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Little justice in show trial November 29, 2011

The most important international trial of our time began last week in Cambodia. It adjourned after just two days, and will resume in its halting way again next week. The three top surviving men of the most murderous regime in the history of Southeast Asia were in the dock. Nuon Chea, Ieng Sary and Khieu Samphan are too feeble to be able to feel the legal consequence of their actions that the tribunal will eventually pass. The question is whether the trial of these three old men can truly bring closure to a country denied justice for 36 years.

The enormity of the crimes of the Khmer Rouge have long been known, but never widely addressed or, in many cases, acknowledged. The joint Cambodian-international tribunal which called the three Khmer Rouge survivors to the dock last week, took decades to establish a trial system which should have taken a few months. The Cambodian government was the chief stumbling block, particularly Prime Minister Hun Sen. Foreign governments, including Thailand, were sometimes reluctant and never enthusiastic about establishing the special courts to try the men and women who slaughtered or actively encouraged the deaths of at least 2 million and probably more of their fellow Cambodians: at least a third of the country's population was decimated.

Civilians crowded the tribunal last week, most of them survivors of a three-year, nine-month regime now known as the Killing Fields. Many wept, some rushed from the court as the Cambodian, then the British prosecutors, outlined the case against the old men who will be found guilty of crimes against humanity. There were no new charges, no revelations of the horrors of the 1975-1979 regime. The crimes of that era, however, still have the power to shock, and the pain on the faces of the survivors was obvious.

Because Mr Hun Sen delayed even this small tribunal for so long, most Cambodians today have no memory of the days of the killings fields. But the three men facing the tribunal were among the tiny handful of hardline, xenophobic communists who were responsible for the fact that when the Khmer Rouge fell to a Vietnamese invasion in January 1979, every living Cambodian knew one or more victims killed by the regime.

The leader, Pol Pot, died in his bed in a remote province. But Nuon Chea, "Brother No. 2" to Pol Pot, was the top policymaker. Ieng Sary, 86 and just as enfeebled, was the foreign minister and unapologetic face of the "Ongka" to the world, including the United Nations. Khieu Samphan, 80 and still able to walk without aid, is the intellectual and probably psychotic author of the Khmer Rouge policy of emptying cities, killing doctors and destroying money.

If the three men live long enough to be judged guilty and given a sentence of life imprisonment, that will be the end of it. Mr Hun Sen said that if there were to be more trials, there could be civil war, meaning that he fears inquiries of just how close he was to the top as a Khmer Rouge military commander during the black years. If the Cambodian people ever are to get justice, it is now or never. To their credit, many of the court officials and tireless Cambodian and foreign workers have laboured for decades to see at least some Khmer Rouge in the dock. The trial of a functionary, chief torturer Duch, 68, was completed in July 2010. He was sentenced to 35 years in jail.

Overall, both international and local law have failed the Cambodians. They deserve more light to be shed on their most terrible times.