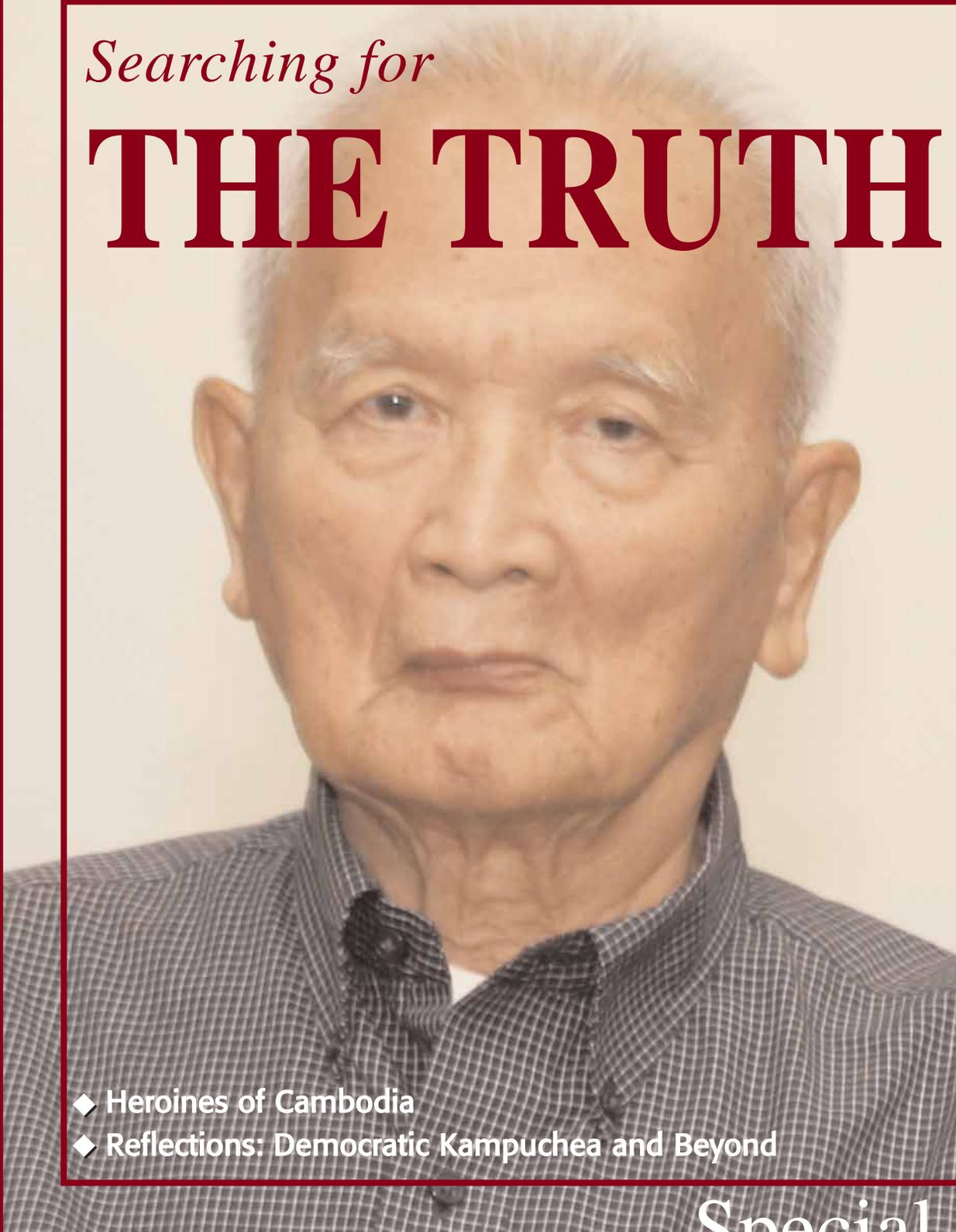


Searching for

THE TRUTH



- ◆ Heroines of Cambodia
- ◆ Reflections: Democratic Kampuchea and Beyond

Nuon Chea photo by Simith Heng

“Historical knowledge and historical consciousness, both in Cambodia and Norway, become valuable as the collective commitment of ‘Never Again’.”

-- Kjetil Grødum

Special
English Edition
First Quarter 2008

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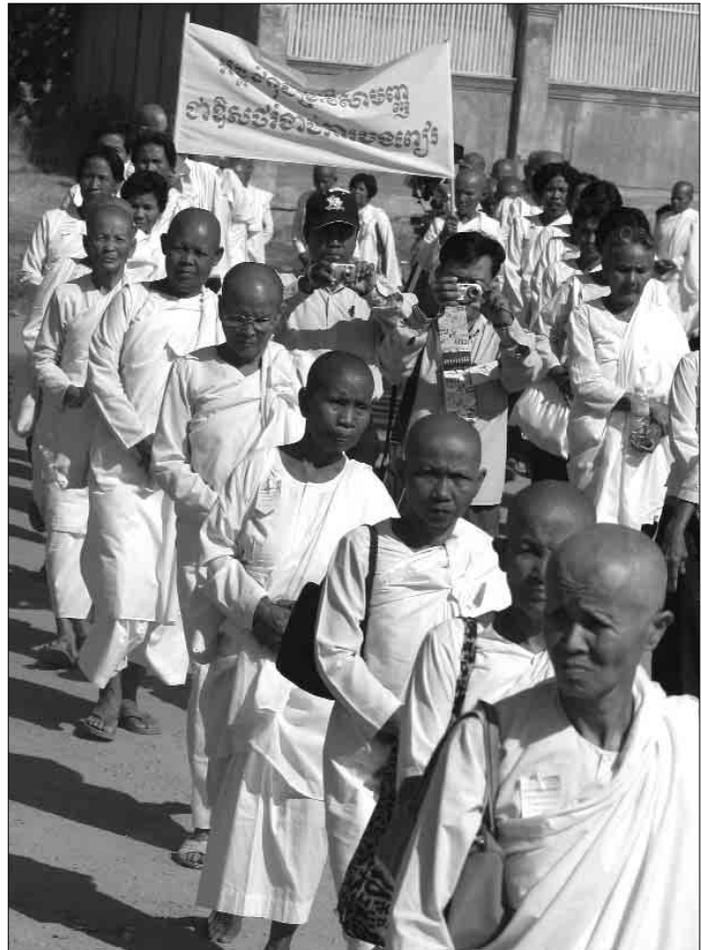
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Editorial:

