

## The Accused

(TRIAL CHAMBER JUDGMENT)

“Detention Guards, bring the accused, Kaing Guek Eav, alias Duch, to the dock.”

On July 26, 2010, Judge Nil gave these instructions at the start of the culminating moment in Duch’s trial, the verdict. As he spoke, the security guards escorted Duch to the court’s wooden dock, made up of two horseshoe-shaped beams connected by posts.

I thought of the iron bar windows at Tuol Sleng.

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The similarity was not coincidental. In the Western legal tradition, especially the British legal tradition, docks have long referred to enclosures for those on trial, and the term is thought to be etymologically related to slang for an animal pen or cage.<sup>1</sup>

This sense of domestication is captured by other meanings. “Dock” can refer to a type of coarse weed or the “solid fleshy part of an animal’s tail.”<sup>2</sup> A related verb form of “dock” means to cut short, as in docking an animal’s tail or reducing wages. In both cases, “dock” suggests reduction from excess. Relatedly, “dock” suggests transformation, a notion highlighted by perhaps the term’s most common usage, “dock” as a low-water berth connected to a pier where ships load or unload cargo or receive repairs. “To dock” thus suggests

the reconnection of the wild (rivers and oceans) with the civilized (cultivated land as in a port). The courtroom dock retains these connotations, signifying a space in which the wild and dangerous—a criminal defendant—is placed in a secure berth connecting the accused with the civilized, which is epitomized by law and domesticates through legal process.

The judges oversee this process of purification, which has the aura of the sacred. At the ECCC, Judge Nil and his colleagues wore robes and sat on a raised dais across from Duch. An empty space, “the well,” lay between them. While the court was in session, it was usually taboo to traverse this area, which metaphorically suggests purity (a place where untainted substances, such as spring water, are accessed) and revelation (as that which lies hidden below is brought to the surface). All the court personnel remained at their “stations” during the proceedings, rising from their seats only to pay respect when the Trial Chamber entered or left the court (“all rise”) or when they sought “standing” from the judges, who metonymically stood for “the court,” to speak. Everyone is expected to display deference toward the Trial Chamber, as is illustrated by the honorifics used.

Those who violated court etiquette might be sanctioned, both through verbal reprimands (chastising a lawyer for tone or language), formal sanctions (holding someone “in contempt of court” or ordering his or her microphone turned off), or nonverbal actions (ignoring an unruly lawyer). All these actions took place during ECCC proceedings.

The court’s authority in such matters, large and small, was symbolized by the ECCC logo, which was prominently displayed on the wall behind the judges. This insignia was omnipresent at the court, affixed as a badge on the robes of the judges and lawyers, placed on every official ECCC document, even stenciled into the armrests of the seats in the public gallery. This authority is reinforced by the presence of blue-shirted security personnel in the courtroom and public gallery, where spectators who fall asleep, chat, or put their feet up are quickly reprimanded.

To reach the public gallery requires crossing through a roadside checkpoint, registering at a security gate, passing through an X-ray machine, handing over electronic devices, and being searched prior to entering the public gallery, which is separated from the courtroom by a wall of presumably bulletproof glass. Before a session begins, a recording instructs participants on proper behavior, including the need to remain seated while the court is in session. By the time the curtain opens as the judges enter, everyone in the gallery is primed to rise. The movement of visitors is highly restricted, as they are

cordoned into two areas, the public gallery and an outside courtyard that is fenced and guarded. Moving outside these spaces requires permission.

If these security precautions ensure the safety of the defendant and court personnel, they also signify the authority of the court and, by extension, the state and international community. The high level of security creates a sense of unease, a feeling heightened by the spatial context of the court (located on the outskirts of Phnom Penh in a secure compound adjoining a headquarters of the National Police) and by monitoring from at least three points.

First, omnipresent security officers constantly scan for misbehavior. Second, court cameras record the proceedings. The footage, which shifts in perspective and includes background shots of the audience, is displayed on screens in the public gallery. Inside the courtroom, the feed runs on monitors placed before the participants, who also have a computer allowing access to key files. There is also a monitor on a small desk inside the dock, at which Duch sometimes glanced. Trial footage is shown on TV and on the Internet. Such “recordings” always involve a redaction, as a single shot comes to stand for the proceedings as a whole, erasing what transpires in the gallery and court spaces out of sight.

