

The Cambodian genocide and the culture of impunity

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In Cambodia, in less than four years, from April 1975, to January 1979, the Khmer Rouge, in a fanatical and brutal attempt to establish a pre- industrial agrarian society, conducted a genocide that resulted in the deaths of almost two million of its own people--- nearly one fourth of Cambodia's population--- through murder, torture, starvation, disease and overwork. Although its atrocities have been carefully documented, and there can be no doubt as to the existence of the crimes and their scope, the Cambodian genocide remains one of the few modern mass crimes against humanity for which there has been no serious attempt, either on the national or international level, to punish the perpetrators. Some 35 years after the fall of the regime, only one of the perpetrators has been tried, convicted, and is currently in jail. Two more have been arrested, but it is doubtful whether their trials will ever be completed, and it seems almost certain that there will be no further arrests.

Strangely enough, there seems to be little sense of outrage in Cambodia that almost all of the perpetrators have been able to live out their lives in liberty. How did this abrogation of justice happen; how does it persist; and how does one account for the widespread indifference of much of the Cambodian populace?

On May 18, 2013, Kem Sokha, the acting president of Cambodia's major opposition party, the Cambodia National Rescue Party (CNRP), which perhaps would have won the July 2013 elections and unseated long time strongman Hun Sen had those elections corresponded to international standards, claimed that the Khmer Rouge's infamous prison, Tuol Sleng, or S-21, was nothing more than a Vietnamese sham, set up under the 1979-89 Vietnamese occupation, to defame Cambodia. He denied that this was the site, as has been internationally accepted and documented, of the torture and murder of 12,000 men, women, and children from 1975-79, under the Khmer Rouge.

The prison, in a former high school near downtown Phnom Penh, has been converted into a museum illustrating the atrocities that took place there. While the museum was created under the Vietnamese occupation, and its establishment was undoubtedly at least in part motivated by the Vietnamese occupiers' hostility to the Khmer Rouge, there is no doubt as to the prison's Khmer Rouge origins, what happened there, and who was responsible.

Kem Sokha's statement was considerably more than the Cambodian version of Holocaust denial by an eccentric politician. Although his party has distanced itself from his statement, both the statement itself and the party's position have played upon intense xenophobic attitudes and policies current against the country's 750,000 ethnic Vietnamese (5% of the population). This anti-Vietnamese xenophobia, stemming from traditional ethnic rivalries and resentment of the 10 year Vietnamese occupation, was an important plank in the party's platform in the July election. Moreover, Hun Sen, the Cambodian president, who the CNRP opposes, has strong Vietnamese associations, since he had defected to the Vietnamese in the 1970s, participated in the Vietnamese invasion of Cambodia, and was started on his political career by the Vietnamese occupiers. Hence, Kem Sokha's denial of the Khmer Rouge's responsibility for Tuol Sleng was a multifunctional political ploy in the campaign for the July 2013 Cambodian elections.

However, instead of simply deflating Kem Sokha's claim by providing ample evidence of Khmer Rouge responsibility, Hun Sen further politicized the issue by pushing through a vague and controversial law outlawing denial of Khmer Rouge responsibility for the atrocities during the 1975-79 period. Because of the vague nature of the law, not only Kem Sokha, but also other important opposition leaders could be subject to prosecution, given the CNRP's proclivity for blaming the Vietnamese for many of the atrocities committed during Khmer Rouge rule. Hence, Hun Sen's response was not aimed at furthering the historical accuracy of claims against the Khmer Rouge, but rather providing himself with a weapon with which he could further attack and gag the opposition. In short, in the run up to the July 2013 election, both sides were willing to exploit and distort the understanding of the tragedy of the Khmer Rouge period for political gain.

The extent to which the Cambodian populace truly believed Kem Sokha's contention of Khmer Rouge innocence and Vietnamese guilt cannot be accurately assessed. It is, however, quite likely that it did very little to harm, and may very well have helped the CNRP, since that party, with its very strong anti-Vietnamese stance, came very close, for the first time, to toppling Hun Sen in the July 2013 elections. This CNRP success suggests that not only for the political interests involved, but also for the Cambodian people in general, confronting the truth concerning the Khmer Rouge atrocities may have a much lower priority than the demonizing of their age old rivals, the Vietnamese.

