Khmer Rouge trial begins despite 'political pressure'

Genocide tribunal for four men in charge when 1.8 million Cambodians died may reveal awkward truths about role of West

By Andrew Buncombe, Asia Correspondent

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The four most senior former members of the Khmer Rouge regime still alive will go on trial today at a genocide tribunal that has been shaken by allegations that it has buckled under political interference. It is expected the hearing will highlight uncomfortable details about the role of nations such as the US, China and the UK in supporting the Maoist-inspired rebels and even creating the circumstances in which they swept to power.

The trial in Phnom Penh will see four ageing former rebel leaders brought before the court where they will face charges of genocide, war crimes, crimes against humanity and murder. The defendants – the regime's second-in-command, Nuon Chea, the former foreign minister, Ieng Sary, the former social affairs minister, Ieng Thirith, and the ex-head of state, Khieu Samphan – all deny the charges.

"We are addressing probably the most serious crimes committed since the Second World War – 1.8 million people at least were killed in the space of [four] years – and I think the Cambodian people still expect answers," Andrew Cayley, the international co-prosecutor in the case, said last night from the Cambodian capital. "Certainly, the relatives of those who perished and the handful of those survivors who are left are seeking justice."

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Observers say the case is crucial because of the senior position held by the four defendants in the regime which seized power between 1975 and 1979 and set up a programme of enforced rural relocation and labour camps. Hundreds of thousands of people died of starvation and disease, or else were summarily executed by the rebels.

Last year, in the first case it considered, the tribunal found guilty Guek Eav, known as Comrade Duch, who headed the notorious S-21 detention centre where up to 14,000 people were tortured and dispatched for execution. He was sentenced to 19 years in jail.
But the new trial, case 002, is taking place against a backdrop of mounting controversy at the tribunal, which has so far cost more than $150m and which took a decade to establish. It has been alleged investigating judges are buckling under political pressure from the Cambodian authorities not to bring charges against other defendants, who have been named in cases 003 and 004. The judges have denied the allegations.

Cambodian Prime Minister, Hun Sen, a former Khmer Rouge commander who left the movement, has long made clear his opposition to the tribunal. In 1998 he organised a champagne toast at his official residence for Nuon Chea and Khieu Samphan, at which he said Cambodians should "dig a hole and bury the past".

"The Khmer Rouge trials are taking place despite frequent threats by Hun Sen to derail the entire process," Brad Adams, of Human Rights Watch, said. "He has claimed the trials would lead to political instability and even civil war, but there have been no problems."

David Chandler, an advisor to the tribunal, said he thought it was unlikely other defendants would now be tried, given the position of the Cambodian authorities. As such, case 002 may be the last opportunity to hear crucial evidence and testimony. "This trial will get as close as we can to the group that effectively ruled Democratic Kampuchea [the name for Cambodia used by the Khmer Rouge]. The other big-shots – Pol Pot, Ta Mok, Son Sen, Sao Phim, Ke Pauk, Vorn Vet – are dead," he added.

For many of the world's major powers, including a number of those who are funding the tribunal, the trial could raise awkward issues. While the timescale has been fixed from April 1975, when victorious black-clad Khmer Rouge rebels swept into Phnom Penh, to January 1979, when invading Vietnamese troops seized the city and much of the country, defence lawyers say they intend to place the events of those years in a broader historical context.

As a result, the US's bombing campaign of Cambodia and Laos, directed against Khmer Rouge and South Vietnamese forces and which some historians have argued had a brutalising effect on the broader population, could be raised. China's support for the rebels will also be highlighted, as will the decision by several countries including the US and Britain to support the Khmer Rouge holding on to Cambodia's seat at the UN General Assembly, even after they had been defeated.

"A great deal of evidence will be historical and contextual," said Michael Karnavas, one of the lawyers representing Ieng Sary. "The role of the US in carpet-bombing – yes, it can be argued that it drove lots of people to become anti-Lon Nol [the Cambodian general supported by the US who failed to hold off the Khmer Rouge]. The king's role... China, I don't see how it cannot be mentioned. When you read the classics on this period, when there is a greater contextual overview, you get the picture. You cannot tell the story in isolation, you have to explain some uncomfortable truths."

The sessions this week will likely be taken up mostly by procedure. Sources at the tribunal suggest evidence may be presented in September. The process could take up to two years. For the survivors of the killing fields and for the relatives of those who perished more than three-and-a-half decades ago, the wait for justice has been painful and slow.

"Case 002 of the four surviving most senior leaders of the Khmer Rouge regime is extremely significant. Its significance lies in its ability to provide some answers to the much repeated... 'Why' questions," said Theary Seng, whose parents were killed by the regime and who spent time as a child in the Khmer Rouge's labour camps. "It is the case which will cast light for Cambodians to understand their very dark experience during a very black era of no, or little, conversations."

Ms Seng, who wrote of her experiences in a memoir, Daughter of The Killing Fields, added: "[The case will also] highlight the crimes of the US, China and other regional and international players even if they are not physically in the dock."
Ou Virak, of the Cambodian Centre for Human Rights, said: "[This] will be a cathartic moment for all Cambodians. While the crimes of the Khmer Rouge were committed over a quarter of a century ago, they remain ingrained in Cambodia's collective psyche. I hope that this trial – coming as it does so many years after the crimes alleged against the accused were committed – provides all victims with some sense of justice, however delayed that justice may be."