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Seeking Justice for the Killing Fields

By Alex Hinton

Newark, New Jersey Each year on May 20, many Cambodians gather at local memorials to remember the atrocities perpetrated during the Khmer Rouge genocide in 1975-1979. On what is known as the "Day of Anger," crowds listen to local officials and survivors talk about the violence and suffering they endured in this "prison without walls," when almost a quarter of the population perished.

Some people cry as they hear stories that echo their own suffering and as they watch monks perform rites for the souls of the dead. Others simmer in anger. In the past, effigies of Pol Pot and his henchmen were sometimes kicked and set aflame in front of banners that read: "Remember life under Pol Pot who tried to destroy the Cambodian people."

While the holiday has shifted with the currents of Cambodian politics, this year's ceremony was notable for its new emphasis on justice. At about the time of the Day of Anger, King Norodom Sihanomi officially released the names of the domestic and international judges and prosecutors who will serve on the "Extraordinary Chambers in the Courts of Cambodia," the tribunal that will try the Khmer Rouge leaders.

The tribunal is set to begin operation as early as this autumn, when the Cambodian and Canadian co- prosecutors are expected to start their investigations. Yet the tribunal faces major hurdles:

Aging defendants: Many of the former Khmer Rouge leaders - including "Brother Number 2" Nuon Chea, 78; former Presidium Chairman Khieu Samphan 74, and the former deputy prime minister for foreign affairs, Ieng Sary, 76 - are old and in bad health. They could die unjudged, as Pol Pot did in 1998. Slobodan Milosevic's death while on trial in The Hague underscores the urgency of bringing such culprits to trial as quickly as possible.

Insufficient funding: While there is enough money for the tribunal to begin operating, there is a \$9.6 million shortfall in Cambodia's share of the \$56.3 million needed to fund operations for three years, a sum the impoverished country can ill afford to pay. The United States, which has not contributed a cent to the tribunal fund, could rectify this situation by covering all or part of the shortfall.

Outreach: Many Cambodians, particularly in remote areas, do not even know that a trial is about to take place - or, if they do, have little understanding of what a tribunal is. Nongovernmental organizations like the Documentation Center of Cambodia are working hard to disseminate information about the tribunal, but their efforts need to be fully supported by international donors.

The Cambodian judiciary: There are serious concerns that the legal personnel do not have sufficient training or independence, raising the possibility that the tribunal will be manipulated by the Cambodian leadership and will fail to meet international legal standards. These concerns were heightened when the list of judicial officials was found to include judges who have close ties to Prime Minister Hun Sen's Cambodian People's Party (CPP), including an army general who is reported to be a member of the CPP's central committee and has presided over two trials that, under questionable circumstances, led to the conviction of political opponents.

While such problems warrant immediate attention, none of them doom the tribunal. Cambodians I have recently spoken with want a tribunal so they can learn what happened and why. They want to see the former Khmer Rouge, most of whom live in freedom, held accountable for what they did.

The international community in general and the United States in particular should do all that they can to make the tribunal a success. Perhaps then Cambodians will one day celebrate a new holiday - a "Day of Justice."

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