

Cambodia asserts sovereignty in case against Khmer Rouge

by Gail G. Billington

No one questions that Cambodia was the victim of one of the worst genocidal regimes in this century, and one of the most horrific geopolitical “secret” wars, as well. But while these crimes are admitted, few are the voices clamoring for the truth, the whole truth, when faced with the mounting pressure to convene a tribunal for Khmer Rouge leaders. With the arrest on March 6 of former Khmer Rouge Defense Minister Ta Mok, a.k.a. “The Butcher,” it is also generally accepted that the last of the Khmer Rouge armed resistance has disintegrated. Ta Mok is the only Khmer Rouge leader currently in custody, but for other leaders who have surrendered to the Phnom Penh government, such as senior leaders Khieu Samphan and Nuon Chea, there is no grant of amnesty to protect them from prosecution.

Cambodia continues to be held hostage to its nearly 30-year civil war, a war that was always a surrogate war for greater powers, especially members of the Permanent Five of the UN Security Council. Thus, it is clear in the ongoing tussle over the who, where, when, and how of any legal proceeding involving the Khmer Rouge, these same international “interested parties” have no plans to relinquish their seats in any deliberations.

Now the Phnom Penh government, led by Prime Minister Samdech Hun Sen, is being blamed for upsetting the neatly packaged plan presented by three UN experts in February to convene an international tribunal outside of Cambodia, possibly in one of three Asian venues, that would try 20 to 30 senior Khmer Rouge officials for crimes committed under the government of Democratic Kampuchea from April 1975 to January 1979, when an estimated 1.7 million out of 7.5 million Cambodians died. Every Cambodian family suffered. Prime Minister Samdech Hun Sen has warned of the risk of “panicking” Khmer Rouge leaders, who might prefer restarting the war, than being put on trial—a threat that U.S. Secretary of State Madeleine Albright summarily dismissed during her stop in Bangkok, Thailand, in early March.

Left out of the UN’s tribunal is the “undeclared war” of 1970-75, when the United States backed the “anti-Communist” coup of Gen. Lon Nol, followed by the B-52 carpet bombings in 1973-75, in which more bombs were dropped on Cambodia and Laos than on all of western Europe during

World War II, and in which 500,000 to 1 million Cambodians were killed. Also carefully neglected is the aftermath of the Khmer Rouge era, when, from the ouster of the Khmer Rouge government in 1979 to the Paris Peace Talks of 1991, the UN Security Council continued to recognize the Khmer Rouge coalition as the legitimate government, giving it title to Cambodia’s UN seat. Prime Minister Hun Sen has suggested that any inquiry should continue up through the violence and collusion of opposition politicians with the Khmer Rouge following the July 1998 general elections.

Conveniently, the UN experts figured out how to economize on the tribunal, suggesting that the same team of prosecutors who oversaw similar tribunals for Rwanda and Bosnia, could also handle a Cambodian tribunal. It is sad to think that genocide tribunals have become such a permanent fixture of the United Nations.

A counterproposal

On March 12, Cambodian Foreign Minister Hor Nam Hong met UN Secretary General Kofi Annan in New York where he explained the government’s objections to the proposal, and offered a counterproposal that the trial take place in Cambodia, either in civil or military court, and with the assistance of international jurists to guarantee a judicial process according to international standards of practice. Such a court, Hor Nam Hong told the Secretary General, would have the authority to try not only Ta Mok, but “the whole Khmer Rouge organization and other Khmer Rouge leaders. I personally do not believe Ta Mok will accept full responsibility for the genocide and that he will reveal other names of people to be tried.”

Any specific discussion of a tribunal only became possible because of the disintegration of the Khmer Rouge armed resistance in the past year, highlighted by the death of “Brother No. 1” Pol Pot in April 1998, the spectacular surrender, without amnesty, of the two next most senior officials Khieu Samphan and Nuon Chea in December 1998, and the arrest and capture of Ta Mok on March 6, 1999. According to experts who have participated in the gruesome task of compiling evidence against Khmer Rouge leaders over the past decades, the strongest direct evidence points to Ta Mok and Nuon Chea,



Millions of Cambodians died on the Khmer Rouge's "killing fields" (shown here), but justice can only be served if a White Paper is produced on the entire period, "which begins with Henry Kissinger's [inset] actual role in launching the expansion of the Indo-China War from Vietnam into Cambodia," says Lyndon LaRouche.

while even these researchers acknowledge that much of the evidence is circumstantial.

While experts, analysts, and non-governmental organizations charge that Prime Minister Hun Sen is "waffling" on a tribunal for the Khmer Rouge, he told *Time Asia*, in an interview in their March 22 issue, that the pace of these recent developments has overtaken events, and that the opportunities for bringing peace to the country for the first time in 30 years must be acted on with all due speed. But the evidence is abundant, including in an interview with the Prime Minister by this correspondent in Phnom Penh on Jan. 18, 1999, that he has been the most consistent and relentless, since 1979 and the overthrow of the Khmer Rouge government, in creating precisely the conditions that now exist, which give his critics the luxury of second-guessing his intentions. As he said in that interview, "My way is different from that of other people, who have only artificial morals. The group with artificial morals would like to choose what fish to bake, what fish to fry, or what fish to broil, at a time when the fish is still in the water. . . . I wouldn't say what fish to bake, or to fry, or to broil unless I had the fish in my hands. . . . Right now, the fish is in our basket, so we can decide how to cook it."

