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Khmer Rouge Tribunal at Risk

A UN-supported special tribunal for the aging leaders of the Khmer Rouge may fail after all, if the prime minister gets his way. His complaint is foreign meddling.

It was meant to be the first international court for the crimes of communism, a kind of Nuremberg trial to punish the mass murderers of Pol Pot's Khmer Rouge in Cambodia. An estimated 1.7 million people died under his ideological reign of terror between 1975 and 1979, and now—after years of negotiation with Prime Minister Hun Sen's government—the victims would have recourse to an international, UN-supported tribunal. Its judges were sworn in seven months ago. But now the project looks set to fail.

Foreign judges and lawyers participating in the trials have said they will advise the UN to quit funding it if no one can agree on a framework for them by the end of April. The very fact that foreigners are participating—mostly as defense counsel—has irritated Hun Sen. He's backtracked on commitments to fund and support the trial more than once over the years, and now he says the UN-appointed legal team is a threat to Cambodia's sovereignty.

Hun Sen was once a junior-level soldier in Pol Pot's Khmer Rouge. He defected to help the Vietnamese topple the Maoist group and install a new Cambodian government, and in the meantime he's criticized many of Pol Pot's former deputies. The problem, though, is that the past isn't really over: Guerrilla factions of the Khmer Rouge were fighting late into the 1990s, and Hun Sen's ruling party, the CPP, is seen as a haven for some ex-Khmer leaders. Hun Sen played too small a role in the movement to fear retribution, but a number of his aging supporters could be hauled before the court.

The tribunal idea is popular in Cambodia: According to a poll by the Khmer Institute of Democracy in Phnom Penh, an NGO, 97 percent of Cambodians support trials to settle the ghosts of the Pol Pot era. The prime minister has said his country should "dig a hole and bury the past." But his delay tactics may not just be a function of his powerful friends. The Khmer Rouge had support from China, and current Chinese leaders have made it clear to their tiny neighbor that Beijing's role in the 1970s bloodbath shouldn't be revisited.