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As Notorious Khmer Figure Is Tried, Few in U.S. Take Notice

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A “historic” event — in the words of some experts and observers — finished its first momentous phase in Cambodia a few days ago, but it doesn’t seem as though many in the United States know or care.

To be sure, a few newspapers have provided continuing coverage of the nine-month trial of Kaing Guek Eav, known as Comrade Duch, who was the director of the Tuol Sleng prison during the years the Khmer Rouge was in power. He supervised the systematic torture and execution of some 14,000 alleged enemies of the revolution, including hundreds of children.

That overused word “historic” does legitimately apply to the trial of this man — which is to be followed in a year or two by a separate trial of the four highest-ranking surviving leaders of the Khmer Rouge regime. In the century-long history of Communist revolutionaries from Lenin to Mao, Kaing Guek Eav is the first to have once wielded power and then to face justice before an internationally recognized and sanctioned tribunal, this one composed of Cambodian and foreign judges and prosecutors in Phnom Penh.

One frequent observer at the trial, David Scheffer of the Center for International Human Rights at Northwestern University Law School, provides this perspective: “People don’t realize that the number of dead in Cambodia exceeded the total number of dead in Bosnia, Rwanda, Sierra Leone and Darfur combined — about 1.2 million to 1.7 million, so this should be of interest.”

But while there has been some excellent continuing reporting of the Duch trial by Seth Mydans of The New York Times and a few others, it plainly has not been of much interest to the general public in the United States, or to the broadcast media, which, with a few exceptions, have ignored it.

Why? Some of the reason may stem from what another frequent trial observer, Alex Hinton of the Center for the Study of Genocide and Human Rights at Rutgers University, calls “tribunal fatigue.”

There are four special tribunals taking place in the world these days covering crimes committed in the former Yugoslavia, Rwanda and Sierra Leone, plus what is officially

known as the extraordinary Chambers in the Courts of Cambodia, so there are a lot of claims on the public's and the media's attention.

Mr. Hinton says the Cambodia case is hampered by other factors, not least that the Khmer Rouge was a long time ago. Even "The Killing Fields," the movie that publicized the horror, was in theaters 25 years ago.

The most famous of the Khmer Rouge leaders, Pol Pot, died in a jungle hideout a decade ago, and his absence from the trial robs the event of the person who would otherwise be its most compelling and reviled figure. Still, other trials with such figures — the former Liberian president Charles Taylor in the case of Sierra Leone or the Bosnian Serb leader Radovan Karadzic — got attention early but now continue largely in obscurity.

So it's understandable in a way that not many Americans are paying close attention to the testimony of Comrade Duch, but it's also strange, given that tens of millions of Americans are old enough to remember when Cambodia was a preoccupying and deeply emotional issue for the United States, a tragic sideshow, as the writer William Shawcross put it, to the larger war in Indochina.

The Nixon administration did, after all, engage in a secret bombing campaign in Cambodia from 1969 to 1973 that killed 50,000 to 150,000 people; and while that campaign didn't cause the Khmer Rouge to kill one-fifth of Cambodia's population, it certainly contributed to the circumstances that enabled Pol Pot to seize power in 1975.

"The Cambodian tribunal is a reminder that a titanic explosion occurred in Indochina after we left there," Mr. Scheffer said. "That's one of the lessons of the Vietnam War, that the aftermath was just as important as the event itself."

The absence of keen American interest does not mean that the trial has been a failure. Over the months that he has been on the stand, Comrade Duch has provided an insider's account of the Khmer Rouge machine of extermination that has riveted Cambodia itself, which is certainly an important index of success. According to close trial observers, Cambodian civil plaintiffs have been an important daily presence in the courtroom, and thousands of ordinary people have attended sessions.

"They know about it, care about it, and ultimately when there's a verdict, it will mean something to them," Mr. Hinton said of the Cambodian public.

Bringing about the event has taken a very long time, more than a decade to decide on the composition of the tribunal and, once that was decided, more years to allow for international standards of due process to be observed. This is why the next phase of the tribunal, the one involving the highest surviving former Khmer Rouge leaders, won't start for another two years or so — assuming that any of the aging remaining defendants live that long.

The slowness of it all is another reason the trial hasn't generated more American interest. Indeed, there's a paradox here, namely what might be seen as the various tribunals' greatest distinction — that they adhere strictly to international standards of due process — is exactly what denies them the attention needed for them to have full public effect.

“The trial of Charles Taylor, which is now being held in The Hague, is a fascinating trial of the former leader of a country, but it gets no coverage,” Mr. Scheffer said, illustrating this phenomenon. “In part that's because there's a long-term tedium, a grinding out of evidence and cross-examination, of defense counsel motions, and delays, all of which tends to whisk away public attention.

“The good news of all this is that international standards are at work. But the public may fail to grasp the tremendous significance of what is taking place, which is that the culture of impunity is being assaulted and occasionally defeated. That's a huge historical phenomenon of just the last few years. It's a big story.”