This intense politicization of the Cambodian discourse surrounding the Khmer Rouge atrocities points out the chasm that separates international opinion concerning prosecution of

Khmer Rouge crimes and the priorities of the Cambodian populace. In 2006 a hybrid Cambodian/ UN tribunal was, after years of negotiations, set up in Phnom Penh to judge and punish the principal perpetrators of the Khmer Rouge atrocities. The expressed purpose of the Tribunal was to supply justice and emotional closure to the victims of the Cambodian genocide. It seems, however, that this closure is perhaps more important to the international community than it is to the Cambodian people.

Although the Tribunal has received a great deal of publicity within Cambodia, since its inception it has succeeded in judging and sentencing only one of the Khmer Rouge leaders, Comrade Duch, who was, in fact, the commandant of the very prison that Kem Sokha had claimed was simply a Vietnamese sham. Not only were the Tribunal's proceedings extremely careful; the accused, unlike all other Khmer Rouge leaders, fully confessed his crimes, leaving no reasonable doubt concerning the atrocities committed by the Khmer Rouge at that site. Evidently, to Kem Sokha and many of those who voted his party in July 2013, the entire proceedings of the Tribunal, and the closure that it is supposed to provide, were irrelevant and meaningless.

Moreover, it is also noteworthy that in his rebuttal to Kem Sokha, Hun Sen also did not refer to the Tribunal or Comrade Duch's trial, although in a more rational context, such a reference undoubtedly would have been useful. It would seem that from neither side of the Cambodian political spectrum are the Tribunal, and the closure and healing that is its primary goal, particularly important.

It is not surprising that Hun Sen failed to mention the Tribunal's work in a positive light. Although he, in June 1997, along with Prince Rannaridh, had requested help from the UN in setting up such a tribunal, its slow pace, and in fact, the extreme delay in setting it up in the first place, is a result of his overt blockage of its progress. But Hun Sen's original request to the UN had, in fact, little to do with justice and closure.

In 1997 the Khmer Rouge, almost two decades after its defeat by the Vietnamese, was still an important political and military force; it controlled substantial tracts of Cambodian territory along the Thai border, where it continued, to some degree, its reign of terror. In the early 1990s it even had an official headquarters behind the royal palace in Phnom Penh. It was begrudgingly assumed by the international community that the Khmer Rouge would ultimately play a role in subsequent Cambodian governments.

Although, by this time, the atrocities committed under its 1975-79 rule were widely recognized by the international community, the Khmer Rouge continued to occupy Cambodia's seat at the UN until 1993. Shockingly, the Khmer Rouge continued to have the support of the United States and China, mainly because Vietnam, who was the main force in combatting the Khmer Rouge, either directly or through a proxy Cambodian government, was a client state of the Soviet Union. Its influence waned internationally only after the demise of the USSR and the reconciliation between China and Vietnam.

In Cambodia, the Khmer Rouge was outlawed only in 1994 in a political move by Hun Sen, and even then over the strong objections of the king and the main candidate of the present opposition, Sam Rainsy, both of whom continued to see the Khmer Rouge as a bulwark against Vietnamese influence. Even in 1997, the Khmer Rouge continued to be a major threat to Hun Sen, motivating his original request for a Tribunal. Hun Sen's request for a Tribunal, therefore, had little to do with justice; it was essentially a part of his political strategy.

By the following year, 1998, however, the complexion of Cambodian politics had changed substantially. Pot Pot's death, factional squabbling among the Khmer Rouge, and major military defeats had resulted in large-scale capitulation of Khmer Rouge leaders and forces. Seizing the political advantage, Hun Sen rushed to embrace them, and incorporated several of them into his government. King Sihanouk, who had long supported the Khmer Rouge and, in fact, aided substantially in their coming to power in 1975, granted them amnesty. Shortly afterwards, Hun Sen made the famous statement to the effect that "We should dig a deep hole and bury the past."