Finally, the Trial Chamber has a dominant gaze during the proceedings. From their raised dais by the back wall of the court, the judges have the clearest view of the courtroom and public gallery. When they see signs of disruptive behavior, they may contact security. They also “rule” the court. If a point is contested, the parties appeal to the judges, who might confer, retire to chambers, or defer or render a decision, referred to as a “ruling.”

The judges monitor the proceedings in more mundane ways, ranging from ensuring that the proceedings stay on track and parties remain within their time allocations, part of the frequently invoked need for “time management” to ensure fair trial rights. Beyond this institutional monitoring, the court itself was observed by monitoring groups, the media, and NGOs.

As opposed to being neutral, then, the space of a court asserts an order and structures the proceedings in various ways. Positioning demarcates a classification and status. The empty space of the courtroom is filled with desks, chairs, and objects like cameras and checkpoints, which create borders and demarcate status and difference—ranging from the raised dais of the judges, signifying the court’s authority and hierarchical preeminence, to the barred dock of criminality and contagion.

The prosecution and defense are positioned opposite one another, separated by the gulf of the well. Civil parties sit next to the prosecution, with

whom they are allied in proving the guilt of the accused. Each team is afforded rights and obligations to be exercised within the parameters of the court procedures, regulations, and rules. Indeed, the first thing the legal personnel did on the launch of the tribunal was to establish internal rules, which were periodically modified to address problems that arise. During the proceedings, each person remains at their station unless authorized by the Trial Chamber to move, such as when Judge Nil requested that the guards bring Duch to the dock.

As he sat in the dock, Duch entered a spatial matrix that asserted a conceptual order (the classificatory status of the participants), authorized and constrained a set of practices (their actions during the proceedings), and informed lived experience (ranging from bodily movements and postures to speech acts and events that occurred therein).<sup>3</sup> This frame enabled a performance through which articulations of the “international community” and “rule of law” were asserted—along with Cambodian state authority.

This spatial frame and the juridical apparatus and articulations it supported, however, were sometimes disrupted by complexities they could not fully contain, order, or redact. Duch, the crimes of which he was accused, the brutality of the prison he ran, and his trial had illustrated this point in unsettling and haunting moments during the proceedings. Duch himself was an uncanny presence, familiar yet strange, situated in the dock at the border of humanity and inhumanity.

These issues had circulated as Duch sat in the dock, an enigma each of the parties sought to solve. He upended these efforts throughout his trial, up to and including his remarkable last-minute request for acquittal.

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“The Chamber will now read its disposition.”

With these words Judge Nil, who had spent the morning reading a summary of the written version of the Trial Chamber’s 275-page judgment, initiated the Trial Chamber’s final act: proclaiming the verdict.

The day had begun with an absence: François Roux was not in court. Just weeks before, Duch requested Roux’s withdrawal, stating that he had “lost confidence” in this lawyer.<sup>4</sup> No public explanation was given, though the fact that Duch had suddenly dropped a lawyer who, since 2007, had devoted an enormous amount of time to his case was not lost on some observers. One suggested that Roux had been “backstabbed” by Kar Savuth and that Duch

“never did like meeting face-to-face those he was betraying.”<sup>5</sup> Others suggested that Kar Savuth’s close connection to Prime Minister Hun Sen might have had something to do with the dramatic change at the end of the trial.<sup>6</sup>

As the July 26, 2010 proceeding commenced, Kar Savuth sat in the defense section; a dozen civil parties crowded into seats on the opposite side of the courtroom. Bou Meng and Chum Mey sat near the courtroom’s glass partition, watching intently.

Judge Nil’s statement about the disposition was a declaration of the court’s authority, one that had been asserted frequently during the proceedings. Judge Nil, for example, referred to himself and his colleagues not as individuals but as “the Chamber” or “the Trial Chamber.” If the authority of the Trial Chamber was symbolically affirmed through ritual behaviors (everyone standing whenever the judges entered or exited the courtroom) or symbolic space (their raised dais), the Trial Chamber’s authority was also asserted through such speech acts.

