



Farce Meets Justice in Khmer Rouge Trial

by **BARBARA CROSSETTE**

December 17, 2008

The colonial scramble for Africa may have ended a century ago, but in Indochina something of a cultural struggle still goes on in the hearts of the French, and glimpses of it are surfacing in the oddest of places: a **United Nations-backed tribunal** where tottering, white-haired Khmer Rouge leaders are finally facing trial three decades after their catastrophic revolution left up to two million people dead.

It is often forgotten that leaders of the Khmer Rouge were deeply involved in French communism as students in Paris in the early 1950s. One was Saloth Sar, the man who became known as **Pol Pot**, Brother Number One among the shadowy radical Maoists who in 1975 tried to erase the past and restart Cambodian history at Year Zero.

Pol Pot died peacefully in 1998 in his bed, in western Cambodia. But others are still alive, and are now in the custody of a joint Cambodian-UN court erected on a barren field twelve miles outside Phnom Penh belonging to the Cambodian military. There, in a pleasant enough detention center where the inmates have the cheek to complain about the food and living conditions, are housed **Nuon Chea**, Brother Number Two; Khieu Samphan, the erstwhile head of state and international face of the regime; the power couple Ieng Sary and Ieng Thirith, ministers, respectively, of foreign affairs and social affairs; and Kaing Guek Eav, alias Duch, the commandant of the Tuol Sleng prison and torture center, which sent thousands to the killing fields at Choeung Ek.

Khieu Samphan, free to choose his legal team at the expense of the tribunal (Khmer Rouge leaders claim poverty) has selected an old friend, the colorful French lawyer Jacques Vergès, known for his defense of Carlos the Jackal and Klaus Barbie. Vergès, to the outrage of most Cambodians who follow courtroom events, has chosen to stake his objection to the detention of his new client on the paucity of documents available in the French language. At a news conference after a hearing on December 4, survivors and still-living victims of Khmer Rouge atrocities tried to assault him and his Cambodian legal partner, who had to be hustled out by security.

Vergès's contempt for the English-speaking panels of international judges and prosecutors he faces (some of them Cambodians who long ago ceased to use the French language) is visceral. He has insulted the bench, the UN and a variety of court officials. He rails against the use of international (read French) financial contributions to the court to print "pretty posters" encouraging victims to come forward with evidence. That money should have gone into French

translations, he insists.

Cambodia has not been a French colony since 1954, a couple of decades before the Khmer Rouge came to power and turned the graceful nation into a concentration camp. Yet the French government still ties aid to the promotion of the language. Cambodians complain, for example, that French is the language of instruction at the French-funded school of public health when English (not to mention Khmer) would be more useful.

There are thought to be about 60,000 documents in the Khieu Samphan file. Court officials say that all the most important ones, numbering only several thousand, have been translated and that any other specifically requested would also be rendered into French if necessary. There is simply not enough time or money to translate them all. A French-speaking translator calls this a "culture war" that he has also experienced in other UN tribunals, especially the court in Rwanda.

Vergès argues that both he and Khieu Samphan need French documents, since neither he nor his client is conversant in English. That prosecutors have dredged up a tape of Khieu Samphan speaking English at a news conference, and a French bar association record describing Vergès as a lawyer who works in English or French only fires up more Gallic rage.

Khieu Samphan, now an old, white-haired man who walks slowly with a cane and looks for long periods without expression at the Cambodians in the court audience staring at him, says only that his memory is going so he has to rely on Vergès. He also says that he acted only in the interests of the Cambodian people and has no idea why he should be accused of such terrible crimes. He faces charges of war crimes and crimes against humanity. Genocide charges may follow, but international lawyers say these are hard to prove in cases such as this, where fellow ethnic Khmer were primary victims.

There is a larger problem than language here: the Khmer Rouge tribunal--officially called the Extraordinary Chambers of the Courts of Cambodia, at the insistence of Prime Minister Hun Sen, a former Khmer Rouge cadre himself--is in danger of descending into farce. Furthermore, the Cambodian side of this joint venture with the UN is riddled with corruption, as are most institutions in this sad country. Many people in villages and urban neighborhoods alike who had very high hopes when the tribunal finally opened its doors in 2006 are asking whether this is not a colossal waste of money. At the rate proceedings are progressing, most of the accused, now in their 70s or 80s, may well be dead before trials begin, stalled as the court is by pretrial maneuvers.

Yet there is much that is interesting going on outside the court, and it is positive for Cambodia. Young people for whom the Khmer Rouge era did not exist in history books until this year, given the dubious pasts of numerous government officials, are beginning to discover the country's recent history and to understand the roots of so much present societal dysfunction.

Thousands of documents and a variety of other evidence have been assembled, for history's sake and for the use of the court, by the independent Documentation Center of Cambodia. It was established with American funds in the 1990s and still gets US support. University students

plunge into gathering oral histories, and the DVDs they produce are selling in the markets. Nongovernmental organizations have sprung up to monitor the Khmer Rouge court and to look around with new eyes at the current human rights situation, which has considerable room for improvement.

Foreigners, too, are coming back to look again at the accumulating evidence of the horror that wracked the country from April 1975 to January 1979, when Cambodians died by the hundreds of thousands from torture, execution, starvation, disease and slave labor. Among those returning are some who have come to regret publicly their naïve support for the Khmer Rouge in the wake of the American war in Indochina. The most recent of them to tour the country was Gunnar Bergstrom, a Swede who described himself in the 1970s as a Maoist who believed in the Cambodian revolution.

Bergstrom had spent fourteen days in the country on a propaganda junket as a guest of Pol Pot in 1978, not realizing that the Khmer Rouge were getting desperate, caught up in murderous infighting and in need of some positive publicity abroad. Bergstrom assured Europeans after his visit that the Cambodians were indeed a happy lot. He returned this fall for the first time to retrace his steps, rather like a penitent. When he went home this time in early December, he left behind a "letter to the Cambodian people."

"I have not lost faith in the possibility of a better world for all and with a world order more fair and just than the one we are living in today," he wrote, but added: "For those still appalled by my support of the Khmer Rouge at the time, and especially those who suffered personally under that regime, I can only say I am sorry and ask for your forgiveness."

About Barbara Crossette

Barbara Crossette, United Nations correspondent for *The Nation*, is a former *New York Times* correspondent and bureau chief in Asia and at the UN.

She is the author of *So Close to Heaven: The Vanishing Buddhist Kingdoms of the Himalayas*, published by Alfred A. Knopf in 1995 and in paperback by Random House/Vintage Destinations in 1996, and a collection of travel essays about colonial resort towns that are still attracting visitors more than a century after their creation, *The Great Hill Stations of Asia*, published by Westview Press in 1998 and in paperback by Basic Books in 1999. In 2000, she wrote a survey of India and Indian-American relations, *India: Old Civilization in a New World*, for the Foreign Policy Association in New York. She is also the author of *India Facing the 21st Century*, published by Indiana University Press in 1993.

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