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Decades later, still awaiting Khmer Rouge justice

Court inching toward trials

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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 the minds of many Cambodians 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 might 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 Tuol Sleng death camp. He was saved from execution there so that he could paint portraits to feed Pol Pot's ego. Now the 61-year-old artist who survived on a watery prison gruel 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 did not 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, did not 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.

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 vision of communist purity, the individual was sacrificed to a 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. Nuon Chea lives with his wife of more than 40 years, guarded by half a dozen Interior Ministry police. 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.