

# Los Angeles Times

## **Awaiting justice in Cambodia**

Three decades since the 'killing fields,' the first trials of former Khmer Rouge leaders will begin -- if they live long enough.

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TAPRUM, CAMBODIA - Down a potholed dirt road from the Diamond Crown Hotel and Casino, where Thai low-rollers place their bets on blackjack and roulette, Brother No. 2 plays a waiting game with justice.

Nuon Chea, the frail former right-hand man to the late tyrant Pol Pot, lives in a stilted house of rough-hewn planks on the Thai border, enjoying the quiet life of a retiree. He says he would be happy to talk to a new tribunal set to prosecute senior Khmer Rouge leaders for the deaths of at least 1.7 million Cambodians.

The question on many Cambodians' minds is whether he will live long enough to sit in the prisoner's dock.

More than three decades after the communist Khmer Rouge seized power in 1975, declared it Year Zero and launched into one of the 20th century's worst genocides, a special court is inching toward its first prosecutions.

Pol Pot, Brother No. 1, died nine years ago, before he could be brought to trial. It may not be long before Brother No. 2 slips away himself. At 82, Nuon Chea's heart is growing weaker. Poor circulation has left his lower legs swollen, and his blood pressure is running high.

"I have a disease," the man suspected of ordering the execution of thousands of Cambodians said wryly. "It's called old age. Some days are good, some days are bad. But generally, my health goes up and down like any old person."

The clock is also ticking for the Khmer Rouge's surviving victims, such as artist Vann Nath, one of only seven prisoners known to have made it out alive from the notorious Tuol Sleng death camp. He was saved from execution there so he could paint portraits to feed Pol Pot's ego. Now the 61-year-old artist who survived on a watery prison ruel is wasting away from kidney disease.

Vann Nath waits for justice in a cramped home above his family's restaurant, a popular breakfast spot for military officers on their way to work in the capital, Phnom Penh. Twice a week, he is attached to a dialysis machine. He relies on charity from

Australia to pay medical bills of about \$1,000 a month.

His greatest hope is that he and his country's tormentors can stay alive long enough to face each other in court.

"I don't want a few people at the top to die yet," he said, his voice weary. "I don't want revenge. What I need from them is that they take responsibility for their mistakes."

Invading Vietnamese troops toppled the Khmer Rouge regime in 1979, but Cambodia's government didn't begin serious negotiations with the United Nations on setting up a war crimes tribunal until after a civil war ended in 1998.

Prime Minister Hun Sen, a former Khmer Rouge deputy regional commander, didn't agree until this June to allow foreign judges and prosecutors to have a role in the trials. On July 18, prosecutors submitted to tribunal justices a list of five former senior Khmer Rouge leaders recommended for trial on charges that include genocide and crimes against humanity.

Last month, the former commander of the Tuol Sleng prison, also known as S-21, became the first person charged in the case. The other suspects have not been named, but the allegations against them are based on 25 "distinct factual situations" involving homicide, torture, forcible transfer and other crimes, a court statement said.

The tribunal will decide on indictments after reviewing more than 1,000 documents, which run over 14,000 pages. They include statements from more than 350 witnesses, a list of 40 other potential witnesses and the locations of more than 40 undisturbed mass graves, the court said.

No date has been set for trials to begin, but once they do, the court is expected to finish its work in three years. Three Cambodian and two foreign judges will hear the trials, without juries.

Other senior leaders died before Cambodia's government agreed to a tribunal with international participation, which experts say is necessary to make sure verdicts are credible.

The Khmer Rouge executed at least 200,000 Cambodians and an estimated 1.5 million or more died of starvation, disease and overwork as Pol Pot and his cadres tried to force the country into an agrarian revolution. Pol Pot was bent on quickly destroying any remnants of capitalism. In his twisted vision of communist purity, the individual was sacrificed to a faceless, highly secretive power that most Cambodians knew only as Angkar -- the Organization.

Many died in the torture chambers of Tuol Sleng, a former high school south of Phnom Penh where the regime tortured and executed more than 14,000 alleged

enemies of the state, some of them babies torn from their mothers' arms and clubbed to death.

