



Longtime Scholar Sees Disappointment in Trials Ahead
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[Editor's note: The Khmer Rouge tribunal is expected to benefit Cambodia by bringing justice to senior-most leaders of the regime, creating reconciliation for its victims and offering a model to the national courts. But the measure of its success has been varied. VOA Khmer spoke with David Chandler, a Cambodian scholar and author and former diplomat posted in Phnom Penh.]

You have been following Cambodian politics and history closely for decades. As a diplomat in the early 1960s, did you foresee the tragedy that would befall the country? How did this happen?

When I was there in 1960, I certainly had no idea that this was going to happen. We didn't even know the Vietnam War was going to happen. That was what catalyzed the Cambodian civil war, followed by the Khmer Rouge victory. That had barely started when I was there. The fighting had barely begun. I certainly couldn't imagine Cambodia changing itself rapidly. But of course the changes that happened in the late 1960s, when I wasn't there, were quite extensive in the society and in the growth of the communist resistance and in the Vietnam War and in the gradual loss of confidence that people felt in [then-prince Norodom] Sihanouk. When I was there Sihanouk was immensely popular, except among a few members of the elite. But by the time he was thrown out, I think he was quite unpopular, certainly in Phnom Penh. So that was a big change that I wasn't able to predict, but it did happen when I was not there. I was not in the position to foresee anything when I was in Cambodia in 1960-62. It seemed to me a quite wonderful country to be posted to and to study.

You taught Southeast Asian history and wrote a considerable number of books, including "A History of Cambodia," "Brother Number One," "Facing the Cambodian Past," and "The Tragedy of Cambodian History." Given your knowledge, what are your expectations for the Khmer Rouge tribunal? How will the tribunal contribute to history?

I don't think it contributes an awful lot to the world at large but it does add momentum to the International Court of Justice. I think this is one of its successes, by being able to bring at least Duch [the former head of Tuol Sleng prison] to trial and bring him safely to a verdict. That was quite the best that could be expected. In the '90s, I never expected the Khmer Rouge leaders to come to a tribunal. I think the Cambodian government resisted this possibility for a long time, and of course Americans in the

1980s were not interested in doing this.

So there are a lot of people to blame for the delays. But once it got going, I still wasn't too optimistic until the Duch trial actually started, and then it seemed to me that it was worth the wait. You had a trial that was quite fair and it was quite detailed. The evidence is pretty clear that was gathered about this man and his own testimony was very revealing. So, it was leaning toward a verdict that seems to me—given that the International Court very seldom gives people more than 35 years—that delivered a sort of maximum verdict with some time off for the time he spent in jail already.

I think the verdict was OK. As for the whole tribunal, thus far it's been a limited success. Now, what's going to happen next I can't predict, but I'm not as optimistic about the remaining trials as I was about the Duch trial once it got going.

Duch was given a commuted sentence of 19 years, sparking a mixed reaction in the public and among victims. Prime Minister Hun Sen welcomed the verdict. What is your view of the trial and the verdict?

I think it was pretty fairly done. I think it took a long time to get everything lined up. The procedures are very complicated. There's a lot of foot-dragging on the part of the government and some obstruction on the part of the UN, which moves very slowly. There were charges of corruption involved, but I don't think they were very important. Once the trial got going, I think Duch was treated really quite fairly. A lot of people, including victims and survivors, got a chance to voice their views. I think the prosecution was clear without being vindictive. I think and the defense did as good a job—not the Cambodian lawyer but the French lawyer—as good a job as he could, to get some of those verdicts that were gotten by taking time off for his cooperation and so on, which you're not going to get for the next defendants. There's not going to be any cooperation from the next defendants. They have never said they want to cooperate at all.

You returned to Cambodia two years after the fall of the Khmer Rouge. You've said Cambodians “seemed stunned, remote, and haunted” and that you were “unready as a scholar to confront the enormity of recent Cambodian history.” Given that, how do you view the disappointment of victims in the Duch verdict?

I think for one thing, the judges were operating inside the parameters of the national court. They weren't actually offering the kind of justice that the victims wanted. And some of the victims of course wanted him to be killed, and there's no death penalty in Cambodia. I think letting him out at the age of 87,

which he may not ever reach, I think is fairly good, considering he's admitted his responsibilities. I think, well, certainly the life imprisonment was not an option because the international courts have never given anybody life imprisonment in any of the trials that they've had over the years in these various places.

So they're operating inside UN rules. Now this is something that had to be explained to people. This was not a Cambodian court that could do more extensive punishment. I can understand their feelings, that this is what they felt, the victims felt more should have been done. The people who I sympathize with most are the people in civil parties who had direct connections to S-21.

