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To: Ken Quinn

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Date: April 26, 2000

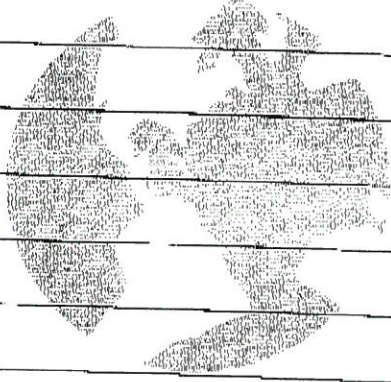
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Notes: This is a really nasty and I believe deliberately inaccurate article and it pains me to even send it to you, since it basically slanders you, as well as Stanley and Sandy Berger. Only David Scheffer gets a pass. Wiedemann met with him last week and he was really hostile; I can't remember the last time I took such an instant loathing to someone. But you should read it.



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**25 Years On:
Covering Up the Killing Fields**
By Stephen J. Morris

Public Affairs Section
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Page 6
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Twenty five years after the fall of Phnom Penh to the Khmer Rouge, most of the living architects and perpetrators of the Cambodian holocaust remain not only unindicted and unpunished, they are either part of the Cambodian government or army, or living in comfortable retirement with its approval. Yet while the United Nations has been trying to bring the Khmers Rouges to justice by an international tribunal, the Cambodian prime minister — former Khmer Rouge cadre Hun Sen — has long resisted under the pretense of concern about Cambodia's sovereignty and maintaining peace. Although Hun Sen recently formally accepted a compromise formula, there is good reason to doubt that most Khmer Rouge killers will ever be brought to justice.

Since 1977, when Pol Pot began to turn his terror machine against his own movement, the Maoist Cambodian communist party has been weakened and eventually destroyed by waves of desertions — first to Vietnam, and then to the communist regime that Vietnam installed in power after it invaded in 1978. The Hanoi-sponsored regime tried, with Soviet funds, to impose a watered down version of the Vietnamese communist system on Cambodia. But with the collapse of the Soviet bloc, and its generous aid, the Cambodian regime was forced to abandon socialist economic plans, and looked to local and foreign criminal syndicates — engaged in logging, casinos, drug trafficking and human trafficking — to provide its own economic sustenance. Today, most government ministries in Cambodia are dominated by former middle-level Khmer Rouge cadres who have metamorphosed over the past decade into patrons or CEOs of criminal syndicates pursuing not utopian ideologies but material enrichment.

Of the former top leadership of the Khmers Rouges that seized control of Cambodia in 1975, Pol Pot and Son Sen are dead. But Pol Pot's former brother-in-law and foreign minister, Ieng Sary, runs a gem mining operation in the politically autonomous enclave around Pailin in western Cambodia, and lives comfortably in a house in the capital city, Phnom Penh. Pol Pot's former political deputy Nuon Chea, whose signature endorsed countless death sentences at the Tuol Sleng torture chamber, and Pol Pot's longtime public emissary Khieu Samphan, are living comfortably in Pailin, under the protection of Ieng Sary. Former Central Committee member Ke Pauk, who on behalf of Pol Pot organized the slaughter of thousands in Cambodia's Eastern Zone in 1978, has been amnestied and integrated into Cambodia's army, as have scores of his guilty comrades and thousands of their troops.

Of the architects of the Cambodian holocaust only the recalcitrant Ta Mok, who had refused to surrender under Hun Sen's generous terms, has been captured and charged with some of his crimes, along with the commander of the Tuol Sleng torture prison and execution center, Duch. The Sheratan Hotel and casino in Phnom Penh is owned by a consortium of some former Khmer Rouge commanders, who are now generals in Hun Sen's Royal Cambodian army, and Y Chienn, the head of the Pailin troops loyal to Ieng Sary. This exemplifies the fundamental integration of Khmers Rouges into the Cambodian economic and military elites. When Hun Sen greeted and dined Nuon Chea and Khieu Samphan in Phnom Penh last year the Cambodian strongman explained that he wanted to "dig a deep hole and bury the past." Thus there is little reason to believe that Hun Sen has any interest in prosecuting any major Khmer Rouge figures other than the two who are now incarcerated.

Cambodia today is a lawless society. It is not simply a matter of the Khmers Rouges having killed off most Cambodian judges, prosecutors and defense lawyers. More important, those judges and lawyers who do work in Cambodia today are mostly untrained, and influenced by bribes or intimidation from the government or private business interests. And at the top of Cambodia's political pyramid stands a circle of leaders who have tortured and murdered their political opponents with complete impunity.