The prison's former commandant, whose name is Kang Kek Ieu but is better known to Cambodians as Duch, is the only Khmer Rouge leader now behind bars. He was charged July 31 with crimes against humanity.

Duch has informed the tribunal he can't pay for a lawyer, so the tribunal will cover the cost of his defense. He has named his longtime Cambodian lawyer and French attorney Francois Roux, who was part of the defense team in the trial of Zacarias Moussaoui, who was convicted in a U.S. court of conspiring to kill Americans in the Sept. 11 attacks.

While still in hiding eight years ago, he told the Far Eastern Economic Review that thousands of prisoners were executed under his watch, often on Nuon Chea's direct orders.

"The decisions to kill were made not by one man, not just Pol Pot, but the entire Central Committee," Duch told the magazine. "Nuon Chea, he was the principal man for the killings. Pol Pot was interested in military strategy."

Today, Nuon Chea lives with his wife of more than 40 years, guarded by half a dozen plainclothes Interior Ministry police. When a Times reporter stopped by recently, the guards were passing the time playing cards and listening to a portable radio in the shade of a bamboo and corrugated-tin shelter.

Nearby, a rusting metal sign warned in Khmer: "No Entry Without Permission." Chief guard Un Sok, an elderly man wearing a National AIDS Authority T-shirt, said Nuon Chea was too ill to be interviewed. But a nephew reached him by phone to relay a few questions.

The casino that caters to Thai villagers and traders on the edge of his dust-blown village enshrines the capitalist greed that the Khmer Rouge went to such extremes to exterminate. Yet Brother No. 2 was full of praise for political and economic development in the new Cambodia. But "there are some obstacles," he said, without naming them.

He has told close relatives that he is probably too old and frail to attend a trial nearly 200 miles away in Phnom Penh, but said in the interview that he would go when called. "I've said for a long time already that if the court invites me, I will come and explain things to them," he said.

In nearby Pailin, once the Khmer Rouge's stronghold, the movement's former head of state, Khieu Samphan, was more welcoming. The man often ranked as Brother No. 5 lives without guards in a small rectangular house on a narrow lot.

Khieu Samphan, 76, lives alone with his wife, whom he met when she was a cook in a jungle bunker in 1973, soon after U.S. Air Force B-52s began covert bombing raids against guerrilla sanctuaries in Cambodia. President Nixon stopped the airstrikes after a U.S. federal judge ruled them unconstitutional and Congress refused to fund them.

The estimated 140,000 tons of U.S. bombs dropped on Cambodia at that time caused widespread destruction and upheaval in the countryside, so the Nixon administration is partly to blame for what happened after the Khmer Rouge was left to clean up the mess in 1975, Khieu Samphan argued.

"I think the responsibility must be shared to be just," he said. Insisting that he was only a powerless Khmer Rouge figurehead, Khieu Samphan said he and other leaders did what was necessary to save their country.

But experts who have sifted through thousands of the Khmer Rouge regime's documents concluded that he was far from an innocent bystander. They say the archives show Khieu Samphan attended high-level meetings that planned bloody purges and not only knew that atrocities were being committed, but encouraged lower-ranking officials to execute prisoners.

He "was aware of the policies of arresting, torturing and executing purported enemy agents," Stephen Heder, a British expert on Cambodia, and Brian Tittmore, a U.S. lawyer specializing in war crimes, concluded in a 2004 report.

"I know, myself, that I never did anything that could damage my nation," Khieu Samphan said. "I have examined myself. I have done my duty toward my country. Without the Khmer Rouge, I think the present Cambodia would not exist. It would already be under the control of the communist Vietnamese."

The words stab at old wounds for Vann Nath, who was tortured for a week with electric shocks, his hands cuffed behind his back and his arms bound tightly across his shoulders, while Khmer Rouge interrogators demanded he confess to their lie that he was a CIA spy.

Until he escaped captivity when Vietnamese troops toppled Pol Pot, Vann Nath spent a year painting portraits of the despot, listening to the agonized screams of fellow prisoners tortured to death in nearby cells.

"I don't know what kind of patriot Khieu Samphan is," he said. "His hands are soaked in blood."

Pausing to consider the possibility that death will come sooner than justice, he said, "I won't be disappointed because I have already survived the regime. If I don't get justice, it won't be a strange feeling for me."

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