

**DOUBLETAKE**

Eric F. Mallonga  
August 20, 2007

America's commitment

America refuses to ratify the Rome Statute on the International Criminal Court that aims to prosecute the world's most heinous international criminals. Apparently, Dubya Bush and his defense officials fear prosecution for the genocidal massacres and crimes against humanity that may have been committed by their military forces in war fronts at the Middle East. Not surprisingly, America has refused to contribute or pledge any financial support to any international tribunal that holds genocidal terrorists criminally accountable elsewhere in the world where it has no significant security or economic interests, such as in Cambodia.

For almost half a decade, the Pol Pot-led Khmer Rouge that took over the reigns of governance routinely massacred Cambodians aged at least fourteen years old, killing close to two million people. The communist regime abolished schools, religion, and currency, exiling millions from its big cities to vast collective farms in a macabre experimentation of engineering an agrarian utopia. After those mass murders, only one senior communist official was ever arrested in the past eight years for the next most notorious mass murder after Adolf Hitler. Kang Kek Leu, also known as Kaing Guek Eav, nicknamed Duch, was Pol Pot's chief executioner, and holds the key to the atrocities of Khmer Rouge's Killing Fields as he ordered grisly tortures of ill-fated inhabitants of the regime's Tuol Sleng Prisons. But he is still the lone genocidal prisoner after the passage of more than thirty years since the first massacres on April 17, 1975, when Khmer Rouge first claimed Phnom Penh's liberation until the regime's end on January 6, 1979.

Meeting former American Ambassador to Cambodia Charles Ray, now Assistant Defense Secretary, at the Holt Fiftieth Anniversary in Oregon in October last year, I was informed that top Khmer Rouge leaders were just freely roaming around Cambodia, apparently without any fear of any incarceration or prosecution despite Prime Minister Hun Sen's commitments to the international community and the adoption of a law by Cambodia's National Assembly of establishing "extraordinary chambers in the courts of Cambodia." Ambassador Ray comments: "I think when the prime minister says he'd like to see a tribunal, he's sincere. At the same time I know he is also very mindful of the fact that if it's not handled properly, it could overturn the stability they've gained since 1998." Of course, the matter is not being handled properly, not by Cambodia's officials, not by the United Nations, and definitely not by the United States.

Referring to America's stinginess, Deputy Prime Minister Prince Norodom Sirivudh remarked: "Some of the countries which have been urging Cambodia to conduct the Khmer Rouge tribunal have not pledged a single dollar yet. This is very sad." The US Congress passed the Foreign Operations Appropriations Act of 2005, which provides that: "None of the funds appropriated or otherwise made available by the Act may be used to provide assistance to any tribunal established by the government of Cambodia." Such financing may be provided only if the State Secretary, now Condoleezza Rice, determines that "1) Cambodia's judiciary is competent, independent, free from widespread corruption and its decisions are free from interference by the executive branch; and 2) the proposed tribunal is capable of delivering justice that meets internationally recognized standards, for crimes against humanity and genocide in an impartial and credible manner." Time is running out for Cambodia's victims simply because the world's wealthiest nation has neither the time for nor interest in this anomaly as it focuses on the Middle East and its oil resources. As American author Roger Cohen perfectly sums it up: "[But] if such acts merit neither judgment nor punishment, the world has learned little from the horrors of the past century."