Thus, to commence the rendering of the verdict, Judge Nil noted the Trial Chamber’s bureaucratic control by stating the numeric case file information and then the legal basis of its authority, including the name and age of the accused, the crimes with which the accused was charged, the law establishing the ECCC, and the temporal jurisdiction of the court. In its introductory remarks, the Trial Chamber also avowed the jurisdiction of the court, noting its agreement with the OCIJ that Duch was one of those “most responsible” for the DK crimes, thus dispensing with one defense argument.<sup>7</sup>

Before reading the summary, however, Judge Nil asserted the Trial Chamber’s authority through two regulatory behaviors that had been performed at the start of each trial session. First, he asked the court clerk to confirm the attendance of the parties, which was necessary for the session to proceed but also marked the Trial Chamber’s managerial control. Second, Judge Nil instructed the detention guards to bring Duch to the dock.

By so doing, Judge Nil operationalized the symbolic space and ordering power of the court. Now, the court would undertake the culminating act, rendering a final decision, or “disposition” in legal discourse. While the word “disposition” may refer an inclination emerging from a psychological arrangement of mind or feeling, it broadly connotes ordering and regulation, as suggested by its etymological link to the Latin word *disponere*, a combination of *dis-* (apart) and *ponere* (to put, place).<sup>8</sup> A disposition, then, connotes a regulatory act in which that which is out of place is controlled, ordered, and classified in an articulation.

In the context of the trial, the accused, Duch, was the subject of this juridical discipline, as illustrated by his placement in the liminal space of the dock, a space of containment from the threat of contamination and disorder he represented. His confinement in “detention” performed a similar function, as detention suggests restraint, a “holding back” of something threatening to disrupt order. As the civil parties and prosecution had claimed during closings, Duch’s crimes suggested a wild and “savage” violence that seemed “beyond comprehension,” “shocked the conscience,” was an attack on “humanity,” and “shook the very foundation of society.” As the vehicle that tamed and regulated this wildness, the Trial Chamber performed a key restorative, protective, and transformative role by—through its ultimate “disposition”—reestablishing order, contributing to deterrence, and healing a violated humanity.

Even as it confined Duch in the dock, the Trial Chamber convened a larger symbolic space. On the one hand the Trial Chamber oversaw an administrative bureaucracy, most visibly evoked by the row of court clerks sitting immediately below the raised dais of the judges, creating yet another barrier between the Trial Chamber and the rest of the participants. On the other hand the Trial Chamber also exercised regulatory control over the different parties, with the defense, prosecution, and civil parties each placed behind metaphoric “bars,” which were frequently invoked by participants.

Here an interesting doubleness came into play, as the interaction of the parties also contains a threatening wildness, in particular anger and the desire for revenge that can potentially upset the proceedings. As emotional beings who, besides suffering, potentially bear malice toward an accused, the civil parties also manifest a wildness that must also be contained by a barrier, the “bar” behind which the parties are restrained. Indeed, all movement is highly regulated within the court, with the Trial Chamber even determining who has “standing.”

In contrast to the threatening emotionality of the parties, the judges remain largely impassive, symbolic guardians of rational justice. The blindfolded Lady Justice provides an idealized model of how a Trial Chamber should function as it administers impartial justice (Lady Justice’s blindfold) with the authority of law (the sword she holds in one hand) and by rationally assessing the evidence (the scales she holds in the other). Similarly, the ECCC logo invokes the authority of justice, even if justice is meted out by a high-ranking official—or, in the eyes of some Cambodians who view the logo through a religious lens, a *tevoda* or guardian spirit.

During the proceedings, this juridical role of the Trial Chamber was invoked in various ways. It was sometimes likened to a protector, a notion referenced by metaphors of the Trial Chamber as “guardians of justice” or by lawyers acknowledging that a matter was “in your hands.” With regard to the scales of justice, the Trial Chamber was sometimes described as “weighing” or giving “weight” to different evidentiary factors, as well as seeking to “balance” the rights of the parties.

