

Cambodia Steps Slowly Toward a Genocide Trial

Skepticism Clouds Quest for Accountability

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PHNOM PENH, Cambodia -- Taing Kim Sam was raped by three Khmer Rouge soldiers when she was 18. Now 49, she has been waiting more than half her life for justice. She has deep reservations about whether her government can deliver, but it is finally about to try.

On a recent Sunday, she strode into a spacious, air-conditioned courtroom built in an arid military field on the capital's outskirts. Vinyl covers still protected the new upholstered seats, and the smell of fresh paint and sawdust wafted in the cool air.

Taing Kim, petite with large, expressive eyes, peered in awe at the crescent-shaped courtroom, at the polished wooden stage with a table and chairs, at the seats for 500 spectators.

"It's so huge," she murmured. "It looks suitable for a tribunal."

More than a quarter-century ago, the Khmer Rouge tortured, executed and starved to death about 1.7 million Cambodians in a fratricidal fury that few today can comprehend.

The communist movement sought to create its vision of a peasant society supposedly free of class structures and foreign influence. It killed teachers, doctors, merchants and Muslims. It abolished religion and closed schools and banks. It emptied cities and forced people to work on cooperative farms.

Now, 27 years after the brutal regime was driven from power, the Cambodian government, assisted by the United Nations, is taking its first tangible step toward justice. The courtroom and an administrative office opened Feb. 6, and prosecutors will be arriving soon to begin formal investigations for the court.

The first defendants likely will stand trial in 2007, said Sean Visoth, administrative director for the Extraordinary Chambers in the Courts of Cambodia, the official name of the tribunal.

Activists and some survivors of the Khmer Rouge genocide are concerned that the tribunal, dominated by Cambodian judges and prosecutors, will fall short of international standards. They say that the \$56.3 million, three-year budget is far too small, and that the process is taking so long that senior Khmer Rouge leaders could die before trials begin. There will be no death penalty.

Taing Kim is one of those torn between a desire for accountability and skepticism about the Cambodian officials running the tribunal. "I still worry that the government judges will take sides with the Khmer Rouge," she said, "and that justice will be a fraud."

Visoth asked skeptics to reserve judgment. "It's in the best interests of Cambodia to make this process successful," he said.

Memories of Horror

Taing Kim was among 388 survivors, former prison guards and interrogators who arrived in the capital last week from provinces across the country to see the courtroom and tour the most infamous sites of torture and death. They entered the cells of Tuol

Sleng, the school-turned-prison where an estimated 14,000 to 16,000 people were held and tortured. They beheld Choeung Ek, the most notorious of a series of killing fields, where about 14,000 people were sent from Tuol Sleng to be executed.

The visit was organized by the Documentation Center of Cambodia, a nonprofit research institute that has spent nine years cataloguing Khmer Rouge atrocities.

Under a searing sun, Taing Kim alighted from a bus, took several steps into Choeung Ek and stopped before a shallow rectangular pit, empty now but for parched grass.

"That," she said, jabbing a finger toward the former mass grave, "looks just like the grave that they intended to bury me in."

"They" were Khmer Rouge soldiers, some of them teenagers and boys no older than she was at the time, she recalled.

Taing Kim was a newlywed when the Khmer Rouge took power in April 1975. She and her husband were sent to a labor camp. One night, he was taken away. Three nights later, the village chief, a Khmer Rouge member, came for her, she recalled.

"Your husband has found a good place to live and wants you to join him," he said.

She was taken to a clearing, where she saw several other women. Suddenly, three soldiers grabbed her and tore off her clothes, she recounted. The "animal act" began, she said bitterly. The first soldier raped her, then pushed her to another, who took his turn, then pushed her to the third, who raped her again.

What she saw next is seared in her memory. The soldiers began killing the other women they had raped, one by one, with blows to the back of the head, and throwing them into a grave. One woman protested that she was four months pregnant. They killed her, ripped the fetus from her womb and threw both into the grave, she said.

Taing Kim escaped from the young soldier guarding her by telling him she had to relieve herself in the bushes. She ran until she found a pond thick with rushes. She waded in and hid there for three nights.

As she recounted her story, she raised her left hand, shaking two fingers for emphasis. "Words cannot convey my anger," Taing Kim said. "I wanted to kill the Khmer Rouge after the regime fell. But I decided to leave it to the law."

Last year, Taing Kim visited Germany on a trip sponsored by the Documentation Center and the Friedrich-Ebert-Stiftung, a foundation that promotes social democracy. In Bonn, she spoke about her experience. The audience wept, she recalled. They asked her how the leaders of a Buddhist country could be so brutal. "I told them the leaders did not understand the religion," she said. "If they were religious, they would not have killed people."

