

# Pacific Daily News

## **Justice won't be served by KR trial**

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The wounds inflicted on so many in Cambodia by the radical Khmer Rouge in 1975-1979 are too deep to be effaced by a U.N.-backed Khmer Rouge Trial of five Khmer Rouge leaders, all in poor health.

More than half of Cambodia's current population of about 14 million were born after the Khmer Rouge regime collapsed, following the invasion of Cambodia by some 200,000 Vietnamese regular forces in January 1979. In general, young Cambodians today know little of their country's dark history, and some have shown no interest.

With hardly a Cambodian family anywhere untouched by Khmer Rouge's atrocities, the trial of those responsible for the deaths and the suffering of so many, and the destruction of so much, is long overdue.

The trial now underway may have achieved an objective by putting Kaing Guek Eav, alias Duch, commandant of the gruesome S-21 Tuol Sleng torture center, on the stand in February to answer for his actions. His trial is to be followed by the trial of four others: Brother No. 2 Nuon Chea, chief ideologue, who was granted a pardon by Premier Hun Sen; Brother No. 3 Ieng Sary, former foreign minister, who was granted a royal pardon; Ieng Thirith, Sary's wife and former minister of social affairs, a founding member of the Khmer Rouge; and Khieu Samphan, former president of Khmer Rouge Cambodia.

Still there are serious questions how the trial will attain its goals to achieve justice, promote peacebuilding, encourage reconciliation and begin healing, as a tribunal should.

Many Khmer Rouge personalities and cadres are still walking free; some are in Cambodia's leadership today.

New York-based Human Rights Watch's Asia Director, Brad Adams, said, "It's a ridiculous proposition that only five people should be held accountable" in the mass killings; Amnesty International's Brittitis Edman said, "Many more need to face the court to really deliver justice to the millions of victims of these horrific crimes." Old Khmer Rouge suspects could die before facing justice.

Justice, or the rendering of what is due to the victims, or what is due to the accused, is far from being met. Many will never face justice: Brother No. 1 Pol Pot died in 1998; the feared "butcher," Ta Mok, died in 2006 while in prison; Son Sen died in 1997; Ke Pauk in 2002; among others.

In "Little closure for Cambodia," the Bangkok Post editorializes, "It is misleading for the Cambodian government and its supporters to claim that the Khmer Rouge leadership is being brought to the tribunal."

Besides Duch, the Post says, "None seems close to the courtroom steps. All are approaching the natural end of their lives. The reasons why they will escape justice are varied. Among them, long-time Prime Minister Hun Sen was himself a senior Khmer Rouge military officer, who does not want to be mentioned in defense testimony."

The Post posits, "It is a pretense of justice to claim that the trial of Duch is an accounting for that regime."

In the April 1 Cambodia Daily's "No More KR Prosecutions, Hun Sen Says," Yun Samean quoted Cambodian Premier Hun Sen's "absolute stand" not to allow prosecution of more Khmer Rouge because he fears another civil war: "I will allow this court to fail, but I will not allow Cambodia to have another war."

Thus, Sen, the chief executive, decides the judiciary's functions, tramples the principles of a democratic system, the separation of legislative, executive and judicial powers and their checks and balances, created to combat dictatorial rule.

Cambodian prosecutor Chea Leang's parroting of Sen's view -- that further indictments risk political instability -- raises questions of the court's credibility, independence and competence. U.N.-appointed prosecutor Robert Petit called for further investigations.

The mandate of the KRT is to try Khmer Rouge leaders and those most responsible for the atrocities.

Radio Free Asia of Mar. 22 reported Sen's anger at charges of "alleged corruption" of KRT employees and of his interference in the KRT. He declared: "If there is a judgment, the U.N. should be sentenced first ... including all those countries that supported Pol Pot at the U.N. between 1979 and 1991."

More than 70 countries, including China and the Association of Southeast Asian Nations, defended the right of the Khmer Rouge to their seat in the world body.

So how will justice be served, and how would the trial hope to bring the victims of brutalities and the accused to reconcile and be no longer at variance, and allow the nation to move on? And how to heal a wound inflicted so deeply, physically, emotionally and spiritually? Peacebuilding follows peacemaking.

In the final analysis, the Khmer Rouge trial may help Cambodians turn the country's dark history pages, but a process of long-lasting national reconciliation and healing will require both the victims and the accused to demonstrate compassion and forgiveness in extraordinary measure.

This may seem like a tall order, but these ingredients exist in Lord Buddha's precepts. Cambodians are Buddhists and can move on, with time and effort to make peacebuilding possible.

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