At different times, various parties commented on the obligations of the Trial Chamber, as did the OCP’s final submission, which stated that the “Chamber’s primary responsibility [is] to assess the relevance, reliability and probative value of the individual pieces of evidence as they relate to the factual allegations in the Closing Order.”<sup>9</sup> Along these lines, the Trial Chamber was sometimes described as the “triers of the facts,” and the introduction to their Judgment notes that “over the course of 72 trial days, the Chamber heard the testimony of 24 witnesses, 22 civil parties and nine experts. Approximately 1,000 documents were put before the Chamber and subjected to examination.”<sup>10</sup>

The metaphor of the “chamber” is revealing here. While the word “chamber” may refer to a formal meeting hall, it has a more abstract sense of a small, enclosed space, often private and removed from public interchange. A bedroom, a bathroom, even the offices of a judge are sometimes called “chambers.”<sup>11</sup> These usages are derived from the term’s etymological link to the French *chambre*, which in turn emerges from the Latin *camera*, which can refer to an enclosed or vaulted space.

This etymological connection to the word “camera” offers a suggestive way of thinking about the “Trial Chamber.” Typically, a camera includes an opening through which light is refracted by a lens into an enclosed chamber, forming an inverted replica of the image outside. This inverted image may be reversed to its original form using a mirror, a trick early camera obscuras deployed. The clarity of an image, in turn, could be enhanced by the modification of the lens, which could bring it “into focus.”

The Trial Chamber works in a loosely analogous manner, as alleged facts and evidence are, as is often said in court, “put” to it, just as light enters the camera opening. These facts, like the light, are then refracted by the framing “lens” of law, which brings them into focus, eliminating ambiguity. In the end, the Trial Chamber has to come to a decision, a truth that is black and white, all shades of gray pushed out of sight. The notion of the mirror, which converts the inverted image into something similar to but still

different from the original image, captures this process of the transformation of a wide array of evidentiary information into a singular articulation / “disposition.”

The judgment is just such a legal articulation. It operates through a process of disambiguation, in which the complexity of real-world details is edited down to a more singular narrative calibrated to accord with a framing set of abstract parameters (law)—just as a psychological expert’s report provided an articulation of Duch’s character in terms of the frame of psychological theory, and S-21 confessions were calibrated in terms of the frame of the party line. Each of these articulations is produced in a camera-like chamber with different lenses (law, psychology, the party line). Each renders a distinct reading of person and subjectivity, involving a particular constellation of self, identity, body, and society. Complicating detail is pushed out of sight in order to produce truths situated in particular matrices of knowledge and power.

In constructing the verdict, the Trial Chamber followed the legal and factual trail of the indictment, a requirement specified in the ECCC’s Internal Rules. The sequence of the proceedings loosely paralleled the structure of the closing order, with evidence “put” to the Trial Chamber along the way. Using the lens of law, the Trial Chamber then evaluated the evidence, determining its relevance to the facts of the case and the corresponding law and criminal charges. Like the OCP, legal officers in the Trial Chamber almost certainly used case management software, gathering data for their own “issues tree” to order the facts and charges in the indictment and the corresponding evidence that was “put” to the Trial Chamber during the trial.

Although much of the decision-making process remains opaque, traces of it appear in the questions the judges posed as well as their verdict. The judgment notes that in making its determinations, the Trial Chamber held a high standard of proof that, in keeping with the right to be presumed innocent, required “sufficient evidence” to prove a fact: “any doubt as to guilt was accordingly interpreted in the Accused’s favor.”<sup>12</sup> This task was made easier since Duch admitted or did not contest the majority of these facts.