An Uneasy Encounter

On the day Taing Kim visited Tuol Sleng, Lach Mien, 48, a slight, deeply tanned farmer with a broad nose and full lips, returned to the prison for the first time in 27 years.

"We were under their command," he said of the Khmer Rouge. "If I refused to obey, I would be killed."

By his account, he was 17 when a Khmer Rouge district commander selected him to join the army. He was dispatched straight to the battlefield.

In 1978, Lach Mien was promoted and sent to work at Tuol Sleng. He first worked typing up interrogation reports. Then he became an interrogator.

"It's not a job to be proud of," he recounted. "But I did it because I was afraid."

On the tour last month, he walked through prison cells for the first time since a Vietnamese invasion force overthrew the Khmer Rouge in 1979. He viewed shackles and iron spikes lying on a mattress. In another room, he saw a braided rope whip in a glass case.

"I had this in my room," he said. "If the prisoner refused to answer the question, I used it."

His job, he said, was to force people to confess to being agents of the CIA, the KGB or Vietnam. If they refused, he would call in the torturer. "I'd hear the sounds of the beating," he said. The torturer used tree branches or electric jolts on a bare back, he said.

Suddenly, a look of shock and recognition lit up Lach Mien's face. "That's me!" he said, pointing to a faded, peeling black-and-white photo on a display board. The face was that of a boy, the skin smooth, the nose and lips unmistakably his.

"I feel like I was born in the wrong place," he said, with a tone of remorse mixed with horror at what he had done.

As he walked through the courtyard, near the gallows where prisoners had been lifted upside down and dipped in jars of filthy water, he met Chum Mey, one of only five known living survivors of Tuol Sleng.

"Who are you?" asked Chum Mey, now 75. "I was a prisoner. That was my room: 04," he said, pointing to a room on the second floor.

"I was an interrogator," Lach Mien replied softly.

Chum Mey was taken aback. "Did you know Mr. Seng? He was my interrogator."

"He was my team leader," Lach Mien said, avoiding Chum Mey's eyes.

"Did you know Mr. Hor?" Chum Mey continued, his brow knit in agitation.

"He was the chief of the torture unit," Lach Mien replied. "He tortured those who refused to confess."

Hor had broken Chum Mey's fingers and torn out his toenails.

Lach Mien told Chum Mey that he felt compelled to do as he was ordered or be killed himself. There was a moment of tension, but Chum Mey, eager to see the rest of the prison, moved on.

Later, Chum Mey said he felt a flash of anger when he learned of Lach Mien's identity. But he wants to let the law handle the guilty, he said. "He did not commit this crime by his own decision."

'A Lot of Questions'

Youk Chhang, 45, is director of the Documentation Center of Cambodia. He was beaten and jailed briefly by the Khmer Rouge when he was 14. In his view, the tribunal's success will depend on public participation, so that the people can decide for themselves whether justice is being served.

"There are still a lot of questions about why it happened, how it happened, and who did this," he said in an interview. "We still deny that Cambodians are capable of killing other Cambodians. It brings shame to our nation. We need the trial to reflect on ourselves. . . . Knowledge heals."

Activists are skeptical that the Cambodian courts can fairly conduct a genocide trial, even with international help. The courts here are partisan and controlled by the ruling coalition, said Kek Galabru, president of the Cambodian League for the Promotion and Defense of Human Rights.

She noted that the process so far has taken nine years and that the Cambodian government still has not raised its \$13.3 million share of the tribunal budget.

Prime Minister Hun Sen was a member of the Khmer Rouge before breaking with the group and defecting to Vietnam in 1977.

The tribunal's U.N. deputy administrative director, Michelle Lee, said the United Nations could withdraw from the process if officials think it fails to meet international standards. Cambodian judges will constitute a majority on each panel, but as a safeguard, an international judge must agree before a guilty verdict is reached.

"Maybe I'm wrong, but I don't see much political will by the government to see such a tribunal," Kek Galabru said. "They have to show us."

On a Saturday last month, at the Choeung Ek killing field, Taing Kim lit a stick of incense and placed it in an urn in front of a granite stupa, a Buddhist memorial to the victims. Inside, more than 5,000 human skulls lay on a series of tiers. Many had been shattered by gunshots to the head or smashed in with hoes. One was labeled "Juvenile female, 15-20 years." Another "Senile male, over 60 years old."

They too, she said, await justice.