

**CAMBODIA**

# Peace without justice

O

n November 29, the International Criminal Tribunal for the former Yugoslavia in The Hague sentenced Drazen Erdemovic, a Bosnian Croat, to 10 years in prison for his role in the mass slaughter of Bosnian Muslims last year. In October, a high court in Italy detained and readied for trial former SS Captain Erich Priebke for his part in one of the worst wartime atrocities in Italy in 1944.

In August, Cambodia's nominal monarch, King Sihanouk, pardoned Khmer Rouge Foreign Minister Ieng Sary, a man far more odious than Erdemovic or Priebke.

After Ieng—once known as Pol Pot's Brother No. 2—and some 3,000 guerrillas broke from the Khmer Rouge last summer, a debate in Cambodia ensued: Should Ieng and his conveniently converted cohorts be held responsible in the name of justice, or should they be pardoned

and welcomed back into Cambodian society in the name of peace and reconciliation? In the end, Ieng was spared the death sentence, which a Cambodian court had imposed on him in absentia in 1979 for his part in the murder of up to 2 million people in Cambodia in the late '70s. He is now exempt from state prosecution.

The Cambodian government not only opted to pardon some of the Khmer Rouge regime's most pernicious characters but may offer them government posts. Even more bizarre, former Communist Hun Sen, one of Ieng's most bitter enemies, hailed Ieng as a patriot. Hun Sen runs the Cambodian government in a contentious power-sharing relationship with Sihanouk's son Prince Ranariddh, and each scrambled to cut a deal with Ieng shortly after he defected. The rivals strove not only to obtain credit for brokering peace, but also to gain a share of Ieng's coveted rebel military power in northwest Cambodia.

For most Americans, the Khmer Rouge's murderous regime is merely a footnote to the Vietnam War. Over the past 15 years, Cambodia's killing fields nightmare has been quietly subsumed into a cloudy gestalt of Third World conflicts, saved from complete obscurity thanks in large part to Roland Joffé's 1984 film *The Killing Fields*. Human rights advocates and many survivors of Pol Pot's terror now fear that the crimes of the Khmer Rouge—and the chance for justice in Cambodia—may be ebbing away.

The Cambodian holocaust of 1975-79, during which Pol Pot and his cadres tried to impose agrarian Maoism, claimed the lives of a quarter of Cambodia's population through execution, slavery, starvation and disease. The mass extermination ended when Vietnam invaded and toppled the Khmer Rouge in 1979, installing a puppet government composed largely of Khmer Rouge defectors led by Hun Sen. Ever since, however, the rebel Maoists have continued to wage a low-level guerrilla war against the government, abducting and killing peasants and even tourists in the regions they still control.

Although it was far better than Pol Pot's reign of terror, Hun Sen's government fostered corruption and developed dictatorial tendencies of its own. In 1989, Vietnam officially withdrew from Cambodia, but Hun Sen and his power structure remained.

After he lost to Ranariddh in U.N.-monitored elections in 1993, Hun Sen and troops loyal to him threatened civil war, eventually forcing Ranariddh to recognize him as an equal partner in a dual prime-ministership. Hun Sen and his ministers soon dominated the government and overshadowed Ranariddh. The schizophrenic government is now riddled with corruption and patronage, with Hun Sen extorting and dispensing favors according to his whim. The

*Will  
justice for  
Cambodia's  
killers be  
sacrificed in  
the name of  
peace?*

By Adam Fifield



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**Skulls from a killing field  
near Siem Reap.**

country's court system has been eroded by corruption and lack of standards.

To make matters worse, the Khmer Rouge appears poised, after a series of make-overs, to slip inconspicuously back into the political process. Last March, before the defections, Khmer Rouge party president Khieu Samphan announced that the Khmer Rouge may take part in the upcoming 1998 elections, and Ieng recently founded his own political party. While a rehabilitated Khmer Rouge may not present the danger it once did, many Cambodians fear that its crimes will be erased from the historical record. In Cambodia today, students are taught nothing of the Khmer Rouge's crimes. In 1991, when the Khmer Rouge, along with other Cambodian factions, signed a peace accord in Paris, the Cambodian government expunged references to the killing fields from textbooks in deference to the peace process.

