



Cambodia: Will Justice be Served for the Millions Killed by the Khmer Rouge?

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The four-stripe general looked down at Kunthear Thorng and asked the boy to leave with him.

“I said ‘to where?’ and he said ‘far away from here,’” Thorng said. “I looked at him and I said no. I couldn’t run away from home because my father was still there.”

In 1974, Cambodia’s U.S.-backed Lon Nol government was losing a civil war against Pol Pot’s Khmer Rouge. Thorng was 12 years old when the Khmer Rouge came to the military compound he lived in with his father, stepmother and five step siblings to arrest them.

The general knew what the future held for the war-torn Southeast Asian nation, but Thorng couldn’t bear to leave his father, a high-ranking commander in the Lon Nol government, unsure what would his fate would be.

But just a few days later he ran and never looked back.

Throng’s entire family was dragged from the compound to the killing fields and mercilessly executed.

“If I hadn’t run away I would’ve been killed. It was a decision that changed my whole life.”

More than 30 years since the fall of the Khmer Rouge, who massacred approximately 2 million people between 1975 and 1979, the three men widely considered to be the only remaining architects of what is considered one of the worst acts of genocide in modern times are finally facing their accusers.

Nuon Chea, trusted deputy to Pot; head of state, Khieu Samphan, 80, and Ieng Sary, 86, the ex-foreign minister, are on trial for genocide, crimes against humanity and grave breaches under the Geneva Conventions.

The often-delayed trial began in June 2011. Case 002 was then broken into a series of separate trials to address different sections of the indictment. The first of those began on Nov. 21 last year and focused on the forced movement of the population from Phnom Penh and related crimes against humanity. It also considers the roles of the accused in relation to regime policies relevant to all charges, which will provide the foundation to examine the remaining charges in future trials.

The prospect of justice for the nearly 2 million killed and millions more affected by the massacres is the closest it's ever been, but Thorng, who came to Canada as a refugee in 1983 and became a citizen in 1986, isn't optimistic.

"It's been dragging on too long and everyone is pointing fingers at one another and not willing to take responsibility for what happened," he said. "It's frustrating for me, as a victim.

"For me, they aren't going to be convicted in their lifetime. Closure will be hard to find. For the millions who survived it, including myself, where is the justice in what happened?"

With the remaining leaders of the regime in their eighties — the others, including Pol Pot, all died before they could be tried in the UN-backed war crimes court — Cambodians wanting closure through convictions may never get it.

Take the case of Ieng Thirith.

Considered the 'First Lady' of the Khmer Rouge and the fourth person charged, Thirith, 80, was released from prison last week after doctors determined she was unfit to stand trial. Suffering from degenerative mental illness, likely Alzheimer's disease, the Extraordinary Chambers in the Courts of Cambodia (ECCC) upheld an initial decision from November 2011 to release her.

While she won't stand trial, the charges against her haven't been dropped, in the event her mental health improves to the court's satisfaction.

Led by Pot, the Khmer Rouge captured Phnom Penh on April 17, 1975 removing the Lon Nol government after a five-year civil war waged at the same time as the Vietnam War, leaving the Southeast Asian country ravaged.

The U.S. involvement in Cambodia has gone largely unreported, despite eight years of bombing within the nation. Between 1965 and 1973, U.S. forces dropped more than 2.75 million tons of explosives during 230,516 air raids on 113,716 sites, many in and around the nation's capital.

Until its fall in 1979, the Khmer Rouge killed some 2 million people, either by starvation, torture or murder, nearly a quarter of the country's population.

Whether the multi-million dollar, war crimes tribunal will see the former leaders convicted remains to be seen. The only Khmer Rouge leader to be convicted in 33 years, former S-21 prison head Kaing Guek Eav (Duch), 69, was given a sentence of life in prison in February this year.

He has appealed the ruling.

On a research trip to Cambodia, Dr. Carla Rose Shapiro, research associate at the Asian Institute of Munk School of Global Affairs at the University of Toronto, said opinions of the trials are mixed and people wonder if the financial cost of the trials, which exceeds \$100 million, is worth it.

“Some people are generally circumspect about the process,” said Shapiro, curator of an exhibit at the Royal Ontario Museum that focuses on prisoner photos titled Observance and Memorial: Photographs from S-21, Cambodia.

Some 16,000 people were taken to the prison as traitors. Only 23 survived.

Plagued for years by delays, lack of funding, controversy over government interference and its hardline stance against further investigations, the tribunal is running out of time. “The most senior leaders are escaping (persecution) by dying of natural causes,” Shapiro said. “The trials have been starting, stopping, delayed. This is a complex legal construct that’s not easily accessible.

“Some people were saying ‘we’re spending millions and for what?’”

The Khmer’s goal of an agrarian-utopian society was meant to erase all classes, she said, but it didn’t go as planned. “Crops failed and people began to starve. They didn’t blame their policies, they labelled everyone as traitors.”

“They (the photos) document the . . . dehumanization and destruction that ran amok during the reign of the Khmer Rouge,” added Shapiro.

Cambodians, like Throng, are tired of the long judicial process and just want justice served and to move on. Many Cambodians, he said, don’t like to talk about what happened out of fear.

“A lot of people don’t want to talk about it because they fear the current government, he said of top officials currently in power who were members of the Khmer Rouge. “It’s very hard for people to voice their opinions or even to speak out on what’s going on.” Throng and other Cambodians may get what they want: to see the old leaders die. But without convictions from the war crimes tribunal, will it be the same?

Dr. Stuart Hendin, a human rights expert and professor at the University of Ottawa, said even if the remaining three on trial die before they are convicted, the fact they face the allegations should be enough.

“The problem is there will be no closure but at least what happens is there is identification of the perpetrator and that should come with some great satisfaction,” he said.

In the case of Thirith following through with the trial, despite her illness, would provide little closure, he added. “The person who is at trial has to be able to appreciate the nature of the proceedings and if they don’t appreciate what is happening, does it even serve a purpose?”