

Burying Asia's savage past **June 25, 2009**

*Balancing reconciliation with justice may be impossible.
A tiny bit of either would be nice*

For several weeks a neat former schoolteacher has sat in a Phnom Penh dock, detailing before the tribunal how meticulously he used to carry out the orders of his bosses. As a child, he said by way of clarification, he had always been “a well-disciplined boy, who respected the teachers and did good deeds”. This is Kaing Guek Eav, alias Duch, former commandant of Tuol Sleng, a Khmer Rouge torture-centre and prison, which 14,000 men, women and children entered but only a dozen survived. Duch has admitted blame for the horrors at Tuol Sleng. According to the New York Times, he couldn't bear to hear the late Pol Pot claim that Tuol Sleng was a fabrication of his enemies. He thus seems certain to be the first person convicted for playing a part in Khmer Rouge atrocities from 1975-79 that killed up to 2m Cambodians.

This is not unqualified good news. Justice comes years too late. The United Nations and Cambodia haggled for a decade just over the details of the court, eventually set up in 2007. The costs have been gargantuan, though, according to its outgoing chief foreign prosecutor this week, it is still “underfunded and under-resourced”. Political meddling is high, and corruption apparently abounds. Some of the senior Khmer Rouge leaders who gave Duch his orders await trial, but they are frail and may not live long. Besides, Cambodia's strongman leader, Hun Sen, is a former Khmer Rouge himself and may be unwilling to see too much dug up. Duch may be the first to be tried, but also the last. Asia has plenty of killing grounds, and their story is similar. In Timor-Leste two truth-seeking commissions have looked respectively into the death of 200,000 people during Indonesia's scorched-earth occupation after 1975, and into an orgy of arson and killing by the Indonesian army and its vigilante henchmen after East Timorese voted for independence in 1999. By coming up with a record, and by even eliciting an admission of blame by Indonesia, the reports exceeded expectation. Yet many Timorese want a proper reckoning. Reconciliation can get in the way. The reports have gathered dust. Timor-Leste's present leaders argue that, with aid scarce, filling bellies trumps paying for tribunals.

Above all, they do not want to open old wounds. Timor-Leste's first president, Xanana Gusmão, who like Nelson Mandela was a former prisoner of the old regime, also followed Mr Mandela in calling for forgiveness. His successor, José Ramos-Horta, has since pardoned the very few men to have been imprisoned for the 1999 violence. A culture of amnesty prevails. There is little evidence that it has helped stability. On the contrary, Timor-Leste has seen gang warfare, a mutiny by part of the army and an assassination attempt on Mr Ramos-Horta.

Political leaders' wish to sweep the past under the rug is such an Asian habit that suspicions are aroused when a government seems too keen to try the opposite. Take Bangladesh. The Awami League under Sheikh Hasina wants to try 50 Bangladeshis for atrocities in the 1971 war of secession, in which perhaps 3m died. The suspects include nearly the entire current leadership of Jamaat-e-Islami, the biggest Islamic party and a former coalition partner of Sheikh Hasina's nemesis, Khaleda Zia. Jamaat-e-Islami's youth wing, in league with the West Pakistani army, specialised in killing intellectuals. Still, Sheikh Hasina's nakedly political motives would undermine a tribunal's credibility abroad.

In the end the international response makes, or more usually breaks, the search for justice, which almost always needs foreign support. Who, for instance, pays for reparations? In Cambodia it will not be the doddery former Khmer leaders. In Timor-Leste it was suggested that those who sold arms to the Indonesian army should stump up a share. And pigs may fly. As tribunal costs (and failures) mount, the United Nations and rich-world donors tend to slough off responsibility.

More than that, the process of justice and reconciliation is usually hostage to hard-nosed geopolitics. In private, diplomats from China, staunch ally of the Khmer Rouge and still Cambodia's chief patron today, put down the tribunal's aims. It is easy to forget how the United States also backed the Khmers Rouges as victims of Vietnamese expansionism. Support for the Indonesian army during the cold war meant that America overlooked atrocities in East Timor. That had changed by 1999. But after September 11th Indonesia, the scourge of East Timor, became a chief ally in the war against terror. A newly democratic Indonesia is hardly to blame for its army's past. Besides, many Indonesians were themselves victims of state-backed violence during the Suharto era.

Might is right

Similarly, hard-nosed geopolitics bodes ill for any accounting in Sri Lanka, now that the Sri Lankan army has defeated the Liberation Tigers of Tamil Eelam, with both sides accused of war crimes. For the process to start now is out of the question. Domestic critics of the army's conduct fear for their lives as "traitors". But the response of the UN Security Council was dismal during this year's military endgame, in which tens of thousands of civilians were trapped. Though the UN agrees that "timely and decisive" action should be taken when governments fail to protect their own people, lobbying for pressure on Sri Lanka by the West was mild, and cynical opposition to council action by China and Russia, two chief sellers of arms to Sri Lanka, was vigorous.

As for China itself, Banyan lived a decade ago in a Beijing compound whose backdoor guard, a soft-spoken bourgeois type, had not exchanged a word with the frontdoor guard, his tormentor during the Cultural Revolution, since the last ghastly struggle session in 1969. The era remains nearly off-limits for public debate, and the only reckoning was the show-trial of the Gang of Four in 1981. In that light, any attempt at a first draft of historical honesty, as in Cambodia or East Timor, looks far better than nothing.