



After the killing fields

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Cambodians today are looking for explanations for the disasters that have befallen their country, not least through the trials of former leaders of the communist Khmers rouges, writes David Tresilian from the capital Phnom Penh

Foreign visitors to Cambodia today tend to stay in Siem Reap, a small town in the north-west of the country from which they can explore the magnificent temples at Angkor. Built by Cambodian, or Khmer, kings between the 10th and 13th centuries, the temples have long served as symbols of Cambodian nationhood, and they are among the most important monuments in the region.

Siem Reap is reminiscent of Luxor in scale and character, and, like its Egyptian counterpart, it owes its prosperity to monuments and temples that attract tourists from across the world to what is otherwise still a sometimes little-understood and certainly under-appreciated country.

However, few such visitors may be aware that just a few decades ago Siem Reap, like the rest of the country's north-western region, was under the control of the Khmers rouges, Cambodian communist party forces or "Red Khmers", whose period in government in the 1970s made them a kind of by-word for brutality.

From April 1975, when Khmer rouge forces overthrew the US-backed Cambodian government in the capital Phnom Penh, to their own overthrow at the hands of invading Vietnamese forces in 1979, up to 1.7 million people are believed to have died as a result of Cambodian communist party rule of the country then dubbed Democratic Kampuchea.

Some of these people were murdered by the regime, dying on the infamous "killing fields" where anyone suspected of opposing Khmer rouge rule was bludgeoned to death. Others died of starvation or sickness in a country in which forced labour became the norm, and where communist party rule, supposedly aimed at economic self-sufficiency and industrial development, succeeded in turning the country into a kind of vast labour camp.

Communist party authorities carried out a bizarre experiment in social engineering, involving the forced evacuation of urban areas -- two million are believed to have been evacuated from Phnom Penh alone to work on labour camps in the countryside

-- the abolition of money, the destruction of the family and the attempted eradication of religion, the aim being to transform the country along Maoist lines and carry out a kind of irreversible revolution.

Anyone visiting Cambodia 30 years later, struck perhaps by the unearthly beauty of the countryside and the grace and friendliness of the people, will want to know how such a nightmare could have descended on this country of some 14 million people and what steps are being taken to bring those responsible to justice.

Such questions have a better chance of being answered today than they have had at any time since the collapse of the Khmer rouge regime in 1979. Starting in February this year after decades of delay, a UN-sponsored mixed tribunal made up of Cambodian and international judges has been trying surviving senior members of the regime that ruled Democratic Kampuchea for crimes against humanity and on other lesser charges.

While the tribunal has attracted criticism, with neither the Cambodian authorities nor the UN nor international human rights agencies apparently always being happy with the results, it has had the effect of opening the events of 30 years ago up to inspection in a country that has sometimes seemed too traumatised by the past to look too deeply into it.

While the former Cambodian communist party leader Pol Pot, "Brother Number One", real name Saloth Sar, died in mysterious circumstances in 1998, other senior members of the regime, including foreign minister Ieng Sary and minister of social affairs Ieng Thirith, the regime's second in command, Nuon Chea, and former head of state Khieu Samphan, all now in their 80s and sometimes in poor health, are in custody awaiting trial in Phnom Penh.

Only a comparatively lowly member of the hierarchy, Kaing Guek Eav, alias Duch, governor of the regime's state security prison of Tuol Sleng in Phnom Penh, has thus far been put on trial, and a verdict is expected following closing statements in November.

Over the months and years to come, former senior members of the Khmer rouge regime will be brought before the court, it is hoped bringing some measure of explanation and psychological closure to those who suffered so terribly at its hands.

The Extraordinary Chambers in the Courts of Cambodia, as the mixed UN-Cambodian court is called, is located just outside Phnom Penh on a site borrowed from the Cambodian military. Getting to the court involves driving from the city centre along roads lined by the kinds of small businesses that seem to make up a large section of Cambodia's economic life.

From six in the morning to 10 or 11 at night, noises of banging and clanking emerge from innumerable small workshops, with food stalls and nondescript-looking shops

selling anything from fruit and vegetables, piled up in colourful pyramids as in Egypt, to Buddhist statuary.

Much of Cambodian life seems to be lived in the streets, at least in popular or rural areas, and, as in many Southeast Asian cities, not least in neighbouring Vietnam, motorcycles are favoured forms of transport. The early morning streets in Phnom Penh are packed with traffic, many women riding side-saddle behind their male or female drivers, apparently unperturbed by the sometimes poor state of the roads.

The scene that greets visitors to the mixed tribunal is quite a contrast to the activity in the streets. Having surrendered passports, cameras, mobile phones and recording devices to security and been through an airport-style metal detector, visitors are shown into a curved auditorium done up in pastel colours and air-conditioned against the heat. Facing the banked rows of seats is a glass wall, and behind this, sealing the court off from the public auditorium, are the judges and lawyers making up the mixed tribunal.

The court itself is a kind of compromise between those who wanted greater international involvement -- perhaps a purely international tribunal sitting in a location outside the country where the events under investigation took place, like the international tribunals in The Hague -- and those who wanted the court to be located in Cambodia itself and to be run by the Cambodian judiciary with only minimal international involvement to guarantee legal standards.