In the interim, Hun Sen had also forced his co petitioner for a Tribunal, Prince Rannaridh, from power and into exile in a bloody coup where it is estimated that about 100 of Rannaridh's supporters were murdered. With many of the ex Khmer Rouge leaders in his government, Hun Sen had no longer any use for the Tribunal and has worked ever since to limit its effectiveness. Currently, only two Khmer Rouge leaders, Brother Number 2, Nuon Chea, and the former Khmer Rouge President, Khieu Samphan, are under indictment and standing trial. Hun Sen has made it clear that he will not permit any further indictments to move forward. Most commentators agree that he will succeed in blocking any further action by the Tribunal, and his move to halt further proceedings seems to have widespread public support.

The West, although it gives lip service to the Tribunal, underfunds it, and does not press the issue. It is hardly in the interests of the United States and its allies that their long term support

of the Khmer Rouge, stemming from their anti Vietnamese, anti Soviet policies, be put into the spotlight.

Even from the beginning there was never any serious discussion of establishing for Cambodia a tribunal similar to that in Nuremberg or in Arusha, much less the Gacaca hearings in Rwanda. Because of his political motivations, wanting to use the Tribunal to neutralize the power of the remnant Khmer Rouge leadership, Hun Sen was uninterested in prosecuting even the upper level rank and file. Only the leadership, where the Khmer Rouge's power lie, was his target.

Moreover, Hun Sen has a personal interest in blocking prosecution of mid level Khmer Rouge cadres since he himself held such a position with the Khmer Rouge until his defection to the Vietnamese in 1977. It has been convincingly alleged that he has considerable blood on his hands from that period. He defected to the Vietnamese not because of disaffection with the Khmer Rouge, but out of a fear, most likely justified, of being purged in one of the regime's periodic attacks of paranoia.

In addition, Hun Sen had and continues to have considerable support on blocking further trials from most regional and local officials, many of whom were also former Khmer Rouge cadres. The power of former Khmer Rouge cadres in contemporary Cambodian politics is not difficult to understand: The Khmer Rouge murdered those espousing even the slightest political opposition and most of the Cambodian educated class; an entire generation is left in which, with very few exceptions, the only people with even a minimal education who survived were those associated with the Khmer Rouge.

Hun Sen has claimed that action by the Tribunal indicting lower level leaders and mid level cadres would result in opening a civil war in Cambodia. While this threat may be simply rhetorical, it is the case that former Khmer Rouge cadres have considerable economic, in addition to political power. While it may not result in open civil war, moving legally against this social group may very well cause a good deal of havoc.

While there are genocide survivors' organizations and others in Cambodia that advocate for the further prosecution of the former Khmer Rouge, they are politically isolated and do not seem to represent substantial constituencies within the Cambodia populace. Many Cambodians who were themselves imprisoned and tortured under the Khmer Rouge, who nearly died from Khmer Rouge related starvation, disease, or overwork, or who lost loved

ones in the genocide, are willing to accept Hun Sen's suggestion of digging a deep hole and burying the past, or at least be satisfied with an essentially symbolic condemnation of a few Khmer Rouge leaders.

Some commentators have concluded that Cambodia's Theravada Buddhism, which condemns vengeance and prescribes retribution for evil in subsequent incarnations, has played a significant role in the development of this widespread acquiescence. Perhaps even more important, however, is the Cambodian populace's veneration of King Norodom Sihanouk; Cambodian veneration of the king is also thought to derive from the specific Cambodian (and Thai) version of Buddhism, in which the monarchy plays a significant role.

