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Khmer Rouge: Death of 'killing fields' defendant Ieng Sary during trial for Cambodia's genocide dismays Bay Area survivors

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SAN JOSE -- Bay Area survivors of Cambodia's genocide are dismayed with Thursday's death of a Khmer Rouge leader before he could face justice at the hands of an international tribunal for his role in the deaths of an estimated 1.7 million Cambodians in the 1970s.

Ieng Sary, a brother-in-law of Pol Pot, the top leader of the Khmer Rouge, was facing charges of crimes against humanity before a United Nations-backed tribunal in Phnom Penh when he died in a hospital. The trial, which began in late 2011, has faced repeated delays, frustrating survivors of the genocide, who fear even more of accused will die before verdicts are rendered.

"If they keep delaying, we can't get any answer. I don't think we can get justice," said San Jose resident Sophany Bay, 67, whose three young children died in the genocide. She attended the first two weeks of the trial.

Bay and scores of other Cambodian-Americans are being represented at the trial by lawyers, and she could testify this spring.

In addition to Ieng Sary, who was foreign minister, the defendants are Khieu Samphan, 81, a former head of state, and Nuon Chea, 86, known as Brother Number Two. A fourth defendant, Ieng Thirith, 81, the former minister of social welfare and wife of Ieng Sary, suffers from dementia and was declared unfit to be tried at the Extraordinary Chambers in the Courts of Cambodia.

Pol Pot died in 1998. In the first trial of Khmer Rouge leaders, Kaing Guek Eav, known as Duch,

was convicted in 2010 for the torture and death of at least 14,000 people in Tuol Sleng prison. He was sentenced to life in prison in February 2012.

The tribunal is simultaneously a criminal and civil proceeding. Its mandate is to try leaders responsible

for the killing of hundreds of thousands of Cambodians. Civil claimants are seeking reparations, perhaps a permanent memorial in Cambodia and the chance to face those who unleashed unspeakable brutality on their lives.

There are 19,800 genocide survivors and family members in Northern California, said Nushin Sarkarati, an attorney with the San Francisco-based Center for Justice and Accountability, a nonprofit organization representing Cambodian-Americans before the tribunal.

"A lot of the victims have been saying this trial should not have taken so long," she said. "They keep stalling and we may never see a judgment before all of the defendants die."

Every time a defendant has a health issue, the trial is halted, Sarkarati complained. While the defendants have a right to directly hear from their accusers, the proceedings could go forward with other testimony, as has occurred with the international tribunals for mass killings in Rwanda and the former Yugoslavia, she said. Other delays have occurred because of administrative problems and a strike by Cambodian staff of the court because the Cambodian government has refused to pay their salaries, Sarkarati said.

"The process is too long," said Milpitas resident Kelvin So, 64, whose brother, a surgeon, was one of thousands of professionals executed by Khmer Rouge soldiers. "What can I do? I still have wounds. We do not want to forget."

The court has indicated it might charge more former high-ranking Khmer Rouge officials, but it's unclear if more trials will follow, Sarkarati said.

Survivor So, who was a lawyer and a national police inspector before the Khmer Rouge ruled the country from 1975 to 1979, takes solace from the fact that some of the former leaders have at least been charged.

"He has been condemned," he said of Ieng Sary. "He died with dishonor. That is something."

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