

The Phnom Penh Post

Public indictments handed to former KR James O'Toole September 29, 2010

The Khmer Rouge tribunal has made public the indictments of four Khmer Rouge figures expected to be tried next year, revealing concrete accusations about the role the defendants allegedly played in the deaths of perhaps 2.2 million Cambodians.

The indictments, contained in a single, 739-page document known as the closing order, are the product of a more than three-year investigation that concluded earlier this month.

As a result of their investigation, the court's co-investigating judges brought charges including genocide and crimes against humanity against former Khmer Rouge foreign minister Ieng Sary, social action minister Ieng Thirith, head of state Khieu Samphan and Brother No 2 Nuon Chea.

Under court rules, hearings before the Trial Chamber are limited to facts set out in the indictments.

"The facts spelled out in the closing order will basically be the foundation for the trial hearings," United Nations court spokesman Lars Olsen said. "The Trial Chamber is bound by the facts set out in the closing order, so this will show what issues will be subject to discussions during trial."

Defence lawyers for Ieng Thirith, Ieng Sary and Nuon Chea have already made notice of their intent to appeal against the closing order. The court's Pre-Trial Chamber has four months to rule on such appeals.

The closing order contains a detailed history of the Khmer Rouge movement and the roles of the four suspects within the hierarchy of Democratic Kampuchea.

Nuon Chea is termed regime leader Pol Pot's "righthand man", and is alleged to have met daily with DK defence minister Son Sen on matters of internal security.

"Nuon Chea regularly instructed on security matters," a former Khmer Rouge telegram operator told investigators.

A number of comments from former S-21 prison chief Kaing Guek Eav, alias Duch, are included in the closing order. Duch was convicted in July in the tribunal's first case, and his testimony is expected to figure prominently in Case 002.

"Everything had to pass through Nuon Chea, even if it was in scope of the military," Duch told investigators, adding: "Nuon Chea clearly told me that all people who were sent to S-21 had to be killed."

The four Case 002 suspects are housed together with Duch at the ECCC detention facility on the outskirts of Phnom Penh. Nuon Chea is said to harbour resentment towards Duch for failing to destroy the S-21 archive, and the former prison chief's testimony implicates Brother No 2 on numerous occasions.

"There is strong evidence that Nuon Chea was in charge of the S-21 security centre and its associated worksite S-24 (Prey Sar) from the time of their establishment," the closing order says.

"Through his various roles in the [Communist Party of Kampuchea], Nuon Chea participated in the reeducation of 'bad elements' and the killing of the 'enemies' both inside and outside the Party ranks."

Nuon Chea, with Ieng Sary, is said to have helped develop a 1976 directive in which the power to execute "enemies" both inside and outside the ranks of the Khmer Rouge was delegated to officials at the zone level. Khieu Samphan may also have helped shape this directive, the closing order says.

Ieng Sary is quoted boasting on numerous occasions about the regime's "smashing" of enemies. He is said to have been part of meetings in which decisions to eliminate enemies were made, though he himself said in 1996 that he was in constant fear of being purged.

"Ieng Sary stated during an interview that whenever he returned to Cambodia from an overseas visit, 'I thought to myself, 'Will they take me to S-21?' or 'Will I get to meet my wife?'" the closing order says.

Duch told investigators that Ieng Sary's approval was needed for the arrests of 112 Ministry of Foreign Affairs cadres who were eventually sent to S-21.

Khieu Samphan, Duch said, had personal authority to “smash” enemies “inside and outside the ranks” of the regime. He is alleged to have worked at the high-level Office 870, tasked with policy and maintenance of communication among senior cadres, and some witnesses say that he led the office.

In his capacity as head of state, Khieu Samphan allegedly gave numerous speeches endorsing the regime’s attacks on “enemies”.

As a participant in Standing Committee meetings, he was “aware of the practice of torture and execution” and “knew of and was involved in the purges of senior leaders of the CPK”, the closing order says; through his alleged work at Office 870, he would have been involved in investigations of cadres who were subsequently purged.

Ieng Thirith is said to have assisted in developing the policy of eliminating “enemies” through her work at the Ministry of Social Affairs and the Council of Ministers. She allegedly told a subordinate in 1978 that cadres from DK’s Eastern Zone, subject to widespread purges, had “betrayed” the regime.

The orders to purge Northwest Zone secretary Ruos Nhim and Eastern Zone secretary Sao Phim were allegedly based on a 1978 report Ieng Thirith made to Pol Pot. She is said to have announced the names of “traitors” during meetings at the Ministry of Social Affairs, and numerous cadres from her ministry, whom she had the authority to purge, were allegedly arrested and executed.

She is also alleged to have given speeches inciting hatred of the Vietnamese, a group against which she and the other suspects are accused of perpetrating genocide.

“The Yuon enemy is to be attacked really all out,” she allegedly said.