

## **Why the Khmer Rouge Tribunal Matters to the Cambodian Community: Justice for the Future, Not the Victims**

by

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My family was evacuated to the countryside during Democratic Kampuchea. One day, the Khmer Rouge caught my brother-in-law stealing rice from the commune kitchen and beat him to death. His wife (my sister) developed a stomach ache later that night and was taken to a Khmer Rouge hospital. There, they told her she was sick because she had eaten that stolen rice, and cut her stomach open to prove it. She also died.

Thirty years later, our family is divided over whether putting the Khmer Rouge on trial would bring them justice for my sister's death. After the regime, the chief of a village where some of my family members disappeared pedaled his bicycle to Phnom Penh to apologize to our family, bringing us bananas and meat as a sort of restitution. No one else in the family would accept his apology, but my mother said it was enough. Her attitude is a very Buddhist one, and his act put her heart to rest. She never wanted me to return to Cambodia and work toward a legal accounting for the crimes committed during Democratic Kampuchea, and never understood why I didn't remain in the United States. Over time, my mother has come to believe the tribunal is a good thing, but feels it will only be effective with the support of the international community.

My niece Theavy takes another view. She was only five or six years old when her parents died and has lived most of her life in the United States. She once wrote me saying, "I don't believe that justice is enough for what had happened to my family. No justice in the world will bring my family back." She has never wanted to return or even visit surviving family members in Cambodia, believing that the reality of Cambodia today would be just an illusion to her.

I take a different view: that the tribunal is important and that we need prosecution before we can ever reach the point of true forgiveness. Justice has already been obtained to some degree: it was meted out at the local level in the 1980s, when people took the law into their own hands and killed many of the worst Khmer Rouge perpetrators. For this reason, I feel that the trials -- if they are successful -- will not so much bring justice to the victims as give people a perception that justice is possible for the future. The larger Cambodian family, both at home and abroad, is also divided over the trials. This is because genocide has always been a political act, and always will be. After 30 years, people have largely moved beyond the need for personal revenge. They are concerned about how the trials will affect their futures and the future of their country, but they view justice from very different political perspectives.

### **The Survivors in Cambodia**

There are two camps in this group. The first is survivors who support the tribunal. Most of them have never been out of the country and have decided that at least some of their future lies with the ruling Cambodian Peoples Party (CPP), who they see as liberating Cambodia from the Khmer Rouge and in the 1990s fighting to bring the guerillas to heel when the international community was ignoring Cambodia. As evidence of their party's intent to broker honest trials, they point to the ranking CPP government officials who are former Khmer Rouge and have publicly stated their willingness to appear before the tribunal. They also note the United Nations' inability to bring the Khmer Rouge to the ballot box in the 1992-1993 national elections, thereby failing to institute rule of law in Cambodia. This group distrusts the international community, and finds the UN at least partly at fault for the country's culture of impunity.

The second camp contains many people who returned from the Thai border camps in the 1990s. They are generally opposed to the government, and believe that national problems like poverty and corruption are linked directly to the CPP. They feel the trials will only serve to polish the ruling party's image. So, they are calling for more international control of the proceedings and would like to see certain CPP officials brought to trial, hoping to drag the current government into the fray.

### **Cambodian Expatriates**

This highly politicized group is also divided. One camp supports the government and is very vocal in its support of the tribunal. Some of them have returned to Cambodia and become engaged in tribunal issues, hoping to improve their economic opportunities by gaining the favor of the ruling party.

Three other groups oppose the trials. The first comprises the supporters of former King Sihanouk, who worry that he might be brought before the chambers (there are such supporters among those who are still living in Cambodia as well). Like the king, they argue that the money dedicated to the trials would be better spent on alleviating poverty in Cambodia. The second is made up of people opposed to the CPP for political reasons; some were able to obtain visas to third countries after the fall of Democratic Kampuchea by adopting a strong anti-communist stance, which they retain to this day (during the 1980s the CPP was closely associated with the ruling Vietnamese communist party). And the last is a small group of immigrants who were Khmer Rouge; they are simply afraid their former lives might be revealed.

### **The Next Generation**

While they are not politicized, the children of Democratic Kampuchea's survivors are a burgeoning part of the population, and their beliefs and expectations must be taken into account. This group is somewhat more cohesive and well as more nationalistic. Most of them find it difficult to believe that Cambodians could have killed each other; thus, they feel that foreigners must have caused the genocide in their country. Some of them are curious to learn what happened, but don't have what could be termed as a "political agenda." Others are much more interested in finding justice for the victims, and look at the genocide in black and white terms: the Khmer Rouge were always, and will always be, bad. Both groups, however, seem far better able to hold dialogs with each other than the adult survivors.

### **Opportunities for the ECCC**

Perhaps the most burning question regarding the tribunal is whether the government of Cambodia and the UN – both of which have indirectly supported the Khmer Rouge in the past (the government by granting amnesties in return for peace during the 1990s and the UN by allowing the Khmer Rouge to hold their seat at the United Nations for ten years) – can find a solution that helps each of the disparate parties find hope for the future through the tribunal.

Both the Royal Government and UN have arguments for doing what they did, but in the eyes of the survivors and the generation of Cambodians under the age of 25, they have much to account for. Ironically, the tribunal presents a great opportunity for both to gain trust and respect in Cambodia. If the government is perceived as open and fair, the resulting public trust would allow it to move forward with its policy agenda. Similar actions on the part of the UN would produce both popular and government support for its activities in Cambodia. Such a visible success would also allow it to further its agenda of preventing, intervening, or prosecuting genocides in other parts of the world. A very important way in which the ECCC gain people's trust is by engaging the public in a transparent and even-handed manner. Whether or not all these diverse parties like the results is less important than whether their concerns were taken into account in the first place: whether someone listened to them and took them seriously.

For example, when the king calls the UN side to come and talk with him, they should go. The royalists would be encouraged and everyone else would see that all sides of the story are being heard. If evidence indicates that some of today's CPP leaders should be indicted, then they should be. This will show Cambodia and the world that justice is for all, not merely those in power. Whatever the response of the ECCC, it should be open and public. Cambodia has had enough justice administered behind closed doors. It is essential that the ECCC provide some answers to all of these groups about who is accountable and why. The tribunal must leave people with a judgment, something concrete they can take away and debate, and something they feel was done in fairness to all. After all, it is for them that the trials will be held.

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