Following Ieng's amnesty, the *New York Times* reported that most Cambodians were willing to let bygones be

bygones in the interest of peace. But Jason Abrams, co-author of a report commissioned by the State Department to analyze options for justice in Cambodia, says that based on his own conversations with Cambodians, such assumptions are not that simple. "The mantra you get is 'We want peace. We want peace,'" he says. "But when you dig deeper and ask if they want to see Pol Pot and Ieng Sary become part of the government, they say, 'No, we want them in jail. We want them dead.'"

The Cambodian Genocide Program (CGP), a two-year fact-finding project funded by a \$500,000 grant from the U.S. State Department, will release a report on the Internet this month containing "the most comprehensive collection of information on the Cambodian Genocide," according to program director Ben Kiernan. Information in the report (Web site: <http://www.pactok.net.au>) will include a biographical database of thousands of Khmer Rouge leaders and victims, 6,000 photographs, a map of mass grave locations and a bibliographical database.

The CGP started with optimism that the evidence it gathered would be used for prosecutions against the Khmer

Rouge leadership. "By the end of 1996," a September 1995 progress report predicted, "when the CGP's mandate will expire, an international Cambodian genocide tribunal may have already commenced functioning." But with the program's funding due to expire this month, the prospect of an international—or any other—tribunal seems remote. The program's work, while historically significant, could merely become a token academic gesture, if its mandate is not extended or its information is not acted upon. (Kiernan is hoping for a continuation of the funding and is appealing to other sources for money.) Experts on Cambodia hope that once it's released, the CGP material will serve as a catalyst for justice. Without a concerted international campaign, however, that is unlikely.

The State Department agreed to fund the CGP only after Sen. Charles Robb (D-VA) drafted the Cambodian Genocide Justice Act in May 1994. The act created the CGP, provided for its funding and established its mandate: to assemble the documentation, legal expertise and evidence to prosecute the crimes of the Khmer Rouge. CGP Program Manager Craig Etecheson—who with his research teams discovered thousands of new mass graves in Cambodia this summer—says that for years the State Department resisted the drive to prosecute Khmer Rouge perpetrators in order to avoid shedding light on its covert support for Pol Pot's guerrilla war against Vietnam. "They actively blocked prosecution between 1979 and 1986, because the United States was, at the time, the Khmer Rouge's most important military ally," he says. "They blocked it in the late '80s, because they were embarrassed about the early '80s."

Robb acknowledges that the State Department resisted his 1994 legislation. He vows to make every effort to involve the U.S. government in bringing the Khmer Rouge to justice, and says he is merely awaiting the release of the CGP's report before considering further action. He warns, however, that it will be difficult to gain congressional support for any formal resolution. Robb himself points out that when he sponsored the Cambodian Genocide Justice Act in 1994, he didn't have much support, despite the fact that his party held a majority. Now that he is in the minority, it seems even less likely that he will be able to goad Congress to act. "If we don't have the official imprimatur of the government of Cambodia," he says, "it's going to be difficult."

Any form of accountability will require a tremendous amount of international political will, says Dianne Orentlicher, professor of international law at American University and director of the university's War Crimes Research Office. "King Sihanouk said the amnesty [he granted to Ieng and others] will not prevent an international criminal tribunal from punishing them," she says. "What he's saying, in effect, is that his country is in a straitjacket and that the rest of the world ought to be helping them. It requires moral leadership. Somebody has to take the lead."

Since the Cambodian government seems unlikely to pursue justice, human rights advocates and diplomats are con-

sidering other options. The United Nations, which oversaw the 1993 elections in Cambodia, could create a tribunal similar to those for Bosnia and Rwanda. But as Orentlicher points out, the war crimes tribunals in both of these countries were created as "peace enforcement measures." Because the Khmer Rouge was reduced to a relatively minor threat more than 15 years ago, the Cambodian situation lacks the urgency that resulted in the creation of tribunals in Bosnia and Rwanda. And given the failure of these tribunals to apprehend such culprits as Radovan Karadzic and Ratko Mladic in Bosnia, the prospects for an effective international tribunal in Cambodia seem slim.

