

**AMNESTY INTERNATIONAL  
PRESS RELEASE**

AI Index: PRE 01/254/2010  
26 July 2010

## **Cambodia: More prosecutions must follow Khmer Rouge conviction**

Amnesty International is urging a special court to redouble its efforts to prosecute Khmer Rouge-era criminals, following the landmark conviction today of a notorious prison camp commander of crimes against humanity and war crimes.

“Achieving a conviction in Case 001, the first case to be heard by Cambodia’s Extraordinary Chambers, is a historic moment but still only the first step towards justice for the almost two million who died as a result of the massive crimes committed under Khmer Rouge rule,” said Donna Guest, Amnesty International’s Deputy Director for the Asia-Pacific.

The Extraordinary Chambers in the Courts of Cambodia, a special joint international-Cambodian court, today convicted Kaing Guek Eav, also known as Duch, of crimes against humanity and grave breaches of the Geneva Conventions for his role in mass executions, torture and other crimes. He will serve 19 years out of a 35-year sentence.

Of the 14,000 people believed to have been imprisoned at the S-21 Security Office (also known as Tuol Sleng) headed by Duch in Phnom Penh from 1975-1979, only some 12 survived. The rest were tortured to death or executed.

Amnesty International expressed concern that beyond this case, only a few suspects have been identified for possible prosecution by the Extraordinary Chambers.

“This falls short of fulfilling the Extraordinary Chambers’ mandate to prosecute those most responsible for grave crimes committed under Khmer Rouge rule” said Donna Guest. “Identifying only five or ten people as allegedly responsible for the massive atrocities does not do enough to satisfy the justice that Cambodians deserve and are entitled to under international law.”

A decision on whether to indict five people charged in the second case, Case 002, will be made later this year. Duch is also named in Case 002, and the others accused are former leading Khmer Rouge politicians: head of state Khieu Samphan; Foreign Minister Ieng Sary; Minister of Social Affairs Ieng Thirith and Nuon Chea, a senior Communist Party of Kampuchea officer known as “Brother No 2”.

Cases 003 and 004 were filed by Office of the Co-Prosecutors in September 2009 despite strong opposition by the Cambodian Co-Prosecutor, naming five suspects on 40 incidents of murder, torture, unlawful detention, forced labour and persecution. On filing these cases, the acting International Co-Prosecutor stated that no more cases would be pursued by the Office.

“Progress on the third and fourth cases could be undermined by political interference from Cambodian

officials who openly oppose more prosecutions, and by disagreements between the Cambodian and International Co-Investigating Judges,” said Donna Guest.

Amnesty International calls for the Co-Investigating Judges to complete their work on the existing cases and for the Co-Prosecutors to review their overall strategy in order to fully implement their legal mandate.

Amnesty International also urges the Cambodian government and the UN to ensure that all the efforts already put into the Extraordinary Chambers will provide a lasting legacy to strengthen the national justice system and the rule of law.

## **Background**

The Extraordinary Chambers’ mandate, as set out in the Agreement between the United Nations and the government of Cambodia, and in the Law establishing the Chambers, is to “bring to trial senior leaders of Democratic Kampuchea and those most responsible for the crimes and serious violations of Cambodian laws related to crimes, international humanitarian law and custom and international conventions recognized by Cambodia” committed during the Khmer Rouge period.

Twenty-two civil parties, including former detainees and relatives of victims of the atrocities committed at the notorious S-21 Security Office, gave testimony at Duch’s trial. The Extraordinary Chambers reports that more than 31,000 people visited the court to observe the trial hearings.

Duch was sentenced to 35 years’ imprisonment, reduced by five years because the Extraordinary Chambers found that he had been illegally detained by the Cambodian Military Court, and a further 11 years’ reduction for time already served.

Cambodia today still has a weak national justice system that fails to provide justice for large sections of the population. The lack of effective rule of law perpetuates serious human rights abuses, such as violence against women, including sexual violence, and forced evictions of thousands of people living in poverty across Cambodia.