

## **Pol Pot henchman faces genocide trial**

### **Editorial**

**February 22, 2009**

Pol Pot, the despot whose fanatical Khmer Rouge regime turned Cambodia into a slaughterhouse, spent his final days hiding in a wooden shack in the jungle in 1998, sick, scared and on the run. At the end he knew that arrest and prosecution was inevitable. He cheated his victims of justice only by dying as his pursuers closed in on him.

With their infamous "killing fields," the Khmer Rouge tried from 1975-79 to turn Cambodia back to "the year zero" and into a society of peasant farmers. The political, intellectual and business classes were eliminated, cities were emptied, and religion was banned. Some 1.7 million people were killed through execution, forced labour, starvation and disease.

Now, decades after Pol Pot's crimes, a handful of his aging henchmen are being tried for genocide. King Guek Eav, alias Duch, was brought before a United Nations-sanctioned Cambodian special court last week. He ran a notorious prison in Phnom Penh where 16,000 were tortured and died. Other trials will follow.

Why hold lesser, elderly players to account decades late? Because Cambodians deserve justice, if belatedly; the perpetrators should face surviving accusers. Because there is no statute of limitations on genocide. Because the world must remember Cambodia's holocaust, as it recalls the crimes of Joseph Stalin, Adolf Hitler and Mao Zedong. And to serve notice on despots and warlords in our own era that they can no longer commit mass murder, war crimes and genocide with impunity.

This is not some abstract point of law.

Judges at the International Criminal Court (ICC) at The Hague are weighing whether to charge Sudanese President Omar Hassan al-Bashir with war crimes in Darfur, where 200,000 have died. This would be the first indictment of a sitting head of government. At the same time, the ICC is trying its first case. Former Congolese warlord Thomas Lubanga is accused of war crimes for coercing children to serve as warriors in 2002 and 2003.

The hope at the ICC is that the threat to prosecute al-Bashir and the prosecution of Lubanga will cool Darfur's civil war and discourage the use of child soldiers elsewhere. The ICC was set up in 2002 as a permanent court to judge crimes against humanity, if national courts were unwilling or unable.

The Cambodia tribunal, in contrast, is a hybrid national court that harks back to the special Nuremberg and Tokyo war crimes tribunals after World War II. The UN has also sanctioned similar temporary courts for Yugoslavia, Rwanda, Sierra Leone and Lebanon. Whatever the type of court, all such cases – Cambodia, Darfur and Congo – are controversial. They are difficult, costly and time-consuming. At best, they deliver imperfect justice.

Yet they remind the world that genocide, ethnic cleansing and war crimes are universal crimes and that those who commit them can be pursued to the ends of the earth. These trials send messages that urgently need to be heard.