



Cambodia: Khmer Rouge trial is justice delayed June 24, 2011

The four Khmer Rouge leaders who go on trial on June 27, 2011, should have been brought to justice decades ago, Human Rights Watch said today. The trial follows years of obstruction by the Cambodian prime minister, Hun Sen, a former Khmer Rouge commander.

Khmer Rouge leaders Nuon Chea, Khieu Samphan, Ieng Sary, and Ieng Thirith face charges of genocide, war crimes, crimes against humanity, and murder, among others, by the United Nations-supported Extraordinary Chambers in the Courts of Cambodia (ECCC). In 1998, the Khmer Rouge leader, Pol Pot, died in disputed circumstances.

"After more than three decades, some of the Khmer Rouge leaders will finally stand trial," said Brad Adams, Asia director at Human Rights Watch. "Justice has been delayed for far too long, but Cambodians will finally have the chance to see some of the people who caused so much misery face charges."

The Khmer Rouge took power in April 1975, at the end of the United States' war in Indochina. Led by Pol Pot and Nuon Chea, they ruled the country until January 7, 1979, when Vietnam drove them out. Estimates suggest that as many as two million of Cambodia's eight million people were killed or died from disease, starvation, or forced labor during this period.

Khmer Rouge leaders could have been apprehended after their defeat by Vietnam, Human Rights Watch said. But China and Thailand armed and financed the Khmer Rouge forces that had escaped across the Thai border to try to force the Vietnamese army to end its occupation of Cambodia.

As part of their Cold War policies, the Carter and Reagan administrations in the United States and the Thatcher government in the United Kingdom, along with Malaysia and Singapore, supported this policy and protected the Khmer Rouge from any efforts at justice or accountability. The Khmer Rouge subsequently killed tens of thousands more Cambodians and continued a jungle insurgency for almost two more decades.

"The international support and protection for the Khmer Rouge led to years of continued war and economic misery for Cambodians," Adams said. "These trials are too little and too late to make up for the unconscionable actions by China, the US, and Thailand in supporting the Khmer Rouge for so many years."

In 1996, Hun Sen announced a political deal with Ieng Sary, after which he was granted an amnesty under domestic law. In 1997, Hun Sen signed a letter to the UN secretary-general at the time, Kofi Annan, asking for an international tribunal for the Khmer Rouge. Yet when the Khmer Rouge collapsed in internal fighting in 1998, Hun Sen backtracked. On December 25, 1998, he presided over a champagne toast at his residence with Nuon Chea and Khieu Samphan, saying that Cambodians should "dig a hole and bury the past." Public opinion in Cambodia quickly turned against this announcement, forcing Hun Sen into negotiations with the United Nations to create an accountability mechanism meeting international standards. In 1999, a UN Group of Experts recommended an international tribunal, warning of political interference, corruption, and a lack of competence in the Cambodian court system. But Hun Sen rejected the proposal, wanting to maintain control of the process. After years of protracted negotiations, including a withdrawal by Kofi Annan over standards for the court, the UN-backed Extraordinary Chambers in the Courts of Cambodia was created. A majority of the court's judges are Cambodian, with international co-prosecutors and co-investigating judges.

Despite more than three years of operations and the expenditure of approximately US\$150 million, the court established to hold the Khmer Rouge accountable has held only one trial, of the former head of the S-21 detention center, Kaing Guek Eav, known as Comrade Duch. Approximately 14,000 people were tortured and sent to their deaths at S-21. Duch confessed and was convicted of war crimes and crimes against humanity. He was sentenced to 35 years in prison.

Many Khmer Rouge members responsible for large-scale atrocities continue to live freely, some in the same communities in which they carried out mass killings or other abuses such as forced labor. Hun Sen has said he would rather see the court fail than take up more cases, leading to speculation that he is protecting former Khmer Rouge fighters now in the ruling Cambodian People's Party.

"The Khmer Rouge trials are taking place despite frequent threats by Hun Sen to derail the entire process," Adams said. "He has claimed the trials would lead to political instability and even civil war, but there have been no problems. The only reason these trials are happening is because so many Cambodians have refused to bury the past without first experiencing at least a modicum of justice."

The impunity for the Khmer Rouge has been matched in the post-Khmer Rouge era, Human Rights Watch said. The Vietnamese-backed People's Republic of Kampuchea, in power from 1979 until 1993, routinely violated the fundamental rights of Cambodians. During the United Nations Transitional Authority for Cambodia period in the early 1990s, the United Nations recorded hundreds of extrajudicial killings and other abuses by forces under the control of Hun Sen's party.

On March 30, 1997, a grenade attack on an opposition political rally killed at least 16 people and wounded approximately 150. Hun Sen's bodyguard unit has been implicated in the attack. In July 1997, Hun Sen staged a coup against his royalist coalition partners in which more than 100 opposition figures were killed. In the 1998 elections, dozens more were killed. In the past decade, many opposition politicians, journalists, labor

leaders, and human rights activists have been killed or assaulted. No perpetrator has been held accountable, in spite of the availability of evidence in many of these cases.

"Whether it is for Khmer Rouge atrocities or those of more recent times, well-known perpetrators of brutal crimes remain free," Adams said. "Sadly, impunity remains almost complete in Cambodia. Let's hope that these trials make a small dent in this scourge."