UN Secretary General Annan objected to Cambodia's proposal of a domestic trial, saying that its judicial system "in its current state is unlikely to meet minimal standards of justice," and that Cambodia had a "need for accountability

and a need to end impunity," as reported by spokesman Fred Eckhard.

The nation supersedes trial mechanics

Foreign Minister Hor Nam Hong, in his talks in New York, made clear that "the group with artificial morals" includes the UN Security Council. Cambodia, he said, has a lingering mistrust of an international tribunal, dating from the refusal of the UN Security Council to punish the Khmer Rouge after its government was overthrown in 1979, and the continuing recognition of that illegal government by the UN until 1991. Hor Nam Hong, who served as Cambodia's Foreign Minister during the Paris Peace Talks, drove home the point, that "the international community forced us to accept the Khmer Rouge as equal partners and forbid the use of the word 'genocide' in any peace agreement."

Since the signing of the seriously flawed Paris Peace Accords, at least 10,000 Khmer Rouge soldiers have defected to the Phnom Penh government. Pointing to the success of the government's policy, Foreign Minister Hor Nam Hong pointed out to Annan that the Cambodian government "has achieved what the United Nations peacekeeping plan and the Paris Peace Accords failed to achieve," and, thus, Phnom Penh should be given respect for accomplishing "national reconciliation."

In his interview with *Time Asia*, Prime Minister Hun Sen

enumerated five points, which make clear that the crux of his government's objection to further "globalization" of the Khmer Rouge issue is defense of the nation's sovereignty. The five points are: 1) an international tribunal would be managed by those who formerly supported the Khmer Rouge; 2) UN Security Council members would exercise their veto power to kill any tribunal; 3) the Phnom Penh government has successfully worked to dismantle the political and military organization of the Khmer Rouge and is entitled to complete the task; 4) under Cambodia's constitution, it is illegal to extradite any Cambodian for trial abroad; 5) those who committed the crimes are Cambodians, their victims were Cambodians, and the crimes were committed in Cambodia, thus a Cambodian court should have jurisdiction.

On March 16, in the first indication that the UN might compromise on its trial recommendation, Secretary General Annan's special representative for human rights in Cambodia, Thomas Hammarberg, said from Phnom Penh that the UN is willing to organize a trial in Cambodia, if authorities can guarantee the proceedings will be fair.

From Jakarta, Indonesia, where he is on a state visit, Prime Minister Hun Sen invited the UN to find a lawyer for Ta Mok.

Before the lynching, define the crime

On Feb. 15, during the Presidents' Day conference of the Schiller Institute in northern Virginia, Gail G. Billington had an opportunity to raise the subject of a tribunal covering Cambodia's tragic experience with EIR's founder Lyndon H. LaRouche, Jr. His answer follows:

What should be done in the case of Cambodia, is that a White Paper should be produced, as a national White Paper on the entire period, which begins with Henry Kissinger's actual role in launching the expansion of the Indo-China War from Vietnam into Cambodia and that whole period. There should be a White Paper on the overall case, and the question of the trial, of responsibility and culpability of individuals and parties, should be located within the White Paper of what happened to the country.

What was done to the country?

That should be our view, and that should be the view, I think, we should recommend to the country and to other countries. The idea of trying to find a few scapegoats to try is a way of cleansing the conscience without actually addressing the problem — and is itself an injustice. You have to do justice for the whole nation, and, therefore, you have to have a White Paper which deals with the crime to the nation and, within

that context, identifies individuals and organizations which played an exemplary criminal role.

Don't go for exemplary criminals without defining the crime done to the nation, and that crime involves Henry Kissinger. He is the number-one person to go on trial in this case because, as head of the National Security Council and, later, as Secretary of State, Kissinger's role in this whole affair, particularly in the transition from Lon Nol to the overthrow of the Lon Nol government and the Khmer Rouge's "killing fields"—that was Kissinger. Kissinger set it up. And that should be done.

But it would be an injustice to go for specific criminals without defining, as a White Paper should do, what was done to Cambodia from the whole period. This [has been going on] now since the end of the 1960s, when the war was being first spread from Vietnam into Cambodia. There were cross-river fights all the way through, cross-border fights. And then you had the official business, which is the transfer of power to Lon Nol, who was set up by Kissinger and company, and then you had, of course, the overthrow, the killing of the Lon Nol government, and the "killing fields" policy which followed.

But this is a long period; this is almost 30 years, and without covering that 30-year, or nearly 30-year history, there can be no truth and no justice therefore.

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