

# Cambodia: Khmer Rouge trial expected by end of year

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After four years of wrangling between the Cambodian government and the United Nations, a law enacted last month in Cambodia is expected to see a UN-sponsored tribunal begin by the end of the year against leaders of the Khmer Rouge, the Maoist movement that ruled the country from April 1975 until January 1979. In a reign of terror christened the “Killing Fields”, the Khmer Rouge was responsible for the deaths of an estimated two million people, or more than 20 percent of the population.

The purpose of the proposed tribunal will not be, however, to establish how such a regime could emerge or to bring those responsible for mass murder to account. The legislation, drafted by the UN, passed by the Cambodian parliament and signed into effect on August 10 by the constitutional monarch King Norodom Sihanouk, sets strict parameters on what the court can investigate and limits any indictments to the subjectively determined standard, “those responsible the most”. As few as four individuals may be prosecuted.

Cambodia’s Prime Minister Hun Sen has successfully insisted, against initial UN opposition, that the trial take place in Cambodia, under Cambodian law. His reasons are transparent. Both he and other leading members of his Cambodian Peoples Party (CPP) were commanders in the Khmer Rouge when it came to power in 1975 and active participants in some of its most murderous policies. They have no intention of allowing a genuine investigation to take place.

The Khmer Rouge is often falsely referred to as “communist”. In reality, it was a grotesque variant of Stalinism, based on opposition to modern industry and culture, a glorification of peasant-based society and a xenophobic Khmer (the dominant ethnic group in Cambodia) nationalism. The practical consequences of its reactionary outlook were disastrous. Upon taking power, the Khmer Rouge’s peasant army forced the population of the cities and towns into the countryside, with the aim of transforming Cambodia into a network of self-sufficient rural communes. Thousands starved. Members of ethnic minorities, particularly Vietnamese, were butchered, as were teachers, intellectuals, artists and other layers declared to be the source of “foreign” ideas. Money, culture and education were prohibited.

According to Youk Chang of the official Documentation

Centre of Cambodia, the Khmer Rouge executed alleged opponents at the rate of 5,200 per week (approximately one million people over four years). One million more “died of aggravated neglect through starvation, disease or overwork”.

Hun Sen, CPP president Chea Sim and others were involved in these crimes and only broke with Khmer Rouge leader Pol Pot when they themselves were threatened with being purged. They fled to Vietnam and returned in January 1979 to form a government after Vietnamese troops invaded and drove out the Khmer Rouge regime.

During the 1980s, what later became the CPP ruled in Phnom Penh with the backing of tens of thousands of Vietnamese troops. They waged an ongoing civil war against the Khmer Rouge, which had retreated to the dense jungles on the Thai-Cambodian border and continued to exercise control over large parts of the country.

In 1991, following the collapse of the Soviet Union and the loss of aid and backing, the Phnom Penh government agreed to the establishment of UN authority over the country and the deployment of thousands of UN troops in exchange for recognition. Cambodia was opened up as a cheap labour platform, especially for the textile industry.

In the years since, the CPP leadership has had no qualms about making deals with the Khmer Rouge in order to retain their grip on power. Ieng Sary, the Khmer Rouge’s foreign minister, was granted full immunity from prosecution in 1996 when he defected to Hun Sen’s government. A central issue in Hun Sen’s refusal to allow UN control of a tribunal has been to ensure that Sary is not among those indicted. The 10,000 Khmer Rouge guerillas he brought with him were integrated into the Cambodian military and now form a base of support for the CPP within the armed forces. Another Khmer Rouge leader, Ke Pauk, is serving as a general in the Cambodian army as a reward for his defection in 1998. Other former leaders are involved in the lucrative timber industry in Cambodia’s west and east.

Whether or not Ieng Sary stands trial is the main remaining point of contention between the UN and Cambodia. In some international circles there have been warnings that if he does not, the entire tribunal will be rightly condemned as a farce. Hun Sen has ominously warned of “civil war” if he does.

Hun Sen is instead offering up two Khmer Rouge leaders, Khieu Samphan and Nuon Chea, the Khmer Rouge's prime minister and national security minister respectively. In 1998, after the death of Pol Pot, the two men surrendered with their few remaining supporters. Summing up his attitude at the time, Hun Sen declared his government was prepared to "dig a hole and bury the past". This month he has indicated that Samphan and Chea, both of whom are presently free and live in a former Khmer Rouge stronghold on the Thai-Cambodian border, should be tried.

