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Prosecutors Identify Suspects in Khmer Rouge Trial

By Seth Mydans

Bangkok, July 18 — Prosecutors in Cambodia announced Wednesday that they had submitted to a special tribunal a list of five potential defendants in a long-delayed trial in the mass killings by the Khmer Rouge in the 1970s.

Although the five names were not made public, the move was a leap forward in a case that has been delayed by legal and political disputes for a decade.

Under the tribunal's rules, the evidence will be studied by co-investigating judges who will decide whether to issue formal indictments.

“This is the moment the victims have been waiting for,” said Youk Chhang, who directs a documentation center that has collected some of the strongest evidence. “This is a turning point toward justice.”

The radical Communist Khmer Rouge ruled Cambodia from 1975 to 1979, during which time 1.7 million people were killed outright or died as a result of torture, disease, overwork and starvation.

No Khmer Rouge leader has ever been brought to court to face charges in crimes that resulted in the deaths of as much as one-fourth of the population and left the country in ruin and trauma.

The Khmer Rouge leader, Pol Pot, died in 1998, and his military chief, Ta Mok, died in 2006, but a number of former leaders are living quietly in Cambodia. Only one is in detention.

The announcement on Wednesday said the prosecutors had submitted for investigation “25 distinct factual situations of murder, torture, forcible transfer, unlawful detention, forced labor, and religious, political and ethnic persecution.”

It listed accusations of actions that it said constituted crimes against humanity, genocide, grave breaches of the Geneva Conventions, homicide, torture and religious persecution.

The mandate of the tribunal is to prosecute senior leaders of the Khmer Rouge as well as those “most responsible” for the crimes. The number of cases that can be brought is not limited.

Although the announcement did not disclose names, a half-dozen former leaders have often been mentioned as the most likely defendants.

They include Nuon Chea, the movement's chief ideologue; Khieu Samphan, former head of state; and Ieng Sary, former foreign minister, all of whom were members of the Khmer Rouge central committee.

Kaing Guek Iev, also known as Duch, the commandant of the main torture house, Tuol Sleng, is the only major figure in custody, but for now on a different charge in a different jurisdiction.

Although the prosecutors — a Canadian and a Cambodian — said Wednesday they were continuing their work, it was not known if they would seek more indictments.

They described the Khmer Rouge atrocities as a criminal enterprise with political aims.

“These crimes were committed as part of a common criminal plan constituting a systematic and unlawful denial of basic rights,” they said.

“The purported motive of this common criminal plan was to effect a radical change of Cambodian society along ideological lines.”

In support of their submissions, they said they had transmitted more than 1,000 documents. Large troves of files have been uncovered over the years, some with meticulous records of torture and killings.

The documents include the statements of more than 350 witnesses, a list of 40 potential witnesses, thousands of pages of Khmer Rouge government documents and the locations of more than 40 undisturbed mass graves, the statement said.

The tribunal, set up by the United Nations and the Cambodian government, is a balancing act between Cambodian and foreign judges and lawyers and between Cambodian and international justice standards.

It has been criticized by some human rights groups, which said that it had fallen below those international standards and that the arrangement left room for political manipulation by the Cambodian leader, Prime Minister Hun Sen.

Because of delays, a year has already passed since the tribunal, with a \$53 million budget, was inaugurated and only two years remain on its mandate. Experts said that could be extended if progress was being made.

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