In the event, the Extraordinary Chambers in the Courts of Cambodia represent an experiment in joint UN and Cambodian supervision. Of the five trial chamber judges, three are Cambodian and two are international, with a similar system of joint responsibility being used for the co-prosecutors, one international and one Cambodian, and the co-defence.

Just as important as the trial chamber is the pre-trial chamber, which investigates charges against those suspected of involvement in Khmer rouge atrocities and may recommend prosecution. Under the complex formula worked out between the UN and the Cambodian authorities, this chamber, like the trial chamber itself, operates on a system of "super-majority". Only if the international and Cambodian judges agree by four to one can a prosecution proceed.

Cambodia's newspapers provide a daily digest of the court's activities, which have included disagreements between the international and Cambodian judges over the scope and limits of the tribunal's operations. In a country that is still recovering from decades of civil conflict, with the country's warring forces, including the remnants of the Khmers rouges, only agreeing to join the political process in the 1990s as part of a process of national reconciliation, perhaps neither the Cambodian government nor apparently the Cambodian judges want to delve too deeply into past responsibilities.

Many former members of the Khmers rouges now occupy important positions in Cambodian public life, including the minister of the interior Sar Kheng, minister of foreign affairs Hor Nam Hong, and prime minister Hun Sen. All three defected before the fall of the regime in 1979 in order to escape from ever more bloody internal purges. Anyone over the age of 40 in Cambodia today will have first-hand memories of Khmer rouge rule, and the potential for a witch hunt against those suspected of even limited involvement in atrocities is clear.

While the founding statutes of the court attempt to limit conflicts over who should be prosecuted and why -- only senior leaders of the regime can be indicted and then only for activities carried out between 1975 and 1979 -- there have nevertheless been disagreements over how these should be interpreted. Prime minister Hun Sen has warned, for example, that further indictments could jeopardise national stability and lead to renewed civil war, saying earlier this year that he would "prefer to see the court fail than for war to come back to Cambodia".

Yet, crucial to the court's proceedings though such issues may be, they are likely to be of limited interest to any but the most-dedicated observers. Attending the trial of Duch recently before it adjourned for the closing statements, there was a feeling both that the court was engaged in necessary work, helping to clarify what happened during the years of Khmer rouge rule in Cambodia, and that it could get bogged down, or was getting bogged down, in legal flummery.

A mixed scene meets the eye in the court's public gallery. Aside from a smattering of foreigners -- journalists, NGO workers, tourists -- the vast majority of the audience is made up of Cambodians. Many of these people come from country districts, and on some days recently there were a good many members of the country's Muslim Cham minority present, this having suffered particularly badly under Khmer rouge rule. Listening to the testimony of character witnesses, which took up two days of the proceedings, and of psychological experts, which took up considerably more, is likely to leave any observer feeling restless. Duch has pleaded guilty to the charges against him, unlike the other defendants, who have all claimed that they were unaware of the atrocities taking place in Cambodia under their rule. How Duch struck contemporaries during his student days, the testimony of one witness, and the "psychological mechanism of splitting" he arguably displays, debated by the psychological experts and the presiding judge, have perhaps at best only academic interest.

However, the court proceedings also throw up details that seem to speak illuminatingly about Cambodian society, then and now, and about the individuals who made up the Khmer rouge regime.

As a foreign observer, one is struck by the elaborate hierarchy governing social relationships in Cambodia, something that the Khmers rouges did their best to sweep away. Many leads were inexplicably ignored or not followed up in cross-questioning at the trial, and Duch himself seemed to be given extraordinary licence

to explain his views in what at times became rambling disquisitions larded with faded Marxist slogans.

Yet, when Duch was called upon to speak the atmosphere in the public gallery changed. People stopped fidgeting, sleeping, or doing whatever else they were doing and leaned forward, attentive to every word he had to say, even the silliest and most inconsequential.

This impression was unmistakable, and it seems to indicate a thirst among Cambodians to understand the men responsible for what happened in the country in the 1970s. What do they look like? What do they have to say?

It seems to indicate, too, that the real value of the court may well lie not in the verdicts it will eventually hand down, but in the light it sheds on how the regime operated and the roles played in it by those occupying senior positions. This will doubtless be further clarified once the trials of the former senior Khmer rouge leaders begin next year, starting with that of Nuon Chea, Brother Number Two.

The prison over which Duch presided, now a museum in Phnom Penh's southern suburbs, was once a secondary school, and the design of the buildings and their arrangement reflect this original function. Blocks of classrooms a few storeys high face each other across an open area, each block being fronted with open corridors and having access stairs at the corners. A single administrative building occupies the centre of the open space between the buildings facing the main entrance.

When Vietnamese forces entered Phnom Penh in January 1979, driving retreating Khmer rouge soldiers before them, they came upon terrible scenes at Tuol Sleng. In addition to the corpses of a number of people, chained to iron bed frames on the ground floor of one of the buildings having apparently been murdered, they found evidence of mass graves neighbouring the site, and, in the former school's administrative building, thousands of documents, files holding details of the prisoners once held there.

