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Little closure for Cambodia

Editorial

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When the judges and the defendant entered a Phnom Penh courtroom last week, the narrative told to the world was that the Khmer Rouge were about to face the criminal tribunal they surely deserved. Thirty years and a month after their short, bloody regime was toppled, the reality was something different.

The first and only prisoner in the dock was Kaing Guek Eav, better known as Comrade Duch. He was a particularly nasty actor at an especially gruesome centrepiece of the Pol Pot regime. The trial of the former political prison warden, however, only made it more likely that the men and women responsible for the deaths of millions of their citizens will never have to face justice.

It is not that Duch is a scapegoat, for he was involved in hundreds of heinous murders and worse. It is unlikely that his stated defence - that he only was following orders - will be accepted. Nor should it. Yet it is true he was merely a functionary in the Khmer Rouge violence machine. Claiming that the trial of Duch brings either Khmer or international justice to the victims of the Khmer Rouge regime is at best an exaggeration.

Duch ran the S-21 prison in Phnom Penh for most of the time that the Khmer Rouge ran Cambodia, from April 1975 until the beginning of 1979. Some 17,000 to 20,000 people entered the prison, in the Tuol Sleng area of the city. Duch and his cadres at S-21 tortured, starved, beat or shot to death almost every prisoner. Just 17 survived, of whom four are alive today. Before their deaths, all prisoners confessed to their crimes, which were almost always alleged to be spying for the CIA, the Vietnamese or Thai governments - often all three. The area where Duch's warders tossed the dead prisoners into pits became known as Choeng Ek, the Killing Fields.

The crimes of Duch are highly documented. The torture chambers, concentration camps and meticulous record-keeping by Duch of each prisoner's interrogation and death prove terrible crimes. It is proper that Duch receive his day in court. The four known survivors and the families of the dead may feel some closure if the Duch trial ever is concluded. The hideous crimes of Duch, however, were far surpassed by his superiors, including Pol Pot as head of the 10-person, inner circle of Angka, as the regime was known. The toll they took will never be known accurately. The accepted figure of Cambodians who died as a direct result of the inner circle's policies is 1.7 million. Many experts believe it was twice that.

Life and justice are often unfair, but it is misleading for the Cambodian government and its supporters to claim that the Khmer Rouge leadership is being brought to the tribunal.

Top leader Pol Pot and his wife Khieu Ponnary died in 1998 and 2003, respectively; Son Sen and wife Yun Yat in 1997, Ke Pauk in 2002, and the brutal Ta Mok in 2006.

"Brother Number Two" Nuon Chea, ex-foreign minister Ieng Sary and his wife Khieu Thirith, and Khmer Rouge ideologue Khieu Samphan are technically under arrest. None seems close to the courtroom steps. All are approaching the natural end of their lives. The reasons why they likely 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 defence testimony.

One hopes that the surviving perpetrators of the brutal regime can be brought before the tribunal. But it is a pretence of justice to claim that the trial of Duch is an accounting for that regime.