I think people who suffered under the Khmer Rouge cannot blame Duch for their sufferings, but the people who had relatives at S-21 certainly can. But I think the next trial, the civil parties, are going to be perhaps almost too extensive where people are going to be blaming Ieng Sary for killing their grandfather and stuff and this is going to make it very, very difficult for that trial to go forward. People want to have some sort of person to blame.

I think there is a whole regime to blame, and the whole regime can't go on trial; only a few people can. I can see why these people say the sentence seems to them short. But on the other hand, the ordinary people, the victims of the Khmer Rouge, waited for years to say anything about this. They waited until the whole opportunity arose from outside the country to make justice. As long as the [Cambodian] government was opposed to anything, people didn't say anything.

Cambodians never gave any money to the tribunal. The government never wanted this tribunal to take place. So the international people come in and have one, and then people say, "Well, that's not kind of thing we wanted." But we never knew what they wanted, in a way. I don't want to be too harsh on them. It's a difficult situation. I see their point, but the verdict can't be fixed. And I'm quite uncertain that there's going to be a verdict on these next defendants. This may be all these people are going to get. But I think there's been a raising of consciousness, national consciousness, which is very important. That's very painful for the victims but it's also very important for the people who don't know about the people, about just how terrible they were, and what terrible things they did. I think it's very important for the next generation of Cambodians to become aware of that. In that sense, the tribunal has been a success for them.

Given the value of the Duch case, what do you expect from the second case, for leaders Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith?

I can't really predict what Case 002 is going to be. But I think it's momentum among the people who want to have something to happen in 002. I'm not sure they are going to be satisfied. Now what they're going to do when they are dissatisfied, I'm not sure. They're not going to demonstrate or take to the streets or shoot anybody. I mean, Hun Sen says there's going to be a civil war, but you have to ask who's going to have the guns. People don't have any guns.

There may be some discontent and some unhappiness about the way that trial is going to proceed because I think these people are going to be very evasive and very delaying and very tactical. And they're actually more guilty than Duch, in the sense that these aren't people who received orders, these are people who gave orders. Duch didn't use the so-called Eichmann defense that, "I was only just obeying orders." He said "I was, but I wanted to obey the orders;" he said that, and "I'm sorry I did." But these other people gave orders, although they deny that.

I think the tribunal is just a part of a whole consciousness-raising exercise, including the DC-Cam textbooks, opening up TV daily broadcast and bringing in 30,000 people in to watch the trial. Some of those were journalists and Westerners, so let's say 20,000 were Cambodians: they are going to go back where they came from with stories with about what they saw. Some of those stories will be helpful and interesting, and some of them would be foolish, but that's the way people are. But you're going to get a lot more consciousness about how this Khmer Rouge era is getting brought back as an era in Cambodian history.

I don't think it should be officially forgotten about. So I think it does have value. I think one of the big challenges is of course going to be funding. I'm not sure they're going to have enough money to pay for this much complicated case, having already spent a lot of money on the quite comparatively simple one. That's going to be a genuine challenge. I'm not sure the money is going to be forthcoming. None is going to come from the Cambodian government. That's for sure.

It can come from foreign donors, but I think there might be a certain amount of wariness in the global financial situation to forking out more money for a trial that might not come to anything. So that's a genuine challenge to my mind. Another will be how to handle the civil parties. They've got 4,000 people already registered as civil parties. A third will be how to pin these people down without documentary evidence of the sort that you have on Duch.

I know people are working very hard to surmount these challenges and to make the trial come off, and I certainly wish them well. But I can't really, so far, be terribly optimistic on what might happen.

Blame for the Khmer Rouge has in part fallen on Chinese assistance and the US bombardment of Cambodia. And criticism has been put on both for their subsequent support of the Khmer Rouge in the UN. As a former diplomat, how do you think the tribunal will affect Cambodia's relationships with these two countries?

I think the American bombing of Cambodia was a disaster, but I think it did postpone the Khmer Rouge victory, which is what the Americans had in mind. The Khmer Rouge might easily have won and taken Phnom Penh in 1973 if it had not been for the American bombing, which was a disaster and inexcusable. The UN thing is even more, or just as, inexcusable, and I think this traces back to a kind of animosity that the Americans felt toward the Vietnamese after the Vietnam war and did not want to support the Vietnamese-supported regime in Phnom Penh. So that was another bad period. I think this has produced a lot of resentment on Hun Sen's part because he was, among with other people, working quite hard during the [People's Republic of Kampuchea] period to put Cambodia back on its feet without the aid that he could have used from UN and from other countries.

But I mean China of course has denied all; they said they weren't even friendly with the Khmer Rouge, which is a complete lie because the evidence, the documentary evidence, is very high on that, that they were pretty strong supporters of it from the very beginning. The Chinese fooled Pol Pot and his colleagues into thinking that their aid was going to go on forever and that he could beat the Vietnamese. There has been talk of putting the Americans on trial instead of the Khmer Rouge leaders. But the Khmer Rouge leaders wanted to put that government of theirs in place with or without American behavior. They won the war. The Americans didn't win it for them. They won their own war. I just don't think you can blame foreigners for the Khmer Rouge regime. You can blame them for a lot, and I think we're culpable of a lot, but not for the victory of the Khmer Rouge.

