Sentencing Insights in the International Crimes Court of Cambodia

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The sentencing practice of the Extraordinary Chambers in the Courts of Cambodia (ECCC) is devoid of content both with regard to weight and scale. This practice yields no concrete sentencing ranges and provides guidance that is metaphorical rather than practical. In part, this is due to the bench's dogmatic insistence on form over substance and, in part, because of the paucity of guidance that the cryptic ECCC Law provides to the ECCC Chambers. This article critiques the decision of the ECCC's Trial Chamber in the Duch case and argues that these failures are counterproductive to transitional justice and the mandate of the ECCC.

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