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Khmer Rouge leader leaves court, in sign of legal wrangling to come **Seth Mydans** **June 27, 2011**

PHNOM PENH, Cambodia — From behind the lawyers, a hand went up, calling for attention as the trial of the four surviving leaders of the Khmer Rouge got under way Monday on charges of genocide, war crimes and crimes against humanity committed more than three decades ago.

Buddhist monks and nuns and villagers lined up before the Khmer Rouge trial, on the outskirts of Phnom Penh, Cambodia.

It was Nuon Chea, 84, one of the defendants, bundled against the air-conditioning in a striped knit cap and sheltering himself from the bright lights with a pair of large dark glasses.

“I am not happy with this hearing,” said Mr. Nuon Chea, who is described as the Khmer Rouge’s chief ideologue. Then he rose from his seat and walked unsteadily from the courtroom with the help of three security guards.

As the chief judge noted, the holding cells adjacent to the court have video links and telephone lines, and the defendants are free to choose to participate by video link.

It was just the start of legal maneuvering in a case that is the centerpiece of a United Nations-backed tribunal that has lasted five years, cost more than \$100 million and is intended finally to lay the past to rest. All four defendants have denied the charges.

Many in Cambodia hope that the public trial will clarify for history the actions of the Khmer Rouge, who caused the deaths of 1.7 million people — nearly a fourth of the population — from 1975 to 1979.

But Mr. Nuon Chea’s objection, as explained by his lawyers, pointed toward a separate version of history in which the Khmer Rouge were national liberators, guarding against Vietnamese incursions and motivated by heavy American bombing in a secret campaign during the Vietnam War.

The trial is confined to the years of Khmer Rouge rule, with minimal reference to historical context, and the defense lawyers’ demands to broaden testimony appeared to be a foretaste of vigorous legal wrangling in a case that is expected to last for years. The lawyers said Mr. Nuon Chea would return only if his demands were met.

“I am afraid that they will not answer honestly,” said Thon Bien, 55, a farmer who attended the court session and said the defendants looked confident and unrepentant. “If they do not answer honestly, I will not be satisfied.”

Another defendant, Khieu Samphan, 79, the former head of state, has written a book in which he states that he was unaware of the killings, and he has said he will give the court his own version of history.

Ieng Sary, 85, the former foreign minister on trial, is claiming double jeopardy after being convicted in a show trial in 1979 soon after the Vietnamese Army drove the Khmer Rouge from power. He received a royal pardon and amnesty in exchange for his surrender in 1996, and the nature of the pardon is likely to be an issue in the trial.

His wife, Ieng Thirith, 79, who was minister of social affairs and is now the fourth defendant, angrily professed her innocence in a pretrial hearing and blamed Mr. Nuon Chea for the killings.

The prosecution claims the four leaders are guilty of a “joint criminal enterprise” in which their leadership made them culpable, whether or not they participated directly in the crimes.

“The whole argument of this case is that there was a very clear system of communication running back and forth from the bottom to the top,” much of it involving telegrams that are in evidence, said Alex Hinton, executive director of the Center for the Study of Genocide, Conflict Resolution and Human Rights at Rutgers University.

Mr. Nuon Chea had direct communication with Tuol Sleng prison, where at least 14,000 people were sent to their deaths, said Mr. Hinton, who has been following the case closely. Mr. Ieng Sary was in the chain of communication at the Foreign Ministry, and Ms. Ieng Thirith spent time in the countryside where she could not have missed the abuses. The case against Mr. Khieu Samphan is the most uncertain, Mr. Hinton said, because fewer documents exist tying him to the crimes.

The evidence will be more complex and tenuous than the evidence against Kaing Guek Eav, known as Duch, the commandant of Tuol Sleng, who was confronted by a host of witnesses and by his own meticulous records of torture and killing. He was convicted last July and sentenced to 35 years, reduced to 19 years.

With Prime Minister Hun Sen’s objection to holding further trials beyond the current one, Duch and the four defendants now on trial may be the only members of the Khmer Rouge brought to court for the deaths by execution, torture, starvation and overwork in the movement’s attempt to create a radical Communist utopia. The top Khmer Rouge leader, Pol Pot, died in 1998 before he could be brought to trial.