

Cambodia's killing fields, unfinished justice

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Thirty years after Cambodia's "Killing Fields" regime collapsed, and despite a Khmer Rouge trial process that began three years ago, bringing justice to hundreds of thousands of Cambodians is far from concluded.

Even though five former Khmer Rouge leaders are being tried for their roles in the deaths of at least 1.7 million Cambodians in the late 1970s, it remains hard, even for Khmer Rouge victims, to solemnly decide what is just.

And even now, with only Kaing Guek Eav, better known as Duch, on trial no verdict on him is expected before next year and the actual proceedings against the four other aging leaders are unlikely to start until next year, or the year after.

The special U.N.-backed court trying the former leaders became operational in 2006, but it has already seen two critical budget shortfalls and many in Cambodia fear more trouble lies ahead.

In the previous shortfalls, only Japan was moved quickly to inject funds keep proceedings going ahead. It has been joined by other donors, but there is still no guarantee there will enough money, or enough will, to bring the trials to conclusion.

Budget aside, the Extraordinary Chambers in the Courts of Cambodia have struggled through a corruption scandal, many fear the aged Khmer Rouge leaders will die before they are brought to justice and even decisions on who to call as witnesses are fraught with controversy.

Many of Cambodia's current leaders have the taint of Khmer Rouge affiliation in their backgrounds and simply the idea of calling some of them to testify, or even prosecuting some of them, brings fears of recrimination and civil war that linger barely below the surface of the Cambodian psyche even today.

Yuko Maeda, spokeswoman for the ECCC, told Kyodo News that in principle, in accordance with the Cambodian law and the agreement made with the United Nations, only senior leaders and those the most responsible for the crimes committed during the Khmer Rouge's Democratic Kampuchea regime between 1975 and 1979 are to be tried.

Many interpret that to mean only the current five "suspects" are to ever face trial for the Khmer Rouge atrocities.

And some trial monitors wonder, given the complex procedural, political, administrative and legal aspects of the cases, if the four yet to go on trial will be the prisoner's dock before 2011, if ever.

The four now charged with war crimes and crimes against humanity since late 2007 are Nuon Chea, better known as Brother No. 2 in the Khmer Rouge hierarchy after leader Pol Pot; Khieu Samphan, who was head of state; Ieng Sary, the regime's foreign minister; and his wife Ieng Thirith, who was social affairs minister.

Duch, 66, was chief of Tuol Sleng Prison in central Phnom Penh, code named S-21, from early 1976 through 1979. He has already admitted responsibility for 12,380 deaths. Some scholars and historians believe Duch was responsible for the deaths of at least 14,000 prisoners. Gathering evidence and prosecuting genocide of that scale -- and the other leaders are charged with being behind the deaths of many, many more Cambodians -- is turning out to be prohibitively expensive. The initial ECCC budget, for three years from 2006 to 2009, was \$56.3 million. Maeda now says the ECCC will have spent about \$85 million by the end of this year, and the court still needs funds for 2010 and 2011.

Assuming the money to continue is found, whether or not justice will be ultimately rendered is open to debate. Chum Mey, one of three surviving victims from the S-21 torture center, said he is not expecting "100 percent justice," but will be "satisfied" if after Duch and the other four are tried and convicted.

Chum Mey, 76, was jailed and tortured for more than three months from late 1978 until the Khmer Rouge regime collapsed on Jan. 7, 1979. Independent political analyst Chea Vannath believes simply completing the five trials will be a "big achievement and success if the current five people in the custody could have fair trials." There would be "no need to extend, prolong any further," she added. "The important message from the court is to alert all leaders that justice will take place. It does not matter when, where, and how late," she said.

Chhang Youk, director of the Documentation Center of Cambodia, a nonprofit organization that archives the Khmer Rouge atrocities, said for him "the process is most important for all. It is a foundation for us all to decide what is just being done for us so that we can move on into the future."

"Justice has been defined by the victims in many different ways....," he said. He sees the court as having two distinct roles -- reaching final judgments on the accused and providing formal recognition of the crimes committed against the Cambodian people, "Finally," he said, it is "not about victory but reconciliation of a nation." For others, the question remains if more former Khmer Rouge leaders and cadres should also face trial.

The international co-prosecutor and co-investigating judge have both sought charges against at least five more suspects, but the Cambodian co-prosecutor and co-judge, as well as Cambodia's current political leadership, have resisted all attempts to expand the tribunal.

"If you try more suspects without taking account of national reconciliation and peace and if war recurs, killing 200,000 to 300,000 more people, who would be responsible?" Prime Minister Hun Sen has asked on several occasions. Pol Pot, mastermind of the "Killing Fields," died in 1998 and several other Khmer Rouge leaders, including the "Butcher" Ta Mok and National Security Minister Son Sen, are also dead.

Remaining possible suspects tend to be further down the Khmer Rouge pecking order, and some are very close to the current government, making deciding who to try and who to ignore an exercise in near futility politically.

Sok Samoeun, executive director of the Cambodian Defenders Project, a well-known Cambodian nongovernmental organization monitoring Khmer Rouge trial, said it is hard to assume justice for Cambodians none of the five current cases has reached conclusion.

"Duch is the only small figure, while the other four are bigger and more important. I'm wondering how they will handle the case of Ieng Sary. (He) was once pardoned and some of his people are in now power," Sok Samoeun said. "I cannot expect justice, but it will help close a dark chapter of Cambodia's history."