Sihanouk played an active role in bringing Pol Pot to power; at his urging, thousands of peasants joined the Khmer Rouge. Many commentators attribute the success of the Khmer Rouge directly to him. Sihanouk defended the Khmer Rouge even after they had put him under house arrest and killed several of his relatives and supporters. He defended them against the Vietnamese invaders, even though it was the Vietnamese who had freed him from house arrest, and he was instrumental in mobilizing international support for the Khmer Rouge against the occupiers. He successfully urged the UN's continuing recognition of the Khmer Rouge as the legitimate government of Cambodia not only during the Vietnamese occupation, which ended in 1989, but also for several years afterwards. Because of the Cambodian populace's veneration of their king, they accepted Sihanouk's linking of the Khmer Rouge with Cambodian national identity. Because of his god-like stature for Cambodians of all social classes, it is difficult for Cambodians, even for those who suffered at the Khmer Rouge's hands, to condemn them totally. Cambodians seldom speak of Khmer Rouge atrocities; they speak simply of "the events."

Whether it is Sihanouk's doing or not, it is undeniable that many, if not most Cambodians consider the Khmer Rouge as part of their own national identity. Many commentators of the Cambodian tragedy have noted that the Cambodian genocide differs substantially from the Armenian genocide, the Nazi Holocaust, the Rwandan genocide, the Yugoslav war crimes and crimes against humanity, and other devastating atrocities, in that ethnic and religious persecution--- against Sino Khmer, ethnic Vietnamese, Buddhists and Muslims--- played only a minor role in the overall Khmer Rouge program. Their plan to strip away the corruption of modern civilization and return Cambodia to the state of a primitive agrarian society was more about class oriented persecution than persecution of ethnic or religious minorities.

Even such categorization does not, however, hold firm. Like many other radical revolutionary

movements, the Khmer Rouge was extraordinarily purge prone, with a saturnian appetite for devouring its own children. Many of the victims of the Khmer Rouge prisons were originally Khmer Rouge prison guards of peasant stock, and as mentioned, Cambodia's president, Hun Sen himself, defected to the Vietnamese in 1977 to avoid being purged after having risen to a mid level position as a member of the Khmer Rouge. Even Pol Pot, the infamous Brother number 1, died under suspicious circumstances while imprisoned by an opposing Khmer Rouge faction. In fact, the line between victim and perpetrator was at times so vague that the UN's official term for the Cambodian tragedy was not "genocide" but rather "auto- genocide."

Moreover, in the mind of many Cambodians, there does not exist a clear delineation between the horrors of the Khmer Rouge regime of 1975-79 and the disastrous, if you will, crimes against humanity preceding, and to a certain extent, following it. The American bombing of Cambodia in conjunction with the Vietnam War, now understood to have begun in 1965 and lasting until 1973, killed at very least 100,000 Cambodian civilians (Some sources put the death toll as high as 750,000) and made over a million homeless. It also drove hundreds of thousands of Cambodian peasants into the arms of the Khmer Rouge, thus vastly increasing the support for radical faction that, at the beginning of the enterprise, had been only a negligible factor in Cambodian politics.

In addition, in 1970, Marshall Lon Nol deposed King Sihanouk, setting off a civil war that lasted until the Khmer Rouge take- over in April 1975. The Lon Nol government received strong US support since its anti communist, anti Vietnamese stance encouraged the continuing US saturation bombing of Cambodia. It is estimated that an additional 150,000 Cambodians died in that war. In the first days of their regime, the Khmer Rouge were greeted by many as heroes who rescued Cambodia from a painful civil war, although there were already reports of Khmer Rouge brutality in areas they had occupied in the provinces during that war.

It should also be remembered that it was the hated Vietnamese who finally ended Khmer Rouge rule in 1979. While the Cambodian government set up under the Vietnamese actually made some progress in rebuilding the country, it was hardly a paragon of human rights. Moreover, the Khmer Rouge were driven from power, but not defeated; they continued to hold substantial areas along the Thai border until the early 1990s. In order to urge their final capitulation, the current Hun Sen government and King Sihanouk granted many of them amnesty and incorporated them into the government.

Given this situation, it seems that apparent indifference of many Cambodians to prosecutions

of Khmer Rouge leaders and cadres cannot be simply ascribed to Cambodian culture. While cultural elements obviously do play a role, including a ready willingness to allow politicization of the discourse surrounding the Khmer Rouge period, an explanation must also take into account Cambodia's tragic modern history, much of which was determined by external forces outside of the Cambodian people's control.

