

# The Phnom Penh Post

## **The world's first genocide trial, 30 years on** **Robbie Corey Boulet** **August 19, 2009**

*Proceedings at the People's Revolutionary Tribunal were initially disregarded as a show trial, but scholars point out that developments there weren't without meaning and historical value.*

Thirty years ago today, a tribunal in Phnom Penh sentenced former Khmer Rouge leaders Pol Pot and Ieng Sary to death in absentia for crimes committed by the communist regime.

The tribunal was staffed by both Cambodian and international lawyers. Transcripts of the proceedings were made available in Khmer, French and English. As they testified, witnesses frequently broke down in tears as they recounted the horrific experiences they endured while serving Pol Pot and his vision of an agricultural utopia.

If that sounds familiar, it's worth noting the many differences between the 1979 People's Revolutionary Tribunal (PRT) and the ongoing Khmer Rouge tribunal (KRT), before which Ieng Sary, the regime's foreign affairs minister, is expected to soon face allegations of war crimes and crimes against humanity.

For one, there are the charges. The only charge brought by the PRT against Pol Pot and Ieng Sary was that of genocide, a charge that has not been levied against any of the five suspects at the KRT.

Another crucial difference lies in the international community's perception of the two courts. The KRT has the backing of the UN, whereas the PRT, coming just seven months after the January 1979 "invasion" of Cambodia by Vietnam, was dismissed by most Western governments as a "show trial".

In recent interviews, however, several experts said the tendency to view the PRT as an empty exercise was perhaps misguided.

"While the tribunal clearly was not in accordance with the rule of law, it cannot simply be dismissed as a show trial," said Alex Laban Hinton, associate professor of anthropology at Rutgers University and author of *Why Did They Kill? Cambodia in the Shadow of Genocide* (2004).

"It was a first step towards helping the people heal and towards re-establishing a judiciary that had vanished during Democratic Kampuchea," he said. "Like it or not, it was also the world's first genocide tribunal."

### **Selective prosecutions**

There are several explanations as to why the tribunal focused only on Pol Pot and Ieng Sary. Historian David Chandler notes that the two men, who were believed to have been in Thailand during the trial, had been "identified as villains in earlier Vietnamese propaganda".

In their 2004 book *Getting Away with Genocide?: Elusive Justice and the Khmer Rouge Tribunal*, Tom Fawthrop and Helen Jarvis wrote that officials in the new Heng Samrin government were hoping for defections from other Khmer Rouge leaders, including Khieu Samphan and Nuon Chea, both of whom now await trial at the KRT.

Though Pol Pot and Ieng Sary were tried in absentia, Fawthrop and Jarvis note that the atmosphere inside Chaktomuk Theatre was still "highly charged".

"Witnesses and observers alike frequently broke into tears as the horrors they had survived were recounted in graphic detail," they wrote.

The court heard testimony from 39 witnesses over five days.

An account from the *Far Eastern Economic Review* describes the proceedings as "little more than a legal re-run of horror stories similar to those recounted by tens of thousands of refugees fleeing Kampuchea during Pol Pot's three-and-a-half-year reign".

The verdict, handed down on August 19, found the two leaders guilty of genocide, sentenced them to death and ordered the confiscation of their property. It was a verdict that was never carried out.

Ieng Sary, now 83, was granted a royal pardon by King Norodom Sihanouk in 1996 in exchange for his defection to the government.

Pol Pot died of apparent heart failure in 1998, shortly after it was announced the Khmer Rouge had agreed to turn him over to an international tribunal.

### **Domestic concerns**

By many accounts, the 1979 People's Revolutionary Tribunal had three goals: to punish the Khmer Rouge, to grant domestic legitimacy to the Heng Samrin government and to defend the Vietnamese invasion of Cambodia to the international community.

Elizabeth Becker, a US journalist, interviewed Pol Pot shortly before the fall of the

regime and later chronicled her experiences in her book *When the War Was Over*.

She said the PRT did little to sway international opinion, but Hinton said other nations may have been the government's least crucial targets.

"While the Heng Samrin government was clearly interested in gaining international legitimacy through the trial, they were probably more concerned about issues of domestic legitimacy and, it should be noted, providing a sense of redress for Cambodians who had endured such suffering," he told the Post.