China has maintained a close friendship with Cambodia no matter the regimes or practices. Why is Cambodia important to China? And why would Cambodia continue to see China as important?

I think by and large they think China is a friend of theirs now because they're giving them large sums of money with no strings attached. I think Cambodia's importance to China, I don't think it is terribly important. It's just part of their policy, back thousands of years, to having friendly nations along its borders and being able to exploit these nations economically. The dams on the Mekong and so on in Laos are an example of that.

To have friendly relations with countries that will be able to provide them certain raw materials and investment opportunities. I think that they were connected with the Khmer Rouge, it's just not

remembered or paid attention to by the Cambodian government. So I think China is a very welcome ally of the Cambodian government because they're coming in with no accusations; they don't ever accuse the Cambodian government of corruption; they say they never were friendly with the Khmer Rouge. It's quite obvious that they've been opposed to the trial all along, but there's no paper trail for that. So it's an ongoing relationship, I think, that will probably be for the Cambodian government's advantage.

[Concerning the Khmer Rouge] I think there were elements of the Chinese foreign policy in those days that supported world revolution, and this is in a very radical phase of Chinese history. Also China had a long term policy of friendship with Cambodia, friendship with Sihanouk, friendship with the Khmer Rouge, now friendship with Hun Sen. That has always been part of their five principles.

Now, the point is, it seems to me, that if you give these large amounts of aid, that is not interfering in domestic political affairs in Cambodia. But I think it's pretty obvious that they expect a certain amount of respect for those gifts. They don't want to have some of their policies exposed or opposed and this would be policies such as their expansion into Southeast Asia generally or their collaboration with the Khmer Rouge. They don't want that brought out into the open.

So in a way they are interfering with their policies, but they can say, "No, no. We're just giving gifts for the development of the country," which of course is what it looks like. So, there're two sides to their policy. One is the way they've always operated, in terms of not interfering as much as, say, the Americans have interfered in the internal politics of lots of countries. The other is that the generosity of gifts comes along with a kind of unspoken expectation that the Cambodians will serve Chinese interests when Chinese interests are threatened.

What role will Duch play in the next trial?

I think he is not that important. I mean if Son Sen were on trial—and of course Son Sen was assassinated by Pol Pot—if he were on trial, he was No. 3 in the regime, right after Nuon Chea, [then] Duch would be a terrific witness. I mean, they could nail Son Sen to real responsibility for the whole operation of S-21. I don't think the operation of S-21 was of interest to other people, except when the top people were being interrogated, and then they went up to Nuon Chea to look at some of the top communists being tried. So Duch can only be somewhat helpful. I mean he was not in the circle. He did not go to those cabinet meetings. I don't know how much he's going to give; I don't know exactly where he stands at the moment. But he's certainly going to be asked to give more testimony about these top leaders, and I think people might think there are things he knows that he hasn't mentioned, but I doubt that is true. I think he is going to be some help, but not a lot of help.

What we didn't mention is Duch's admission of guilt, which a lot of people said was insincere. Well, how can you tell? I mean, if he's done this, he puts himself on the line, right? If he's lying, what difference does it make? See what I mean? He said, "Sorry, I did what I did, and I am sorry."

I mean, it seems to me, saying he was insincere doesn't get you anywhere. But that was quite a dangerous thing for him to do. I think that sped up the trial considerably and it justified the verdict. And in that sense, to some extent, he was a more courageous person than the other witnesses are going to be. They are not going to stand on evidence and say that they did anything. They are going to avoid evidence and say they didn't do anything. So, I think there's a contrast there between what people had expected and what they saw and what had really happened under the Khmer Rouge. This is very ironic. They saw a person who had been in charge of all these murders at that prison, and he admitted it. Now people who are worse in my mind were the people who gave him those orders or who approved of that prison, and they're not going to say they knew anything about it. So the Cambodian people are not going to be satisfied with the next bunch of defendants because they are not going to see the kind of admissions and evidence that they saw before. These guys are going to even look innocent.

There's still some people who think Khieu Samphan was innocent because of his past when he was a decent representative in the National Assembly years and years ago and because he was never corrupt. But, I mean, he was right in there at all those situations. He was much closer to the top than Duch ever was and stayed with Pol Pot until Pol Pot died. Duch at least left the movement.

I think the next trial is going to be very disappointing compared to the trial of Duch. I think people should brace themselves: they are not going to be able to say, "Well, this isn't fair," because they're not going to get any evidence. They're just going to get a bunch of smoke out of those people.