Subsequent study of these documents, mostly typed, some meticulously written out in longhand, revealed that many of them consisted of "confessions", autobiographical accounts by prisoners that often seemed to have been extracted under torture. Photographs were attached to the files, and each prisoner was carefully numbered, his or her admission date scrupulously recorded.

Only later did it become clear that all those who had entered the Tuol Sleng prison, some 14,000 of them, had been bludgeoned to death at the killing fields of Cheong Ek just outside Phnom Penh.

The Vietnamese took the decision to turn Tuol Sleng into a museum, and the Vietnamese designer Mai Lam, also responsible for the War Remnants Museum in Ho Chi Minh City, was invited to find a way of preserving the site and displaying its horrendous collection of documents. A decision was made to leave the buildings

untouched, and visitors to Tuol Sleng today can walk through former classrooms crudely divided by Khmer rouge guards into tiny cells in which prisoners were once kept chained.

On the lower levels, photographs of former inmates are displayed, row upon row of them, their expressions strangely blank, presumably terrified, showing men, women, boys and children as young as a couple of months old staring into the recording lens.

Visiting the prison today is an unforgettable experience, and one emerges numbed at such records of brutality. Emerging from the former classrooms into the bright sun of a Cambodian afternoon, one is struck by the shoddiness, the banality, of a regime that not only failed in its larger economic and political objectives, adopting a Marxist rhetoric that even its senior leaders apparently did not bother to understand, but at the same time also instructed some of those who served it to use whatever tools lay to hand -- cart axles and rusting pickaxes are among the objects displayed at Tuol Sleng -- to murder many of its own people.

However, such reflections pale compared to the desolation that descends on visitors to Cheong Ek. Arriving at this site 17km or so from the centre of Phnom Penh early on an autumn morning, one is shown first to the tall, pagoda-like structure that dominates the site. Housed within this, mounted on shelves reaching to the top, are some of the bones and skulls of those killed here from 1975 to 1979, their remains thrown into pits by Khmer rouge guards.

Driving back into Phnom Penh along roads lined by small workshops engaged in varieties of light industry, it is noticeable that the area around Cheong Ek has been left undeveloped despite the growth of the city since the late 1970s and the increasing value of the land. Buddhist ceremonies are regularly performed at Cheong Ek, and the site is dotted by tiny altars piled with offerings.

Who would want to build a house, or start a business, on land haunted by the victims of the Khmers rouges? Yet, perhaps this is the case for Cambodia as a whole, a situation that the mixed tribunal has been set up if not to rectify then at least to try to remedy. It should bring with it a sense that such crimes cannot simply be committed with impunity, their perpetrators allowed to go free and their victims forgotten.

Emerging from the tribunal hearings, reflections can naturally arise on the limitations of this form of justice.

Many of those who joined the Khmers rouges, from senior cadres to foot soldiers, were acting from high-minded motives. In the absence of political alternatives, and in the face of an American-backed regime of legendary cupidity, the communist forces in the countryside seemed for many to offer the best hope of renewal. Add to this an American bombing campaign of Cambodia, a spillover from the war in

neighbouring Vietnam, that saw US forces drop nearly three million tons of bombs on the country killing between 50,000 and 150,000 civilians, and it may be hardly surprising that many people decided to join the Khmers rouges.

According to Yale University history professor Ben Kiernan, an expert on the Khmers rouges, in its undeclared war against Cambodia "from October 4, 1965, to August 15, 1973, the United States dropped... 2,756,941 tons' worth [of ordnance] on Cambodia, dropped in 230,516 sorties on 113,716 sites." To put this figure into perspective, "the Allies dropped just over two million tons of bombs during all of World War II. Cambodia may be the most heavily bombed country in history." Reading the biographies of the leaders of the regime, many of whom, like Saloth Sar, studied in Paris in the 1950s, qualifying as teachers and university professors, a common thread of political commitment emerges. While these people were appallingly misled, they nevertheless included some of the best minds of their generation. Perhaps it is the fate of revolutions to eat their own, many of this older generation dying in the purges that swept the regime from 1977 onwards.

In order to find agreement on the court's mandate, it was agreed that only senior members of the regime would be investigated and there would be no examination of events before 1975 or after 1979. The delicate political balancing act that finally brought peace to Cambodia in the 1990s would have been threatened by an investigation of everyone who had had dealings with the Khmers rouges.

However, allowing the court to investigate Khmer rouge activities before 1975 and after 1979 could also have cast unwelcome light both on US actions in Cambodia before the collapse of the US-backed regime and on the international support for the Khmers rouges that allowed the group to pose as the recognised government of Cambodia until the early 1990s and delayed legal action starting against its senior leaders until February this year.

While the UN-sponsored mixed tribunal is exploring what happened in Cambodia under the rule of the Khmers rouges, as a result of its mandate it is unable to investigate the atrocities that took place in the country before 1975 or the international support for the Khmer rouge leaders that allowed them to escape justice for so long.