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Khmer Rouge Leaders 'Had Control Over Crimes'

UN-backed genocide tribunal hears how leaders had life-and-death authority over Cambodia while in power

By Associated Press

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Cambodian security officers assist former Khmer Rouge foreign minister Ieng Sary at the court.

Photograph: Mark Peters/EPA

Pol Pot's close confederates cannot solely blame their late leader for the atrocities that took place under Cambodia's Khmer Rouge regime, a prosecutor at the genocide tribunal in Phnom Penh said on Tuesday.

Andrew Cayley said that like Pol Pot, the three ageing former members of the regime now on trial exercised life-and-death authority over what they called Democratic Kampuchea while in power in 1975-79.

"The accused cannot credibly claim they did not know and had no control over the crimes that occurred," he told the UN-backed tribunal.

An estimated 1.7 million people died of execution, starvation, exhaustion or lack of medical care as a result of the Khmer Rouge's radical policies, which sought to create a pure agrarian socialist society.

Cayley was speaking on the trial's second day, continuing the prosecution's opening statement. On Monday, prosecutors related a litany of horrors, large and small, recalling how the Khmer Rouge sought to crush not just its enemies, but seemingly the human spirit.

Most of the population were forced to work on giant rural communes and deprived of private life. Forced marriages took the place of love, and dissenters were dispatched to the so-called killing fields.

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"These crimes were the result of an organised plan developed by the accused and other leaders and systematically implemented" by the Khmer Rouge military and central and regional government bodies, Cayley said. "They cannot be blamed solely on Pol Pot as some of the accused may try."

The defendants are Nuon Chea, 85, the Khmer Rouge's chief ideologist known as "brother number two"; Khieu Samphan, 80, a former head of state; and Ieng Sary, 86, the former foreign minister. All three say they are innocent.

A fourth defendant, Ieng Thirith, 79, was ruled unfit to stand trial last week because she has Alzheimer's disease. Ieng Sary's wife was the regime's minister for social affairs. She remains in detention pending a court decision on the prosecution appeal against her unconditional release.

The charges against the surviving inner circle of the communist movement include crimes against humanity, genocide, religious persecution, homicide and torture. Pol Pot died in 1998 in the jungle while a prisoner of his own comrades.

The defendants are old and infirm.

Michael Karnavas, one of the lawyers for Ieng Sary, has asked that his client be allowed to follow proceedings from a special room outside the courtroom to ease the physical burden on him. Judge Nil Non denied the request, saying it was important for all the defendants to be present for the prosecution's statement.

On Monday, Chea Leang, the Cambodian co-prosecutor, recalled for the court the brutalities of Khmer Rouge rule, beginning on 17 April 1975 when they captured Phnom Penh to end a bitter five-year civil war. They immediately began the forced evacuation to the countryside of the estimated 1 million people who had sheltered in the capital.

She recounted the new social order established by the group: an all-enveloping system of forced labour, with personal property banned and religion, press and all personal freedoms abolished.

Pol Pot had led the Khmer Rouge from its clandestine revolutionary origins to open resistance after a 1970 coup installed a pro-US government and dragged Cambodia into the maelstrom of the Vietnam war.

When the Khmer Rouge took power, they all but sealed off the country to the outside world. Intellectuals, entrepreneurs and anyone considered a threat were imprisoned, tortured and often executed.

Chea Leang said the regime the defendants led "was one of the most brutal and horrific in modern history".

Two-thirds of Cambodians today were not yet born when the communist group's reign of terror ended in 1979.

The tribunal has split the indictments into separate trials to speed the proceedings. The current trial is considering charges involving the forced movement of people and crimes against humanity.

Even streamlined, there is no estimate of how long proceedings will take. The defence is expected to respond to the prosecution's statement on Wednesday, and testimony is due to begin on 5 December.

The tribunal, which was established in 2006, has tried just one case, convicting prison chief Kaing Guek Eav for war crimes, crimes against humanity and other offences. His sentence was reduced to a 19-year term due to time served and other technicalities.

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