



GENOCIDE WATCH

THE INTERNATIONAL ALLIANCE TO END GENOCIDE

**The Khmer Rouge's Perfect Villain
By Thierry Cruvellier, The New York Times
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International criminal courts usually begin their work with a mid-ranking defendant and impose a heavy sentence after their first conviction. The war crimes tribunals for Rwanda and the former Yugoslavia were the first to do so.

On Friday, the appeals chamber of the Extraordinary Chambers in the Courts of Cambodia — a mixed tribunal based in Phnom Penh and tasked with trying the worst offenders of the Pol Pot regime — followed in their footsteps: it imposed a life sentence on Kaing Guek Eav, also known as Duch, the 69-year-old former commander of the Khmer Rouge's infamous S-21 prison in Phnom Penh, where between 1975 and 1979 more than 12,000 people were detained, tortured and sent for execution. This decision brought the appeals process to a close after Duch's 2010 conviction for war crimes and crimes against humanity and sentencing to 30 years in prison.

What was unusual about Duch's trial were his confessions and reflections about how he once embraced an ideology that led to the deaths of 1.7 million Cambodians.

Over a period of about six months during 2009, alone or facing his former subordinates, his victims and their families, Duch detailed before the tribunal the indoctrination process of the Khmer Rouge, their irreversible slide into criminality in the name of fighting the "enemy," the "confessions" he extorted from prisoners, the torture, the systematic executions and the necessity to "smash" his own people in a system of absolute terror, secrecy and obedience.

He told the court: "I sincerely regret to giving in to others' ideas and concepts and to accepting the criminal tasks I was asked to do. When I think about it, I am first angry at the steering committee of the party, who used all sorts of tricks to lead the country to a total and absolute tragedy. I am also angry at myself for agreeing on others' conceptions and for blindly respecting their criminal orders."



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He also spoke of his days in the 1960s as a hard-working and beloved professor of mathematics in a town north of Phnom Penh who dreamed of social change. And he spoke of how, after eight years as a chief executioner in Pol Pot's police, in the late 1980s he quietly returned to teaching in northwestern Cambodia and a few years later swapped his faith in communism for Christianity.

How does a Duch come to be? And how does he live with his crimes? These were just two of many stark questions spectators asked themselves as they followed the proceedings of the tribunal.

The hearings were a unique window onto the distressing and tragic work of a mass murderer. Never before had an international tribunal heard such a disturbing voice reveal such detail about the workings of mass murder. Never before had Duch's victims been allowed to voice their suffering in court and confront their tormentor directly.

Duch expressed remorse throughout the trial, but the prosecutors deemed this to be half-hearted. He also asked for forgiveness, which the victims' families firmly rejected. He said he would accept any punishment, including "stoning."

Then, toward the end of the trial, Duch changed his mind and asked to be released, on the grounds that he did not fall within the jurisdiction of the court after all because he was neither a "senior leader" nor among "those most responsible" for the regime's crimes. His Cambodian lawyer even asked that he be acquitted.

Victims were outraged, and the prosecutors denounced the lack of "genuineness" in the accused's expressions of contrition — as if one could ever expect the confession of a mass murderer to be complete and truthful.

In the end, in July 2010, the trial chamber sentenced Duch to 30 years in prison (specifically, 35 years for the crimes he committed minus five years as compensation for having previously been illegally detained by the military authorities). Those judges were trying to strike a balance between the cooperation of the accused and the gravity of his crimes. But on Friday, the appeals judges abruptly made justice more acceptable to the families of Duch's victims by sentencing him to life in prison.



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When at the end of his trial, in late 2009, he was faced with the prospect of spending the rest of his days in prison, Duch proved to be a common and weak man. He had already spent 10 years in detention. He was the only senior member of the Khmer Rouge to admit responsibility for crimes committed under the regime and the only mid-level officer to be brought to justice. As the door was closing on him, he thought, Why me?

Duch may now regret his bold, last-minute appeal for freedom and ask himself whether he should have trusted his Cambodian lawyer and sought an acquittal. Ultimately, however, it was the four Cambodian judges and one international judge in the appeals chamber who tipped the balance against him (two international judges dissented).

For years, the Cambodian government has bluntly shown that it wants the judicial system to operate under its tight control. The regime has protected at least two suspects who were ranked higher than Duch in the Khmer Rouge hierarchy. But in Duch, the perfect soldier of the revolution, the government and the judiciary found the perfect villain to make into a symbol of justice.

Yet while the difference between a sentence of 30 years and one of life in prison also carries much symbolism, there is no sentence commensurate with the crimes.

Now the window onto the troubling historical and personal truths he revealed during the trial will probably close forever: Unlike Duch, the only three other former Khmer Rouge leaders being tried — all members of the top command of the Pol Pot regime — do not intend to provide Cambodians with the slightest expression of guilt or a moment of truth. They may now look at Duch, their subordinate, as a fool.

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