

Los Angeles Times

Cambodia's trial by fire

Nic Dunlop

August 21, 2007

A former Khmer Rouge figure's indictment could be a turning point for the country.

Last month, nearly 30 years after the Khmer Rouge reign of terror, the first indictment was issued by a U.N.-backed war crimes tribunal in Cambodia. From 1975 to 1979, more than 1.7 million people died at the hands of the Khmer Rouge, led by Pol Pot. Now, after years of prolonged negotiations and conniving by the international community, the tribunal finally looks set to begin its work.

The man awaiting trial is Kang Kek Ieu -- alias Comrade Duch, and referred to as Kaing Geuk Eav in tribunal filings -- Pol Pot's chief executioner and butcher. As the commandant of the infamous Tuol Sleng prison, he is allegedly responsible for the deaths of thousands of men, women and children. Duch has been charged with crimes against humanity.

Growing up in Ireland and England, I was shocked by revelations about what happened under the Khmer Rouge. As an adult, I based myself in Bangkok, working as a photographer. After making frequent trips to Cambodia, it occurred to me that if the world was serious about preventing such crimes in the future, it was crucial to understand the perpetrators. And I felt that if there was one man who could provide us with answers on the Khmer Rouge, it was Duch. He was the missing link between the killings and the leaders.

For about a year, I took to carrying a photo of him. I showed it to Cambodians I met to see if anyone recognized him. None did. Then, in 1999, while on assignment in the west of the country, I came face to face with him.

Duch had become a born-again Christian. After several meetings, he began to talk candidly about his role during the reign of terror. It was the first time that a senior cadre had ever confirmed mass murder as policy. "I have done very bad things before in my life," he said. "The killings must be understood. The truth should be known." He began to name names and establish a chain of command for the killings. As a result of my finding him, and his extraordinary confession, he was arrested. Today, he remains the only Khmer Rouge in custody.

Why has so little been done to bring to trial the perpetrators of the Cambodian holocaust? After the regime was overthrown in 1979, the quest for justice was sidelined during the

Cold War because of the competing interests of the U.S., China and the Soviet Union. Cambodia had become a pawn.

After the Khmer Rouge was ousted, and despite its barbarous record, Pol Pot's men continued to be recognized as Cambodia's legal representatives at the United Nations, and the U.S. supported a guerrilla coalition they dominated. When the Cold War ended, the Khmer Rouge continued its fight to regain power. In the mid-'90s, as part of a strategy to defeat the guerrillas, the Cambodian government granted amnesty to Khmer Rouge members if they defected to the government side. Justice was exchanged for peace. Eventually the movement imploded.

Some former Khmer Rouge members now hold positions within the army and government. Many are old and frail men in their 70s. Nuon Chea, Pol Pot's right-hand man, and Khieu Samphan, the regime's former head of state, live freely in Cambodia -- although they are likely among those whom the tribunal will seek to indict. Some leaders, like Pol Pot, have escaped justice and taken their secrets to the grave. In all, only five to 12 Khmer Rouge leaders may be brought to trial.

Because he was Pol Pot's chief executioner, Duch's trial will be one of the most important. If he speaks as he did in 1999, Duch can explain the decision-making for the regime's atrocities and the chain of command and responsibility.

But after so many years, and with so few infirm and elderly cadres likely to be indicted, some people have questioned the purpose of a tribunal and a trial.

And yet Cambodia remains a society plagued by violence. A trial could help establish an understanding of the importance of due process of law to replace the current cycle of impunity and revenge. It is also important for people to see that leaders are not immune from prosecution. Many believe that this lack of accountability is one of the most enduring legacies of Khmer Rouge rule.

To counter the violence, the details of the process must be made accessible to a wide audience. With the tribunal, a completely alien and complex system of justice is being introduced to a largely uneducated population. What will people think when only a few old men whom some may never have heard of go on trial in Phnom Penh, but the man who killed their relatives, living in the same village, literally gets away with murder? As the head of Duch's defense team told me, "There will be many people who will be disappointed."

The biggest challenge for this tribunal is to demonstrate not only justice being done but, more crucially, justice understood. The key is not whether to find a group of old men guilty, but to explain how they are guilty. The tribunal also would be public acknowledgment of the suffering of those who survived and a means for the U.N. to show that when nearly 2 million people are killed, it matters.

Nic Dunlop is a photographer and author of "The Lost Executioner," the story of how Comrade Duch was found.