



## GENOCIDE WATCH

THE INTERNATIONAL ALLIANCE TO END GENOCIDE

### As Khmer Rouge Cadres Face Trial, Truth Eludes Cambodia

By Prak Chan Thul, Reuters

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(Reuters) - Battle-hardened former Khmer Rouge guerrilla Lim Sambath echoes the words that have become a mantra for the servants of the ultra-Maoist regime that tore Cambodia apart three decades ago.

"We had to follow orders," he said of his role in the bloody "year zero" revolution that wiped out 1.7 million Cambodians -- a quarter of the population -- from 1975-1979, marking one of the darkest chapters of the 20th century.

"Almost all Cambodians are victims. Everybody had to follow the regime's policy," he said. "Those who defied the rules, their fate was death."

As a U.N.-backed court prepares for the trial of three senior leaders on Monday, the truth about the "killing fields" could be lost forever in the rugged mountains and impenetrable jungles of this former Khmer Rouge stronghold.

Like "Brother Number Two" Nuon Chea, ex-President Khieu Samphan and former Foreign Minister Ieng Sary, Lim Sambath, 58, distances himself from the killings and says his recollection of the harrowing era is vague.

He tells stories of his battlefield heroics to repel Vietnamese invaders but denies responsibility for any of the hundreds of thousands of men, women and children who died of torture, starvation, disease and execution in the rice fields and makeshift jails run by Pol Pot's black-clad disciples.

"I don't know how many people were killed," Lim Sambath, a former guerrilla commander, now a community leader, told Reuters at his home in Boyakha village on the western border with Thailand.

"We had to follow orders. We had little knowledge. We saw no light. It was like living on another planet. But that was the only planet we knew."

Almost every Cambodian alive lost a family member under the Khmer Rouge and many fear the multi-million dollar Extraordinary Chambers in the Court of Cambodia (ECCC), established by the United Nations in 2005 to try those "most responsible" for the killings, will fail to bring justice.

#### VOW OF SILENCE

Pol Pot, the French-educated architect of the revolution, died in 1998 and the defendants facing trial next week in what is known as "Case 002" not only appear unwilling to cooperate but face widespread criticism for stalling the proceedings.

Ieng Sary, for instance, tried to have his case thrown out and last month issued a statement saying he would refuse to answer questions, or speak at all, during the trial.

Another blow to the proceedings took place on Thursday when a fourth defendant, French-educated former Social Affairs Minister Ieng Thirith, was declared mentally ill, unfit for trial. She will be released if no appeal is lodged.

The defendants are charged with committing crimes against humanity and genocide, and accused of crimes ranging from murder to enslavement, religious and political persecution, inhumane treatment and unlawful imprisonment.



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They are all in their 80s and in poor health. Given the slow pace at which the joint U.N.-Cambodian tribunal moves, many fear they won't live to see the verdict delivered.

The court has handed down just one sentence so far, a 35-year jail term, commuted to 19 years, for former prison chief Kaing Guek Eav, alias "Duch", over the deaths of more than 14,000 people. His appeal is set for February 3 next year. He has repeatedly said he was "just following orders".

Cambodians who saw Duch sentenced reacted with anger and tears and complained it was too lenient. Many just want the top commanders to come clean and explain the motivation and ideology that fueled the Khmer Rouge's unrelenting killing spree.

"They're all guilty," said Kim Sokhon, a street vendor who lost his mother, sister and two nieces. "They know what happened -- they were the ones who enforced Pol Pot's policies."

The closest any of the former cadres have come to disclosure is seen in the documentary film "Enemies of the People", in which Nuon Chea, during six years of interviews with journalist Thet Sambath, admitted threats to the party line were "destroyed" if they could not be "corrected or re-educated".

For tens of thousands of Cambodians, being "destroyed" meant being blindfolded, then bludgeoned to death and thrown into one of the hundreds of mass graves across the country.

The film is expected to be used as evidence against Nuon Chea, who denies the charges.

Chhang Youk, director of the Documentation Center of Cambodia, which has compiled evidence to use during the trial, said it was unlikely defendants would confess but he was confident justice would eventually prevail.

"Everyone wants a final judgment of what happened," he said. "We've seen the Khmer Rouge hasn't changed its attitude. They won't admit anything, so the tribunal is really important."

### CREDIBILITY CRISIS

The ECCC itself is in crisis. Despite its big budget, expected to reach \$150 million by year-end, it is beset by resignations and public acrimony over its reluctance to pursue cases beyond 002.

It also faces allegations of U.N. apathy and political interference by members of the Cambodian government, some of whom are former Khmer Rouge cadres.

Theary Seng, a prominent survivor of the Khmer Rouge era and the first plaintiff to register in case 002, withdrew her complaint against Nuon Chea on Tuesday because of what she called "toxic shenanigans" in the court.

Her letter to the ECCC, typed in a large, bold font, said simply: "ENOUGH!"

That same day, the Open Society Justice Initiative, a private legal and human rights group, urged the United Nations to conduct an independent inquiry into allegations of judicial misconduct, incompetence and lack of independence, accusing Cambodian and international judges of thwarting investigations.

Tribunal monitor Clair Duffy said the ECCC now had a "credibility crisis" and it was crucial more indictments were made so the real story of the Khmer Rouge was not left untold.

"We know these institutions cannot prosecute everyone ... but we also know that 1.7 million people were not tortured, starved, enslaved and executed by one torture center commander and up to a handful of people at the top," she said.



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Independent experts say a big problem is the politicization of cases and stonewalling by Cambodia's government to limit the scope of investigations.

Many former Khmer Rouge members hold top positions in the bureaucracy, legislature and the government, including parliament president Heng Samrin, Finance Minister Keat Chhon, and long-serving Prime Minister Hun Sen.

Hun Sen last year told U.N. Secretary General Ban Ki-moon that more indictments were "not allowed" and has previously said he would be happy if the court packed up and left, warning of a return to civil war if more cases were pursued.

Ven Dara, a provincial councilor in Palin and niece of a late Khmer Rouge military chief, Ta Mok, admitted she was horrified by the killings and said indictments should go to the very top.

"If the Khmer Rouge leaders are accused of being the killers, then what about our current leaders? They didn't even dare to show up to testify," she told Reuters.

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