But at times the evaluation process of the Trial Chamber can be seen. Under one of the numeric “branches” discussing “Facts Relevant to Crimes against Humanity Committed at S-21” (2.4), for example, the judgment enumerates “Torture, including rape (2.4.4),” a subbranch of which is “Specific Incidents of Torture” (2.4.4.1.2). The Judgment notes that the “accused has denied the

use of techniques such as plunging detainees in a water jar or suspending them by their hands tied behind their back, as shown in one of Witness Vann Nath's paintings." A supporting footnote refers to Vann Nath's testimony. "The Chamber," the judgment goes on, "finds however that the testimony of Witness Vann Nath, who saw and painted this scene, is consistent and reliable and meets the standard required to prove torture."<sup>13</sup> Nothing more is said, as the Judgment moves on without explaining why it favored the testimony of a single witness over Duch's claims.

For the most part, the Judgment resembles the closing order and thus, more loosely, the legal frame originally asserted by the OCP—except that now what was alleged is transformed into either proven and thus factual or not proven and thus, by implication, false or at least questionable.

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"The accused, Kaing Guek Eav, stand."<sup>14</sup>

Judge Nil's reading of the summary had drawn to a close. He was prepared to announce the Trial Chamber's disposition.

Duch rose from his chair in the dock and stood motionless, arms straight at his sides, as if at attention. He had assumed his "student Duch" posture, his face drawn.

"The Chamber finds Kaing Guek Eav guilty."

I heard a gasp in the gallery. A few people quietly wept.<sup>15</sup> Bou Meng looked upward, perhaps thinking of his wife's soul.

Duch stood straight. His only visible reaction was a shift of the eyes, a slight turn of the head.

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Duch, the Trial Chamber found, was a zealot.

He had exercised his authority actively, innovating, managing S-21, recruiting and training staff, participating in arrests, and reporting about and annotating confessions. "The accused," Judge Nil had said, "knew of the criminal nature of the S-21 system and acted with the intent to further its criminal purpose . . . having planned, instigated, ordered, and aided and abetted the crimes committed at S-21."<sup>16</sup> Given the systematic character of the crimes committed at S-21, they could also be considered a "joint criminal enterprise."

Duch's claims of duress fell short, since he had "willingly and actively participated" in implementing the CPK system of terror, carrying out his duties with "a high degree of efficiency and zeal."<sup>17</sup>

On the one hand, Judge Nil explained, Duch had committed crimes against humanity, which the Trial Chamber defined as "persecution on political grounds," a crime that "subsum[ed] the crimes against humanity of extermination (encompassing murder), enslavement, imprisonment, torture (including one instance of rape), and other inhumane acts."<sup>18</sup> In situations where there are multiple, overlapping convictions, Judge Nil explained, international law allows lesser crimes to be subsumed by more serious ones.<sup>19</sup>

The Trial Chamber's written judgment stated that the court "in essence found that any individual detained at S-21, considered rightly or wrongly to be connected to any political group other than the CPK and typically with some class background to which it objected, was a target of discrimination."<sup>20</sup> Given the zeal and willingness with which Duch admittedly implemented CPK policy, the Trial Chamber stated, he had demonstrated the requisite discriminatory intent to be convicted of political persecution, a crime against humanity which, because of its gravity and extent, subsumed other sorts of crimes against humanity.

The oral judgment did not mention a dissent by Judge Cartwright, who had argued that the evidence did not conclusively prove that Duch himself held the requisite discriminatory intent. Through this act of juridical subsumption, the Trial Chamber asserted an articulation of the violence at S-21 as a singular phenomenon—an act of political persecution that was part of a joint criminal enterprise—which at once had broader explanatory power while editing out complicating details, as Judge Cartwright's dissent suggested.

If the vast majority of the violent acts Duch committed at S-21 were crimes against humanity, the Trial Chamber also agreed with the OCP that he was guilty of grave breaches of the Geneva Conventions of 1949 for atrocities committed against civilians and prisoners during the war with Vietnam. The crimes, Judge Nil explained, included "willful killing, torture and inhumane treatment, willfully causing great suffering or serious injury to body or health, willfully depriving a prisoner of war or civilian of the rights of a fair and regular trial, and unlawful confinement of a civilian."<sup>21</sup> Due to a split within the Trial Chamber, it did not rule on whether Duch had committed the crimes of murder and

torture under the 1956 Cambodian Penal Code—one of the only decisions where defense arguments prevailed.

