

Khmer Rouge Leaders Indicted

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BANGKOK — A United Nations-backed court in Cambodia formally indicted four surviving leaders of the Khmer Rouge on Thursday on charges of genocide, war crimes, crimes against humanity and murder as the tribunal moved forward with its second case, after the conviction in July of the director of the main Khmer Rouge prison.

The four leaders have been in custody since late 2007, and all have denied the charges against them. They are due in court in January for a procedural hearing, followed by substantive court sessions later in the year. The charges against them involve the deaths of 1.7 million people by execution, starvation, overwork and disease from 1975 to 1979.

The defendants are Ieng Sary, 84, who was foreign minister; his wife, Ieng Thirith, 78, who was minister of social welfare; Khieu Samphan, 78, who was head of state; and Nuon Chea, 84, known as Brother No 2. The top leader, Pol Pot, died in 1998.

In the earlier case, Kaing Guek Eav, better known as Duch, was sentenced to 19 years in prison for overseeing the torture and death of at least 14,000 people in the Tuol Sleng prison.

Though the trial of Duch, with its testimony about torture and killings, was gripping, experts said the second case was more important, both in the stature of the defendants and in the process of the tribunal, which tries to apply international standards of justice within the Cambodian court system.

“There is no doubt that the second trial of the most senior leaders is of the most significance,” said Alex Hinton, executive director of the Center for the Study of Genocide, Conflict Resolution and Human Rights at Rutgers University. “Without it, Duch’s trial, despite its accomplishments, will always remind people of the larger failures of the court and suggest that

he was a scapegoat.”

The court has been accused of corruption among the Cambodian staff and political interference by the government of Prime Minister Hun Sen, which opposed the indictment of additional suspects and resisted a request for testimony from six high-ranking government officials who were members of the Khmer Rouge.

Mr. Hun Sen was himself a middle-ranking officer in the Khmer Rouge but is not accused of taking part in atrocities and has not been called to testify.

“The next cases are expected to be significantly more difficult, complex and legally challenging,” said John A. Hall, a professor at the Chapman University School of Law in Orange, California, who has been monitoring the trials.

“It remains to be seen whether the court will be able to meet these challenges,” he said. “Will it overcome its systemic flaws, stave off the heavy-handed political interference of the Cambodian government, maintain adequate funding and donor support, and address the problems that have plagued it so far?”

The case file extends to over 350,000 pages, more than 223,000 of which relate to substance, the court said in a statement.

These include 46 written records of interviews with the defendants; more than 1,000 records of interviews with witnesses and civil parties; 36 site identification reports, a demographic report and medical reports, and more than 11,600 pieces of documentary evidence.

The charge of genocide involves crimes against specific groups, including the Cham minority ethnic group, the Vietnamese and Buddhists.

The other charges focus on the displacement of population, the establishment of cooperatives and work sites, the re-education of “bad elements” and execution of “enemies” and the regulation of marriage.

In statements over the years, the defendants have claimed ignorance or lack of involvement in the atrocities or have played down their significance.

When he surrendered in 1998, as the Khmer Rouge guerrilla resistance was collapsing, Mr. Khieu Samphan said he had only learned of the extent of the killings on a recent radio broadcast.

“It is normal that those who have lost their families, that they — what to say — feel some resentment,” he said at a press conference at the time, speaking in English. “But I feel that most of our compatriots understand that we have much more problems to resolve at the present and in the future and we have to forget the past.”

Surrendering together with him, Mr. Nuon Chea said, “We are very sorry not only for the lives of the people of Cambodia, but even for the lives of all animals that suffered because of the war.”

More recently, in interviews with a Cambodian reporter, Thet Sambath, for a documentary called “Enemies of the People,” Mr. Nuon Chea said the killings of “enemies” were a necessary part of the revolution.

“If we kept these people they would kill the nation,” he said. “I have feelings for both the nation and the individual, but I clearly distinguish between them. If we must choose one or the other, I choose the nation. The individual I cast aside.”