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Khmer Rouge, A Family Affair

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Cambodia is enduring a controversial period. The recent murder of Chhut Vuthy, a high-profile environmentalist, has rattled the country and diverted attention from issues the government would prefer its bureaucrats to focus on, including Cambodia taking over as annual hosts of the Association of Southeast Asian Nations and a diplomatic plan to win Cambodia a seat as a non-permanent member of the U.N. Security Council.

But on the outskirts of Phnom Penh, at the Extraordinary Chambers for the Courts in Cambodia (ECCC), this country's main event has motored along at a steady, if grisly, pace and has now gone into recess after another marathon session of sensational revelations of atrocities committed by Pol Pot and his Khmer Rouge between April 1975 and January 1979.

Critical for the prosecution was how the regime, blamed for the deaths of up to two million people, had turned on itself and linked the surviving leaders of the Standing Committee – Nuon Chea, Ieng Sary and Khieu Samphan – to the atrocities committed by the ultra Maoists.

All three deny charges of war crimes, crimes against humanity and genocide.

Among the most startling evidence was testimony that Nuon Chea, once second in charge of the Khmer Rouge, had condemned members of his own family. He sent two nieces – Lach Vary and Lach Dara, both Chinese trained doctors who worked for the regime's health ministry – their husbands and another two nephews to the dreaded S-21 at Toul Sleng to meet their end.

Pol Pot had also dispatched a sister-in-law of his to a security center where she perished.

Much of the evidence was produced by the prosecution's star witness, Kang Guek Eav, also known as Duch, who has already been jailed for life after being convicted of committing crimes against humanity for the deaths of about 12,000 people at Toul Sleng.

However, the final S-21 death toll has been estimated as much higher, up to 24,000 people. Nuon Chea has denied any involvement and denies that he was Duch's boss. Duch testified he met regularly with Nuon Chea or Son Sen to give them updates on the prisoner "confessions" and camp operations.

Typically, 10-minute meetings were held every three to five days.

“I reported to him about the confessions, and he instructed and advised,” Duch said. “All the power was concentrated in the hands of the secretariat of the communist party, Pol Pot and Nuon Chea.”

Duch said Nuon Chea replaced Son Sen in 1977 as head of Santebal – the Khmer Rouge secret police. Son Sen remained in favor but was eventually killed along with his family amid a factional split in 1997 on the orders of Pol Pot.

“When Pol Pot was absent, Nuon Chea replaced him, and when Pol Pot issued an order, Nuon Chea followed up on how it was applied,” Duch told the court.

Favoritism wasn’t allowed and Nuon Chea sought to prove his purity among the hierarchy of the Communist Party of Kampuchea (CPK) by dispatching his own kin to the Killing Fields. This ruthless culture was corroborated by Saloth Ban, now 67, who was secretary general of the regime’s foreign ministry and Pol Pot’s nephew.

He told the court that despite his family connections he was always terrified for his own life and the lives of his immediate family. He added that Ieng Sary – his chief and the former foreign minister – had also lived in fear of the regime he helped rule.

“I had such fear, and I think others had bigger fear than me,” he said, adding that no one was safe and that Pol Pot’s oldest sister-in-law, Khieu Thirath, was killed in a Khmer Rouge security center. Thirath’s sister, Ponnary, was the first Cambodian woman to receive a baccalaureate degree and had married Pol Pot in 1956 but suffered chronic schizophrenia as the regime began to assert control over the country.

A third sister, Tirith, married Ieng Sary, became the minister for social affairs and is widely regarded as the first lady of the Khmer Rouge. She’s also facing charges of genocide and crimes against humanity, but the tribunal has ruled her mentally unfit to stand trial.

Under examination by deputy co-prosecutor William Smith, Duch revealed Nuon Chea had “ordered the executions of the remaining prisoners of S-21 in January 1979, as the Khmer Rouge were getting ready to evacuate Phnom Penh before the invading Vietnamese arrived.”

Asked how many prisoners there were when the order was given, Duch replied: “There were more than 100 prisoners, even over 500, I feel.”

He said the assignment was completed within three days.

Duch’s testimony in the current case, 002, adds to the findings in his own trial, case 001, with his incriminations of former superiors in the executions of foreign nationals captured off the southern coast in 1977.

“After the interrogations, there would be a decision to smash. The smashing was to be conducted in a form of burning to ash,” Duch said of the treatment meted out to four Westerners, an American, a New Zealander, an Australian and a Briton. “I was following the order from Nuon Chea, and I implemented the order.”

The court had earlier heard how one of the Westerners was burned alive. Duch said their corpses were burned to remove any evidence.

The former mathematics teacher and born again Christian also clarified how the decision-making process worked within the CPK, government, the Standing Committee and, in particular, the relationship between the top two men in the Khmer Rouge, Pol Pot and Nuon Chea.

“The decision to arrest was made by the Standing Committee in a broad sense, but in a more practical sense it was Brother Pol who made the decision and in some cases Brother Nuon was the one who made such decisions,” he said.

Following the Vietnamese invasion, the leadership of the CPK retreated west into the remote countryside. Duch then informed Nuon Chea he had been forced to leave the S-21 documents behind, which included hundreds of confessions and photographs of tortured prisoners that would eventually be used to secure the convictions against him.

At the time, this prompted a sharp rebuke from Brother No. 2.

“On my side, we destroyed them all, you were very bad that you could not manage this,” Duch recounted Nuon Chea as saying. Nuon Chea has more recently referred to Duch as “rotten wood.” They aren’t on good terms, but share the same holding facilities which back onto the ECCC.

The tribunal has again been dogged by resignations and accusations of impropriety among the local and international component of the ECCC. There have also been calls for the resignation of New Zealand judge Silvia Cartwright after she wrote an email meant for prosecutor Andre Cayley but she mistakenly sent to entire court staff.

Cartwright and Cayley had previously been warned by the U.N.-backed court’s highest body that their trial management meetings may have created the appearance that they had privileged access to each other and the email revealed the pair have continued to share a close association.

Michael Karnavas, defense lawyer for Ieng Sary, has filed a motion to have Cartwright disqualified saying: “The nature of Judge Cartwright's association with international co-prosecutor Cayley shows actual bias or, at a minimum, the appearance of bias.”

The trial resumes on May 17.