Some observers have called for the establishment of a truth commission, like the Sábato commission in Argentina, which would wield investigative and documentary, but not prosecutorial, powers. The amnesty granted to Ieng and others by Sihanouk could prevent their prosecution by the state, but it would not preclude the documentary activities of a truth commission. And as Cambodia scholar Steven Ratner notes, "a truth commission can serve as a prelude to a prosecutorial process." A Cambodian truth commission could be modeled after the one established in South Africa, which determined that if a defendant did not confess, he or she could then be prosecuted. This way, leaders like Ieng, who has refused to confess to his part in the Khmer Rouge atrocities, would be forced to do so. Many observers say that Cambodia will only mount a truth commission if the United States applies pressure, but the only way the United States is likely to act is if Congress forces it to do so. In November, the Senate passed a resolution, sponsored by Sen. William Roth (R-DE), affirming the Senate's commitment to justice in Cambodia. While it is non-binding, "it has put the administration on notice," says Roth aide Dan Bob.

What if, in the end, nothing is done? "I think it will set a very discouraging precedent that political reconciliation overrides and is not consistent with justice," says Ratner. "I think reconciliation goes hand-in-hand with justice."

The failure to hold the Khmer Rouge accountable could have grave ramifications for justice across the globe. "If these aren't crimes," says Orentlicher, "it's hard to say there is such a thing as an international crime." ◀

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**I N T H E A R T S**

# Neither-nor satire

**Citizen Ruth cleverly mocks both sides of the abortion debate, but does it stake out a position of its own?**

**By Pat Dowell**

**I**f I were a pro-lifer (which is about as likely as Pat Buchanan signing on as editorial writer for *ITT*), I'd feel my side had gotten the short end of a very sharp stick in *Citizen Ruth*. Most people who've seen this cheeky little satire seem to feel it targets both sides of the abortion rights debate, never dropping its hip comic insouciance. It's true that the movie makes fun of both positions' excesses, but its satire is much sharper and more intricate when it's at the expense of the all-American, hymn-singing zealots known as the Baby Savers than when it targets hapless but well-meaning pro-choicers.

The movie follows the fortunes of Ruth (Laura Dern), a scruffy ne'er-do-well whose addiction to paint fumes and other noxious vapors is briefly interrupted by arrest. When it's discovered she's pregnant, she's charged with endangering the life of her fetus, but the judge offers to

reduce the charges against her if she agrees to an abortion (four previous children were taken by the state). Ruth is delighted until her jailhouse encounter with pro-life activists incarcerated for protesting too close to the local abortion provider. They see Ruth's story as an outrage and a public relations opportunity. One of them takes Ruth home to a humble outpost of constrained American comforts.

"We don't really sit in those chairs," explains Gail as she scoops Ruth up out of the Early American living room. Gamely dining al fresco despite their location in an airport flight path, the family consumes meat in vast quantities. It's a home where prayer is bountiful, while communication between wife and husband, not to mention mother and sullen headbanger daughter, is kept to a minimum. Soon, however, the local pro-choice brigade is also at work, leaving Ruth no less bewildered. Life does seem less desperate on the other side, where the movie pokes gentler fun at the foibles of feminists who sing songs to the moon and consort with the clinic security providers, who can be found in their off-hours at the local flesh emporium.

One of many surprising things about *Citizen Ruth* is the star quotient of its cast, which features not only Dern, a once-promising actress sidelined by such monstrous Hollywood piffle as *Jurassic Park*, but such movie, stage and television stalwarts as Kurtwood Smith and Mary Kay Place, playing the Savers who take in Ruth; Swoosie Kurtz as an undercover pro-choice activist; and even Burt Reynolds, as the televangelist head of the Baby Savers. Director and co-screenwriter Alexander Payne must have some talent to keep this cast on its toes and to pry such a sly, underplayed performance out of Reynolds, who has been hamming it up mercilessly on his comeback trail (see *Striptease* and wince).

Reynolds comes into the story when both sides finally grasp the opportunity Ruth represents for their movements. The Baby Savers call a national alert, and the pro-choice side responds in kind. So does local television, of course, and as things escalate, Ruth is buffeted from one opinion to another. "I slept in some dumpsters. Maybe I slept on some babies," she wails after watching a helpful video about "the American holocaust."

Ruth likes the attention—the warmth of a surrogate family and the eventual offers of



**Citizen Ruth**  
Directed by  
Alexander Payne