condemned to death because they didn't fit Pol Pot's vision of a pure Angkorian society.

Muslim Chams, ethnic Vietnamese and intellectuals like high school teachers were among the high-profile victims, while people with dark skin—reflecting time under the sun and a communist approved peasant background—were applauded.

Experts believe well over 20,000 people died at S21 because of Duch and the Khmer Rouge's policy, although the prosecution has settled for the 12,000 documented cases.

Prisoners were routinely beaten, faced electric shock treatment and had their toenails torn out. They were whipped and faced water-boarding. Surgery was performed on prisoners without anaesthesia and blood was extracted from them for use in transfusions on the battlefield until they lay dying.

In court this week, Duch insisted he was only following orders when lording over the S21 death camp he established and ran. He had to, he says, otherwise he too would have been killed—so he should be freed.

The prosecution responded, and demanded an additional 10 years be added to his prison term, effectively a life sentence, which might go some way in appeasing Cambodians who feel Duch got off lightly.

A decision isn't expected for a few months.

The tragedies of history are littered with people who suffered anonymously and died without trace because they refused to do the bidding of a tyrant. Duch wasn't one of them and shouldn't be allowed to go home. What bit doesn't he understand?