

Court in Cambodia convicts two former Khmer Rouge leaders

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The UN-backed Extraordinary Chambers of the Courts of Cambodia (ECCC) last week convicted 88-year-old Nuon Chea and 83-year-old Khieu Samphan and sentenced them to life imprisonment for crimes committed in the 1970s under the Khmer Rouge regime headed by Pol Pot. Both men are appealing the verdict.

Nuon, who was deputy secretary of the Khmer Rouge and its chief ideologue and Khieu, who was head of state, are the two most senior surviving Khmer Rouge leaders. They have been held in custody since 2007. Their trial began in 2011.

Two other Khmer Rouge leaders were to be tried alongside Nuon and Khieu—Ieng Sary, the ex-foreign minister and his wife Ieng Thirith, former social action minister. Sary died in 2013. Thirith, who has Alzheimer's disease, was ruled unfit to stand trial. Pol Pot died in 1998.

Nuon and Khieu were convicted for their part in the forced evacuation of Phnom Penh and other urban areas and the Tuol Po Chrey execution of 250 officials of the Lon Nol regime, which was overthrown by the Khmer Rouge in 1975. They face a second trial on the charge of genocide, scheduled to begin by the end of the year.

Five other Khmer Rouge leaders are under investigation by the ECCC's investigative judges but the Cambodian government headed by Premier Hun Sen is resisting any further trials.

There is no doubt that the Khmer Rouge regime was responsible for terrible crimes. The Documentation Centre of Cambodia estimated that after the forced evacuation of the urban areas one million people were executed and others died from starvation, disease and overwork. The total death toll was at least 1.7 million or 20 percent of the population at the time.

In its eight years, the ECCC has found only one other

person guilty. In July 2010, Kaing Guek Eav, also known as Duch, was convicted for his role as commander of Phnom Penh's S-21 prison where 12,272 people were murdered. Duch was a minor Khmer Rouge functionary who admitted his guilt but claimed he was obeying orders.

The protracted character of the proceedings and the small number of convictions underscore the ECCC's purpose, which was narrowly focussed on prosecuting a handful of Khmer Rouge leaders and burying the genocide. Above all, the aim was to prevent any broader examination of the responsibility of other governments, particularly the US, for the crimes.

The establishment of the ECCC was the subject of protracted manoeuvring between the Hun Sen government and the UN, representing the interests of the major powers. All sides wanted to ensure their control over every aspect of proceedings—investigations, prosecutions and the presiding judiciary. The outcome was a delicately balanced mechanism designed to ensure that everyone's dirty secrets and interests would be protected.

US imperialism was centrally responsible for the tragedies throughout Indo-China. In 1969 the Nixon administration, as part of Washington's murderous assault on Vietnam, ordered a massive bombing campaign against Cambodia. Around 600,000 Cambodians were killed and the bombing wrecked the economy. The indiscriminate bombing campaign only ended in August 1973.

The US further destabilised Cambodia through a CIA-organised coup in 1970 that ousted Cambodian King Norodom Sihanouk and installed the pro-US regime headed by Lon Nol. The result was a bloody civil war that led to the seizure of power by the Khmer Rouge in

1975.

After the collapse of the US puppet regime in South Vietnam in 1975, Washington turned to China and the Chinese-backed Khmer Rouge to counter Vietnamese influence in Indo-China. When Vietnam invaded Cambodia in 1978 and installed the ex-Khmer Rouge district official Hun Sen, the US worked with China and Thailand to supply Pol Pot's insurgent forces with arms.

The US, China and the European powers continued to recognise the Khmer Rouge as the legitimate government of Cambodia until the early 1990s. It was only after the collapse of the former Soviet Union that the Hun Sen regime was recognised. Under the 1991 Paris Peace Agreement, Vietnamese troops were withdrawn and replaced by so-called UN peacekeepers, laying the basis for the transformation of Cambodia into a cheap labour platform.

Such was the enormity of the Khmer Rouge crimes that they could not be simply swept under the carpet. But no one—the US, the European powers, China, Vietnam or the Hun Sen government, which contains many ex-Khmer Rouge officials—wanted a serious investigation. The scope of the trials was limited to events in Cambodia between 1975 and 1979—automatically excluding many of US imperialism's crimes in Indo-China.

In the lead up to the trial, the court's investigative judges blocked an attempt by defence lawyers to force Henry Kissinger, President Nixon's secretary of state, to testify. They also prevented Prince Sihanouk, Cambodian government ministers and witnesses to the US role in Vietnam from taking the stand.

As late as this July, Nuon's defence team called for high-ranking officers of the current Cambodian regime, who had held positions under the Khmer Rouge, to testify. These included National Assembly President Heng Samrin, Senate President Chea Sim and armed forces chief Pol Saroeun. Samrin and Sim had given some testimony about the forced evacuation of Phnom Penh during the pre-trial investigative phase before French judge Marcel Lemonde, but were excluded as witnesses from the trial itself.

A scandal in 2009 gave a further glimpse into the court's workings. Wayne Bastin, an Australian investigator for the court, revealed in a sworn statement in Australia that judge Lemonde had demanded

investigators “find more inculpatory evidence than exculpatory.” In other words, they had to look for incriminating evidence and ignore anything that might be useful for the defence.

Nuon and Khieu, along with their legal teams, made no serious attempt to expose the role of imperialism in Indochina. They based their defence on claims that they were unaware of the genocide taking place, and that the prosecution was attempting to put “communism” on trial. Both assertions are fraudulent. The Khmer Rouge was not based on socialism or communism. It was a variant of Maoism and Stalinism that whipped up peasant hostility to cities and every aspect of urban life, and took that hostility to its extreme conclusion.

However, while the Khmer Rouge leaders undoubtedly bear responsibility for terrible atrocities, the authors of the biggest crimes in Indo-China in the 1950s, 1960s and 1970s—above all, the top American political and military leaders—have gone scot free.



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