Such is the social, political and legal context in which Hun Sen and the United Nations have been at loggerheads over bringing the Khmers Rouges to justice. The United Nations has wanted an international tribunal similar to the Hague Tribunal on the former Yugoslavia. But Hun Sen has demanded that the world respect Cambodia's national sovereignty, and allow Cambodian "judges" and "prosecutors" to have the final say on who is indicted and who is found guilty or innocent. There should be no debate on this question, since the Cambodian government is demonstrably incapable of conducting anything approaching a fair trial. Yet the United Nations has been pressured by its Western members to allow a "mixed" tribunal of

Cambodian government and internationally appointed judges, in which the foreign judges would prevail. United States Senator John Kerry has recently offered a complex formula, whereby Cambodian judges will be numerically in the majority, but will be unable to make a decision without the assent of the internationally appointed judges. Hun Sen has said that he accepts this. But his acceptance should be received with great skepticism, for several reasons.

First, Hun Sen has a long track record of publicly saying one thing and then reversing himself a short time later. Second, he has a record of subverting agreements that he has sworn to uphold. The most notorious example is the United Nations Peace Agreement of 1991, in which he promised to abdicate administrative authority to the United Nations Temporary Administration in Cambodia, but failed to do so, and in which he promised to respect the rights of opposition political parties to organize, but then proceeded to murder and terrorize their members, and in which he promised to accept the electoral outcome, but after losing the 1993 election to the noncommunists, bullied his way into power with threats of civil war. Between 1993 and 1997 Hun Sen subverted even the coalition government he had forced his way into. Finally, he tore the Cambodian constitution to shreds with a coup d'etat in July 1997, during which his forces brutally murdered more than 100 people. On each occasion, then and since, he has been allowed to get away with his mendacity and brutality because Western diplomats have publicly complained meekly and privately apologized profusely for his actions. The Western democracies stood by when Hun Sen refused to accept the electoral victory of the noncommunists, despite the presence of 16,000 U.N. troops and an international investment of \$3 billion.

In 1997, when a political rally by opposition leader Sam Rainsy was attacked by grenade tossing terrorists, openly aided by Hun Sen's personal bodyguards, who slaughtered 13 innocent people and maimed dozens of others, Hun Sen blamed Sam Rainsy for attacking himself and his own rally. Then United States Ambassador Ken Quinn, instead of immediately denouncing this baseless slander, was quick to follow the French ambassador in endorsing it privately. During the coup d'etat some months later Quinn followed the French example when he refused to offer sanctuary to those endangered Cambodians entitled to it, as he did again in 1998 with oppositionist and U.S.-Cambodian dual citizen Kem Sokha.

Former U.S. Ambassador Quinn was not the only American who has tilted American Cambodia policy in favor of Hun Sen. Assistant Secretary of State Stanley Roth forced the noncommunist Cambodians to participate in a new election in 1998 when -- according to both the National Democratic Institute of International Affairs and the International Republican Institute -- the conditions for a free election did not exist. Then when the noncommunists contested the results of a blatantly unfair electoral process, the U.S. remained neutral. And after Hun Sen had cracked down violently against unarmed protestors, forcing many to flee for their lives to Thailand, in October 1998, Mr. Roth personally demanded that the opposition leader Prince Ranariddh return to Cambodia with his supporters, and participate as a fig leaf in a new coalition with the men who had murdered his friends. The demand was backed up with the threat that America and Thailand would no longer provide money or refuge to Prince Ranariddh's penniless and destitute forces.

If this is the kind of disdain for democracy and partiality for tyrants in Cambodia that the United States has manifested over the past seven years, why should Hun Sen ever imagine that he will be held accountable for breaking his word once again in the future? There are American officials who do care about justice for Cambodia -- like War Crimes Ambassador David Scheffer. But they are outnumbered by those who pursue the National Security Adviser Sandy Berger's relentless obsession with "constructive engagement," regardless of the political and strategic context, or the moral price. And United States policy, like that of France, Canada and Australia, is burdened by the legacy in Hun Sen's mind of its past collaborations with and capitulations to him.

Western lack of credibility is not the only problem with the tribunal that the United States is countenancing. The scope of the tribunal is going to be limited to a tiny handful of top Khmer Rouge leaders. Most of the actual killers will never be arrested. It would seem that the Cambodian people are as far as ever from obtaining real justice for the enormous crimes of the past. On this question, as on so many others that pertain to Cambodia, the United States has long ago abdicated its moral leadership.

Mr. Morris is a fellow at Johns Hopkins University's Paul H. Nitze School of Advanced International Studies and the author of "Why Vietnam Invaded Cambodia" (Stanford/Cambridge University Press).

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