

After having considered all circumstances and applying the law, the Trial Chamber sentenced Kaing Guek Eav to 35 years of imprisonment. This sentence was reduced by 5 years because Kaing Guek Eav had been illegally detained by the Military Court from May 1999 to July 2007 (more than eight years). The Trial Chamber found this detention to be unlawful because Cambodian law does not allow anyone to be in pre-trial detention for more than three years.

The time Kaing Guek Eav has spent in detention since May 1999 will be included in the 30 years of imprisonment. This means that counting from May 1999, Kaing Guek Eav will have spent a total of 30 years in prison before he can be released.



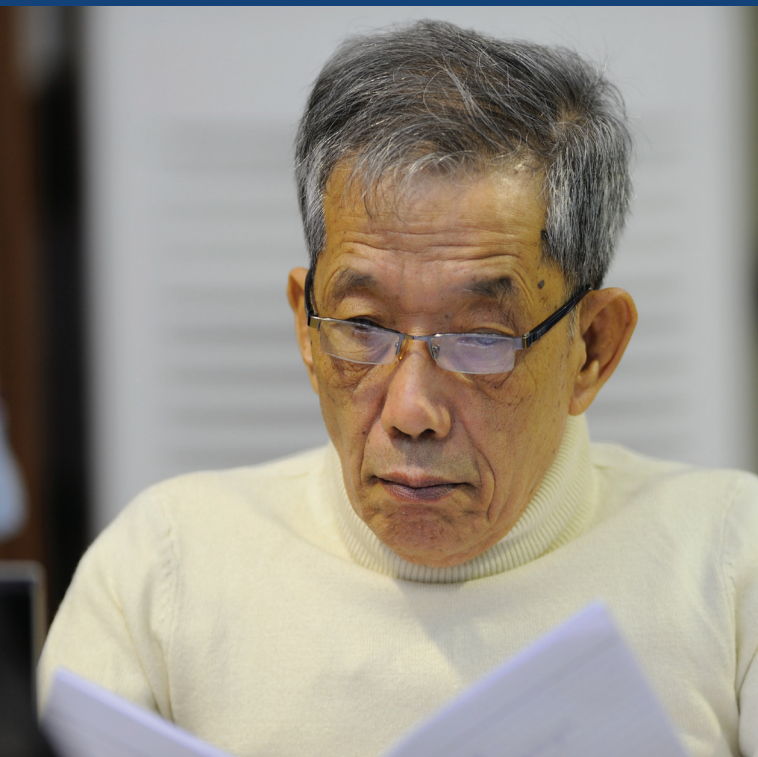
Extraordinary Chambers in the Courts of Cambodia

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The Trial Chamber Verdict

**Case 001
Kaing Guek Eav
alias Duch**

This document has been prepared to assist ordinary citizens in understanding the Trial Chamber verdict in the case against Kaing Guek Eav alias Duch. It is not an official document, nor an authoritative interpretation of the verdict. To fully understand the verdict, please read the official verdict as the Trial Chamber issued it. Please contact your nearest commune or district office to read a copy of the full verdict.

The verdict in Case 001 against Kaing Guek Eav alias Duch

On 26 July 2010, The Trial Chamber of the Extraordinary Chambers (ECCC) in the Courts of Cambodia issued its verdict in the trial against the accused person Kaing Guek Eav.

The ECCC can only prosecute two categories of people:

- a) Senior leaders of Democratic Kampuchea; and
- b) Those most responsible for the crimes committed between 17 April 1975 and 6 January 1979

The Trial Chamber found that Kaing Guek Eav was not a senior leader as defined in the ECCC law, but that he was in the category described as “most responsible” for the crimes committed during the regime of Democratic Kampuchea.”

The Trial Chamber found that Kaing Guek Eav, in his capacity as Deputy and later Chairman of the security center S-21 in Phnom Penh, was criminally responsible for the deaths of at least 12,273 people. He was also found criminally responsible for crimes committed at S-24.

The Trial Chamber found Kaing Guek Eav Guilty of:

- Crimes against humanity (persecution on political grounds) including, murder and extermination, enslavement, imprisonment, torture and rape and other inhumane acts.
- Grave breaches of the Geneva conventions of 1949 (willfull 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.)

When they decided what sentence that should be imposed on Kaing Guek Eav, the Trial Chamber judges had to consider both factors that would justify a stricter sentence, and factors that would justify a reduction in the sentence.

The Trial Chamber found that some factors which could justify a stricter sentence were:

- The Accused person’s abuse of power or official capacity.
- The cruelty of the crimes committed.
- The high number of victims of the crimes committed.
- The defenselessness of the victims.
- The discriminatory intent with which the crimes were committed.

The judges of the Trial Chamber found that the following factors could justify reduction in the sentence:

- Kaing Guek Eav’s cooperation with the ECCC, where he provided important information about his role in the functioning of S-21. The Trial Chamber found that his cooperation assisted in the pursuit of national reconciliation.
- The coercive climate in Democratic Kampuchea and Kaing Guek Eav’s subordinate position within the Communist Party of Kampuchea.
- Kaing Guek Eav’s expression of remorse, although limited.
- The potential for rehabilitation.

Before they decided on what sentence to impose, the judges of the Trial Chamber considered all circumstances of the case. These circumstances included the gravity of the crimes committed, the psychiatric and psychological assessment of the accused person, and the testimony of character witnesses. The trial chamber also considered the normal level and principles for sentences in international tribunals in cases involving crimes against humanity and grave breaches of the Geneva Conventions of 1949.