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Khmer Rouge trial analysis: the day of justice that many Cambodians thought they would never see

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It's been 32 years since Cambodia's Khmer Rouge was ejected by the invading Vietnamese, and eight years after the UN-backed genocide tribunal was established after tortuous negotiations.

But finally the four surviving leaders deemed most responsible for the Communist movement's unspeakable atrocities are being held to account.

It was a day many Cambodians thought they would never see.

Even now, at the start of a process judged as complex as anything seen since the Nazi war crimes trials that followed the Second World War it could take years to complete. Yet aged 79 to 85, their victims fear the frail defendants will die before they see justice.

Part of the complexity lies in the lack of a paper trail to their alleged crimes. Unlike the convicted Comrade Duch, who kept meticulous records of his activities at the notorious Tuol Sleng torture prison and admitted his part, the quartet now on trial deny their guilt variously blaming Pol Pot or denying any direct involvement.

Another complicating factor is that the current prime minister Hun Sen accorded each varying levels of immunity. Ieng Sary was granted a royal pardon by the then King Norodom Sihanouk after he surrendered in 1996, bringing with him almost the last vestiges of the Khmer Rouge which had waged an insurgency for years.

Hun Sen described him as an "agent of peace" and the prime minister could never have ended the war without Ieng Sary's surrender. With his wife, Ieng Thirith, he lived in a Phnom Penh mansion surrounded by high walls topped with barbed wire unhindered for a decade.

Nuon Chea and Khieu Samphan also surrendered to Hun Sen in 1998 and the prime minister agreed to forsake attempts to prosecute them in return. Nuon Chea lived openly in the Khmer Rouge stronghold of Pailin, near the Thai border, until his arrest by the UN-tribunal in 2007. Khieu Samphan was seized as he left a Phnom Penh hospital after treatment for a stroke.

Why did it take so long? After all, Hun Sen wrote to the UN in 1997 asking for assistance in setting up the tribunal. Yet it was only established in 2003 after endless wrangling over

its terms of reference as the prime minister sought to narrow the prosecutions to only the “most responsible”.

Even then Hun Sen — himself a former mid-level Khmer Rouge cadre - maintained he feared the arrest of the political powerful quartet could re-ignite the civil war. There was also the fear that the court could widen its net and ensnare others, perhaps even himself.

The concern was reflected in the recent row when four court staff and a consultant resigned describing the atmosphere as “toxic” after the tribunal’s investigating judges rejected British international co-prosecutor Andrew Cayley’s request to indict five more former Khmer Rouge senior figures.