

Echoes of the killing fields

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How far can Cambodia's Khmer Rouge tribunal go?

It has been over three decades since the nightly convoys of trucks that carried the emaciated, the half-dead and the terrified from S-21 jail in Phnom Penh to Choeung Ek, 17 kilometers away, came to a halt.

Whether or not the blindfolded and shackled men, women and children knew in advance of their fate is unclear. Some surely did, but all were murdered in this flood-prone former orchard, mostly by a blow to the back of the neck with an iron bar, followed by a knife across the throat.

The dead and dying were piled in the freshly dug pits, as a generator ran in the background to drown out any screams.

Now, a Buddhist stupa dominates the Killing Fields, stacked with thousands of human skulls dug up from the ground around it, where some 17000 people were murdered. Most of the skulls are behind glass, but some, lower-down, can be touched. Visitors light incense and candles and wait their turn to photograph this gruesome memento of Cambodia's greatest tragedy.

While this grim memorial keeps the horrible memory of the Khmer Rouge alive and gathers a steady stream of several hundred visitors a day, the effort to find justice for the victims of Pol Pot and his ultra-left movement remains slow. So far, only one man, the commander of S-21, also known as Tuol Sleng, has been convicted in the UN-backed tribunal that is underway.

While Japan largely pays for the proceedings, both the government in Phnom Penh and its allies in Beijing are wary of going too far. The wounds in the society remain deep and the potential for political embarrassment is great.

Out here in the killing fields, diplomacy is the last thing on the mind of Cham, a bedraggled man with one-leg. "I have children, they go school," he implored as he begged one day recently. He said that he lost his right leg in 1988 when he was a soldier, but he declined to say which side he fought for in those closing years of Cambodia's long civil war that ended in the 1990s.

Youk Chhang, head of the Documentation Centre of Cambodia (DCCAM), said in an

interview that many of the 5 million Khmer Rouge survivors live in penury in the countryside, some without family or any support. Despite recent economic growth, 80 percent of Cambodia's people live in the countryside, where the average income for the rural poor is much lower than the official \$2,000 per capita for the country as a whole.

In a small way, the inequity is symbolized by a controversial deal signed in 2005, when the Cambodian Government sold the rights to run Choeung Ek to a Japanese company, JC Royal, which pays US\$15,000 per year to the Phnom Penh city government in return. The ticket on the gate says US\$3, but the actual fee I paid to get in was a dollar less. Does any of this go to help survivors or the relatives of those who were killed here? It seems not.

On the ticket is the following reassurance: "Choeung Ek Genocidal Centre, in collaboration with Sun Fund [affiliated with Prime Minister Hun Sen], sponsors the poor and talented students. Your admission fee, a kind charity will ultimately contribute to development, conservation of the centre and sponsorship for education of the poor students."

When I asked, staff at the center could not give any further details about the poor and talented students or how much of the \$600-800 the center makes a day on gate fees from 300-400 daily visitors goes to help them.

At the end of March, Duch, the man who ran Tuol Sleng and the sole person to be convicted for crimes committed by the Khmer Rouge, appealed the effective 18-19 year sentence handed down to him last year by the Khmer Rouge tribunal. Despite previously expressing remorse for his crimes, he now says that he cannot be held fully responsible as he was directed to kill by the Khmer Rouge leaders.

At the latest hearings, held March 28-30, at the Extraordinary Chambers of the Courts of Cambodia (ECCC), the tribunal's official title, Duch's defense team told the court that their client "tried to isolate himself from the crimes at S-21."
"What would you or anyone have done in his shoes? It would be like trying to disobey orders from the SS," the lawyers said.

Duch, who on occasion accompanied his subordinates out to Choeung Ek from S-21 to oversee a night's murder, is to be the key witness in the tribunal's upcoming Case 002, in which the four main surviving Khmer Rouge leaders, Khieu Samphan, Ieng Sary, Ieng Thirith and Nuon Chea, are to stand trial in a proceeding that has been delayed by claims that the elderly defendants are too frail to face justice.

Some say Duch's credibility as a witness has been hurt by his u-turns and that the case against the four could be damaged as a result. There are now rumors that Case 002 is being deliberately undermined, and that Pol Pot's surviving lieutenants could escape justice.

Certainly there is little eagerness among Cambodia's rulers to see the tribunal go very far.

The government has already demanded that no second-tier Khmer Rouge, other than Duch, face trial. Hun Sen — himself a low-level Khmer Rouge before turning against the group — says that additional trials could spark another civil war. Late in 2010, Hun Sen told visiting United Nations Secretary-General Ban Ki-moon that new cases would not be permitted.

Since Duch's appeal, Theary Seng, an outspoken US-schooled lawyer whose parents were killed by the Khmer Rouge, has lodged a civil suit naming the former commanders of the Khmer Rouge navy and air force as among the defendants in cases 003 and 004, which are not yet scheduled to go before the ECCC. Lars Olsen, a spokesman for the tribunal, described her lawsuit as reckless.

Behind the scenes, there are also echoes of big-power politics at play.

Thus far, the Japanese Government has been the largest single donor to the tribunal, providing \$67 million, according to the ECCC website, nearly half of all pledges and contributions.

If there are difficulties with the ECCC going forward, however, China, and to a lesser extent the United States, could emerge as the beneficiaries. The US bombing of Cambodia during the Vietnam War seems to have facilitated the rise of the Khmer Rouge as the group fought its way across the Cambodian countryside to Phnom Penh. Case 002 could see the US embarrassed by whatever the aged former leaders say about the impact of the bombings and later US diplomatic support for the Khmer Rouge after the Vietnamese invasion in 1979 ripped them from power.

These days China has become a key ally of the Hun Sen government, offering loans and grants that do not come with the conditions required by the Western donors with whom Hun Sen has had a testy relationship. Chinese investment in Cambodia exceeds that of any other country, with \$8 billion in projects lined up so far this year.

Japan's backing for the court can also be seen in the context of the always-touchy history between China and Japan, as well as China's growing economic and strategic weight in southeast Asia. For its part, China says that it wants nothing to do with the tribunal, describing it as a "domestic matter."

However, Beijing supported the Khmer Rouge, financially, diplomatically and militarily, before, during and after the group's 1975-79 rule. Duch is said to have taken sanctuary in China after the fall of the Khmer Rouge, and the four senior surviving Khmer Rouge leaders may have more to say about the nature of Chinese backing for their regime, if and when they face trial.

At the Killing Fields, periodic rainstorms still strip away the topsoil to reveal human bones that rise up from the ground. Just as those bodies have not been fully buried, the full truth about the Khmer Rouge and the tragic history of Cambodia seems destined to remain partially uncovered at best.