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Most observers had been confident Duch would be convicted, given his admissions and the enormous evidence against him. For them, the biggest question revolved around his sentence. Was it possible that, as the defense had requested, he would be allowed to walk free? Would the Trial Chamber find that his cooperation and unlawful detention merited his return to society?

On finding Duch guilty of crimes against humanity and grave breaches of the 1949 Geneva Conventions, Judge Nil continued, the Trial Chamber had considered “the entirety of circumstances of the case” to determine the “appropriate sentence.” On the one hand there were “a number of aggravating features, including the shocking and heinous character of the offences, which were perpetrated against at least 12,273 victims over a prolonged period.” The gravity of the crimes warranted “a substantial term of imprisonment.”<sup>22</sup>

On the other hand the Chamber acknowledged “significant mitigating factors which mandate a finite term of imprisonment rather than one of life imprisonment,” which the crimes might otherwise merit. This mitigation stemmed from Duch’s “cooperation with the Chamber, admission of responsibility, limited expressions of remorse, the coercive environment of [DK], and the potential for rehabilitation.” The sentence had emerged from a consideration of the relative weight of these factors, Judge Nil’s comments suggested, as the scales of justice had tilted in one direction or the other.

“On the basis of the foregoing,” Judge Nil continued, rarely glancing up from his prepared text, “the majority of the Chamber sentences Kaing Guek Eav to a single sentence of thirty-five years of imprisonment.”

Due to Duch’s illegal detention, Judge Nil explained, his sentence would be reduced by five years. And Duch would receive credit for the eleven years he had already spent in prison since he was first detained in 1999.

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With Duch’s guilt and sentence established, the Trial Chamber could consider civil party claims. Once again, trial evidence was taken in by the “Chamber”

and projected into a “disposition” that set things into place. The first part of this ordering exercise was to assess civil party status. A claim to this status required proof of identity and direct or indirect injury from Duch’s crimes. The judgment noted that sixty-six civil parties, including four direct survivors (Bou Meng, Chum Mey, and two survivors of S-24) and sixty-two indirect victims had satisfied this criteria. Judge Nil read the names of all sixty-six of the civil parties while making brief note of their victimization. The claims of the remaining twenty-four civil parties, Judge Nil noted in passing, were denied.<sup>23</sup> He did not name them.

In its longer written judgment, the Trial Chamber did list these civil parties and discuss the reasons for the rejection of their claims. Nam Mon, whose case Studzinsky discussed during her closing arguments, was one of them. Nam Mon’s assertion that she was an S-21 medic and prisoner, the written judgment noted, was undermined by “inconsistencies between the information contained in her Civil Party application and her in-court statements and subsequent submissions.”<sup>24</sup> In addition, she was not able to provide much detail about S-21 or to prove her relationship to the relatives she said were imprisoned and killed there. While acknowledging her suffering and “even allowing for the impact of trauma and the passage of time,”<sup>25</sup> the Chamber did not have sufficient evidence to grant her civil party status and therefore rejected her claim. Here again, the “Chamber” worked to sort and filter evidence, which it inflected, through the framing lens of law, into an articulation of juridical truth or, by rejection, implicit falsity.

Those civil parties whose claims had been accepted, Judge Nil noted, were entitled to “moral and collective” reparations, about which the Trial Chamber had invited the civil parties to make suggestions. Their proposals included memorials, educational initiatives, medical and psychological care, a national commemoration, the inscription of the victims’ names at Tuol Sleng, and the preservation of Choeung Ek and Tuol Sleng.<sup>26</sup>

The Trial Chamber, Judge Nil stated, was limited in its powers of enforcement and implementation. In addition, Duch had been declared indigent and could not make reparative payments. As a result, the Trial Chamber had granted only two civil party reparation requests. First, the names of the civil parties were to “be included in the final judgment, including a specification as to their connection with the crimes committed at S-21.” In addition, the court would compile and publish Duch’s apologies. The Trial Chamber, Judge Nil said, otherwise “rejects all civil party claims.”<sup>27</sup>

“The trial proceedings in this case have now come to an end,” Judge Nil announced. “Guards, take the criminal, Kaing Guek Eav alias Duch, back to the Detention Center.”<sup>28</sup>

With these words, the trial had come to a close.