Ta Mok, a military commander of the Khmer Rouge, and Kang Kek Leu (also known as Duch), who ran the Tuol Sleng prison where at least 14,000 people were murdered, will join them in the dock. Both were captured in 1999 and are being held in custody.

For its part, the UN, acting largely as a mouthpiece for the United States and the European powers, has demonstrated a distinct reluctance for a Khmer Rouge trial. Since it was first proposed in 1997 by the Cambodian government, the UN's primary concern has been to ensure that it retains jurisdiction over what is investigated and who is indicted. The tribunal will consist of five judges—three Cambodian, two international—with a super-majority of four needed to pass any verdict. In other words, the international judges will have the power of veto.

While the UN has declared its involvement is necessary to guarantee "accountability," its real concern is to prevent the proceedings from probing what happened in the years before and after the Khmer Rouge held power.

Any genuine investigation would be obliged to begin in 1969, when the US, as part of its murderous war against Vietnam, began indiscriminately and illegally bombing Cambodia to prevent it being used as a supply line and safe-haven by Vietnamese liberation fighters.

From 1969 to 1973, without even notifying the US Congress, the Nixon administration dropped over 500,000 bombs and landmines on the country and deployed troops over its border. Over 700,000 Cambodians were killed, economic life devastated and a third of the population rendered homeless. By 1974, production of rice, the staple diet, had fallen to less than 20 percent of the quantity required to feed the country. The urban population—burgeoned by thousands of refugees—relied almost totally on US food aid.

These conditions enabled the Khmer Rouge, a relatively small movement before the US intervention, to win broader support by espousing guerilla war against both the Americans and the CIA-installed Lon Nol government in Phnom Penh. The withdrawal of US forces in 1975 led to the collapse of its puppet regime and opened the way for Pol Pot to come to power. The abrupt ending of US aid was as much a factor in the ensuing starvation across Cambodia as the policies of the Khmer Rouge.

Following the overthrow of the Khmer Rouge in 1979, the US, China and the European states continued to recognise it as

the legitimate government of Kampuchea (as Cambodia was renamed from 1975 to 1991). The UN blocked any international assistance to the new, Vietnamese-backed regime and opposed all calls for the arrest and trial of Khmer Rouge leaders.

The attitude of the United States toward the Khmer Rouge was dictated solely by its Cold War conflict against the Soviet Union and Vietnam. Successive American administrations worked with China and Thailand to supply arms and finances to Pol Pot, to allow his movement to sustain its guerilla operations.

The international protection of the Khmer Rouge continued into the 1990s. One of the UN's aims when it took over Cambodia in 1991 was "reconciliation", meaning that no attempts to investigate the past would be made. For the two years that UN troops occupied the country, no steps were even taken against the most prominent leaders such as Pol Pot. Australia, a US ally and one of the principal countries involved in organising the UN operation, actively called for an amnesty to be given to the Khmer Rouge on the condition that it lay down its arms.

It was not until April 1997, 18 years after the demise of the Khmer Rouge regime, that the UN formally adopted a resolution to assist Cambodia investigate "past serious violations of Cambodian and international law".

The enormity of the tragedy that befell the Cambodian people makes it impossible for the present government to simply bury the crimes of the Khmer Rouge. With the active complicity of the UN, the Cambodian political establishment wants to place all responsibility on a handful of surviving Khmer Rouge heavyweights and its dead leader, Pol Pot. In so doing, they hope to exonerate the thousands of former Khmer Rouge apparatchiks within the Cambodian government, military and business elite. At the same time, the tribunal intends to whitewash the role of the major powers, especially the United States, in abetting the Khmer Rouge's rise to power and protecting it after its overthrow.

No opposition has been forthcoming from Hun Sen's main political rival, King Sihanouk, or his royalist party, because Sihanouk is just as anxious as Hun Sen to conceal the truth about the past. In the 1980s, the royal household, then in exile, collaborated militarily and politically with the Khmer Rouge against the Vietnamese-backed government. In the 1990s, after being reinstalled as monarch under UN authority, Sihanouk lent support to Hun Sen's overtures to the Khmer Rouge and signed the 1996 amnesty extended to Ieng Sary.



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