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It's all a question of timing

Benny Widyono

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A former UN envoy examines why legal proceedings against the Khmer Rouge were delayed for three decades.

In the past couple of months, we have been witnessing the trial of Kang Guek Eav, alias Duch, the notorious head of the S-21 prison camp of the Khmer Rouge, in the Extraordinary Chambers of the Courts of Cambodia.

Thus, we finally see the beginnings of justice coming to Cambodia, 30 years after Pol Pot's regime killed almost 2 million people and left the rest scarred beyond belief in ways not yet fully comprehended.

Many young people, who read about or attend the trials and who were born after the tragic era, are of course wondering why it took so long for these trials to begin. Why was there an international amnesia for almost 30 years before the hideous criminals, the leaders of this unequalled brutal regime, were finally brought to trial?

Long search for justice

Many search libraries and archives to get to the truth behind this amnesia, which denied justice to the people of Cambodia for so long. The answer must be seen in the international context of the tragedy. During the Cold War, Cambodia had - due to its geographical location - seen itself subjugated in the ongoing struggle for hegemony in Southeast Asia. The result was a tragedy of enormous proportions that, for 20 years prior to the arrival of the United Nations Transitional Authority (UNTAC) in 1992, had plunged the country into chaos, turmoil, civil war and deep despair.

The period before UNTAC can be divided into three phases. The first was the rise of the Khmer Rouge, aided by open and unequivocal support from China along with two interventions by the US - one overt and one covert, both of which indirectly aided and abetted the nascent Khmer Rouge movement. The overt intervention consisted of incessant bombings of Cambodia by US president Richard Nixon, who dropped 2.4 million tonnes of bombs on Cambodia - more than during the whole of World War II - in order to, in his words, kill Communist Vietnam troops hiding in the jungles of Cambodia.

This action drove many angry young men and women, who helplessly witnessed the daily dropping of bombs by B-52s onto their paddies and homes, into the arms of the Khmer Rouge. The covert act consisted of King Father Sihanouk's being ousted from power on March 17, 1970, by the right-wing, pro-American General Lon Nol. This was a decisive factor in the meteoric rise of the Khmer Rouge. An enraged King Father Sihanouk, speaking from Beijing, called for a general uprising in collaboration with the Khmer Rouge to defeat Lon Nol and what he termed the "US imperialists".

This ushered in the second phase: the Khmer Rouge's reign of terror between April 17, 1975, and January 7, 1979. On that final day, Vietnamese forces, assisted by exiled Cambodians, united under the banner of the Renakse Samaki Sangkruoh Cheat Kampuchea (United Front for the National Salvation of Kampuchea, or UNFSK). Under the leadership of Samdech Chea Sim, Heng Samrin and Hun Sen, they liberated Cambodia from the hateful yoke of the Pol Pot regime. The People's Republic of Kampuchea (PRK) was established and soon gained control over almost all of the country.

Alas, this did not please the powers that be in the United Nations in New York - and marked the beginning of a third period: the internationalisation of the Cambodian tragedy. In a travesty of justice, the General Assembly of the United Nations continued to recognise the Khmer Rouge, later bolstered by FUNCINPEC and KPNLF, as the legitimate government of Cambodia, rather than the de facto PRK government. This prolonged the suffering of the Cambodian people for a further 11 years until the Paris Agreements were signed in October 1991. Meanwhile, the international community did not think of holding a Khmer Rouge tribunal because they were too busy propping up leaders of the Pol Pot regime as the "legitimate" government. The Khmer Rouge ambassador, representing Cambodia, would be seen for 11 more years gracing the meetings and cocktail parties of the United Nations and lobbying for the PRK to be denied official recognition. In Cambodia, the PRK did try the Pol Pot-Ieng Sary clique and condemned them to death, but this trial was ignored by the international community.

Tribunal beginnings

Finally, the co-prime ministers of the new royal government established after the UNTAC elections - Samdech Krom Preah and Samdech Dejo Hun Sen - in June 1998 addressed a letter to the United Nations secretary general requesting assistance in the establishment of a UN-assisted tribunal. Long and acrimonious negotiations ensued over many years, but finally the Extraordinary Chambers in the Courts of Cambodia (ECCC) was established with UN help so that now, finally, the ailing and old leaders of the Khmer Rouge are being brought to justice.

Though the ECCC of course elicits a sigh of relief among Cambodians who have suffered so long, it is certainly not the only means for reconciliation with the Khmer Rouge. Recognition has already taken place in many forms in the country. Ordinary people, encouraged by the return to peace and progress - especially since the last remnants of the Khmer Rouge have been dissolved by government policy - have, of their own volition,

forged reconciliation among all Khmers. No longer do people question whether their neighbour, or their office mate, or the bride of their son is ex-Khmer Rouge or the daughter of an ex-Khmer Rouge.

Burgeoning unity

People today are working together for peace, prosperity and progress under the wings of a new government. Reconciliation has indeed been achieved by Cambodians, for Cambodians. Foreigners are welcome: Whether they be NGOs, technical experts or foreign investors, all are welcome to contribute to the country's progress, so long as they do not interfere in the domestic affairs of the country or foster divide-and-rule policies. Cambodia has had its fair share of this in the past 30 years.