Duch stood, impassive. He looked down briefly and then gave a stiff *sam-peah* before quickly departing. He was carrying a Bible.

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The Trial Chamber had completed its evaluation of the evidence to ascertain the facts. Like the light flowing into the chamber of a camera, inflected by the framing lens of law, a new image was being projected. In it, Duch, the man stranded in the dock, had undergone a transformation from suspect to “the accused” and now convict, a fact highlighted by Judge Nil’s new reference to Duch as “the criminal” as opposed to “the accused,” which he had used throughout the trial. Duch was a criminal of a particular sort, one who, like the civil parties, had been invested with rights granted by law. The juridical process had not just produced an articulation of the liberal, rights-bearing being, it was a performance of a liberal order. The process also rendered a social order, through a “disposition” that set things properly into place, an articulation that, like math, edited out complicating detail in favor of abstract truth. In law, like math, there was just black and white, guilt or nonguilt; no gray.

“Please rise,” a voice instructed.

Everyone stood as the Trial Chamber judges, led by Judge Nil, exited the courtroom through a side passage, walking slowly in a neat, single-file line.

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Outside the court, things began to unravel.

Some observers, including Vann Nath, said they were satisfied with the verdict. At long last, a former Khmer Rouge leader had been brought to justice. Duch’s trial had been conducted in accordance with international standards.<sup>29</sup>

Other people were visibly upset. If Duch had been sentenced to thirty-five years in prison, sixteen years were to be taken off this total, eleven for time served and five for his illegal imprisonment. This meant that he would remain imprisoned for nineteen years. Since Duch was sixty-eight, he could walk free at the age of eighty-seven, a disturbing possibility to many.

A number of civil parties expressed anger and even outrage, making comments that became the focus of newspaper headlines. Theory Seng, a civil party in Case 002 and civil society leader, was quoted by *Time* as saying, “If you can kill 14,000 people and serve only 19 years—11 hours per life taken—what is that? It’s a joke.”<sup>30</sup> A *New York Times* story titled “Prison Term for Khmer Rouge Jailer Leaves Many Dissatisfied” was accompanied by a photograph of Theory Seng comforting a sobbing Hong Savath amid a media crowd.

Hong Sarath had joined as a civil party after seeing a photograph of her uncle on the walls of Tuol Sleng in 2008. Later it emerged that she had been gang-raped and had witnessed her father’s execution during DK. Like other civil parties, Savath had only discovered her civil party status had been rejected when she did not hear her name among those of the admitted civil parties announced during the reading of the judgment.<sup>31</sup>

Chum Mey also became agitated, angrily telling reporters, “I am not satisfied! We are victims two times, once in the Khmer Rouge time and now once again. His prison is comfortable, with air-conditioning, food three times a day, fans and everything. I sat on the floor with filth and excrement all around.”<sup>32</sup> Cracks were beginning to emerge in the Trial Chamber’s carefully crafted judgment, as what had been redacted by its articulation suddenly appeared in a torrent of emotion and criticism.<sup>33</sup> Vannak Huy, a television news director, noted the limits of law in prosecuting mass murder. “Even if we chop him up into two million pieces,” he said, “it will not bring our family members back.”<sup>34</sup>

Two days later, I asked Bou Meng his thoughts on Duch’s verdict. I knew he was upset, since he had told reporters immediately afterward, “I felt it was like a slap in the face.”<sup>35</sup> He was still angry and said he had added his thumbprint to a civil party petition requesting an appeal. Soon all the parties would file formal appeals, with Duch again asking for release. Bou Meng noted that the Trial Chamber had rejected the status of many civil parties and ignored their suggestions for reparations. The civil party lawyers would appeal these decisions as well. As for Duch, Bou Meng said, “45 years, 35 years, whatever the sentence, it should be life. He should die in jail.”

Invoking a Cambodian saying, Bou Meng added, “It’s not possible to cleanse white paper that has been stained with black.”<sup>36</sup>