

**The Khmer Rouge took my family but justice should not be vindictive**  
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My country has been waiting more than 30 years for an international court to deliver judgment on the Khmer Rouge. On Monday, in Phnom Penh, the prison chief known as Duch was found guilty by a UN-backed court of crimes against humanity and sentenced to 30 years in jail. As the world's press swarmed about the court buildings on the other side of town, I listened to the verdict from my office at the Phnom Penh Post. I have conflicting emotions about this development.

Many victims of the Khmer Rouge have complained bitterly at what they claim is the leniency of the sentence handed down to a man whose facility was found to have been responsible for more than 12,000 deaths. Like many Cambodians, I too am a victim of that regime. My father and brother were murdered by the regime, my mother died in childbirth after a forced marriage to a Khmer Rouge official. Yet I feel the judges were right to take into account Duch's co-operation with the court and his statements of remorse. Justice should never be vindictive.

However, I also know there may have been another reason for the court to reduce Duch's sentence. At a post-verdict debate in a Phnom Penh hotel, US Ambassador at Large for war crimes issues Stephen Rapp said that in his experience it is always best to lessen the punishment for a convicted person on whom you may rely in a future trial. Otherwise they may not co-operate when you need them. In this instance, the Khmer Rouge tribunal certainly needs Duch's help in their next prosecutions of the four most senior surviving leaders, in particular Nuon Chea, Pol Pot's deputy who is also sometimes known as Brother Number Two.

That case is due for indictment in September. The charges expected are crimes against humanity, war crimes and genocide. I know a lot about it because for nearly 10 years I spent most of my spare time visiting Nuon Chea in his remote rural home on the Thai border. Perhaps because of the events of my childhood and the deaths of my family members, I became obsessed with trying to find out the truth about the Khmer Rouge regime from the only man alive who really knew (Pol Pot died in 1998). After about five years, Nuon Chea gradually began to open up to me and tell me of the momentous and lethal decisions he and Pol Pot made as they sought to maintain control of their revolutionary movement.

Four years ago, with the help of British film-maker Rob Lemkin, I began to make a feature documentary about my investigation. We continued to film Brother Number Two right up until the night before his arrest by the UN-backed court in September 2007. After our film won the Special Jury Prize at this year's Sundance Film Festival, the court asked to use our film as part of the dossier of evidence in the case against Nuon Chea. The problem is: I always told Nuon Chea my work was for historical research purposes so that the world might know his story and certainly not connected to any court proceedings.

So we declined to hand over the film even when there was a threat of subpoena. That remains the case today. It's not that I want to prevent the court from doing its work – no doubt they will buy a copy for use at the trial, which is not expected to start until mid 2011 – it's just that as a journalist and film-maker I need to stay true to my sources even though they may be accused of some of the worst crimes of the 20th century.

I am interested in the truth of the Khmer Rouge regime coming out in a way that helps all Cambodians and the world understand what happened here 30 years ago. And I know that if I can continue my work, freely, in the way I know best – we still have many hundreds of hours of interviews with Nuon Chea, among others, to process – then at least there is a good chance of that truth coming out.

Whether it came out this week in Duch's case I am not so sure, but I do think we got justice – and we should all be thankful for that.