NINE QUESTIONS AND ANSWERS ABOUT THE FUTURE SOUTHEAST ASIAN GENOCIDE RESEARCH CENTER

Kok-Thay Eng

Like many other regions of the world, Southeast Asia is under the constant threat of genocide. Southeast Asia is a multi-ethnic region with a huge assortment of religions, languages, and cultures. Archipelagic countries such as Indonesia, Malaysia, and the Philippines are particularly vulnerable because they contain many different cultures that were once separated. Today, under the combined forces of globalization and regional economic and social integration, these different groups come together and often, find themselves in direct competition for resources. These complicated dynamics create a great potential for conflicts. Furthermore, the evolution and dissolution of many of these groups are ongoing phenomena. The indigenous ethnic groups in the northeastern part of Cambodia, central Vietnam and southern Laos are under serious threat of being completely assimilated into larger communities. Within the context of Southeast Asia, additional research and more a refined understanding of this process and it's consequences, is vital to preventing future conflicts; conflicts which may have the potential to spiral down into genocide.

The Documentation Center of Cambodia (DC-Cam) has been active in Cambodia for the past ten years and its work has evoked within the Cambodian community a revival of interest in the Khmer Rouge genocide. With the publication of a new book for high school students, along with several other important publications, DC-Cam has become one of the major genocide education centers in Cambodia. Its magazine, *Searching for the Truth*, which began in 2000, reaches every corner of Cambodia and plays a vital role in genocide education and the

truth seeking process.

Recently, during the biennial conference of the International Association of Genocide Scholars (IAGS), held in Bosnia in July of 2007, Kok-Thay Eng, the Research Director of DC-Cam, proposed the establishment of a genocide research center for the region of Southeast Asia. He proposed the center be created by transforming DC-Cam into an international NGO.

Based on the unique experience and expertise that DC-Cam has accumulated over the past ten years, the Center now seeks to implement this plan and transform itself into a body for genocide education and research; not only in Cambodia, but the entire Southeast Asia region. Education will be one element of the expanded genocide center; however research, conflict monitoring, preserving memory and seeking justice will remain important points of concentration. In this article Kok-Thay Eng provides answers to nine basic questions about the genocide center that DC-Cam plans on establishing in the near future.

1. What is genocide?

During World War II, the Nazis of Germany killed approximately 6 million Jews, Roma (gypsies), communists and homosexuals throughout Europe. Three years after the war ended the United Nations passed the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Convention made genocide a crime for the first time. It defined genocide as "any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing

serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and/or] forcibly transferring children of the group to another group." This definition is still used today, for example, in the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Court (ICC), and hybrid courts such as the Extraordinary Chambers in the Courts of Cambodia (ECCC).

2. How warlike is Southeast Asia?

Today, parts of Southeast Asia are under the threat of genocide. This is a strong statement, so a look back at history is needed to help explain it. One of the conditions that have generally been present when genocide has occurred is war; especially in countries that recently emerged from colonialism. For example, the genocide in Cambodia occurred during the Cold War; a time when much of the world was divided by political ideology. During this time, developing countries like Cambodia, Vietnam and Laos became pawns in the war. Furthermore, these three countries emerged from wars of independence from the French less than twenty years before they were plunged into the midst of the Cold War.

Today, there are no colonies left in Southeast Asia, there are no significant movements for independence, and the conflicts of ideology between East and West have abated somewhat (although many would argue that they are on the rise again, this time between the Muslim world and the West).

3. Why is there a threat of genocide occurring in Southeast Asia?

In 1993, five years after the end of Cold War, American political scientist Samuel Huntington developed a new theory about wars in the late 20th century. He called this theory "The Clash of Civilizations." This theory posited that in the future,

the main sources of conflict in the post-Cold War world would be cultural and religious identities. Huntington states, "It is my hypothesis that the fundamental source of conflict in this new world will not be primarily ideological or primarily economic. The great divisions among humankind and the dominating source of conflict will be cultural. Nation states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between nations and groups of different civilizations. The clash of civilizations will dominate global politics. The fault lines between civilizations will be the battle lines of the future."

He cited wars such as those following the break up of Yugoslavia and between India and Pakistan as evidence of inter-civilization conflict. His theory has been widely acknowledged by politicians, researchers, and civil society. Some people have used it to explain contemporary terrorism, such as the attack on the World Trade Centers on September 11, 2001 in New York City.

To explain the possibility of genocide occurring in Southeast Asia, we need to look at two phenomena: globalization and isolation. Globalization refers to countries and groups of people moving closer together through economic integration and improvements in technologies, such as the Internet and telecommunications. While this may have many benefits to both economies and societies, globalization can also have a negative influence, particularly when social groups are set apart from one another. Some groups reject the entire notion of an economically and socially integrated world, preferring instead to retain their religious, ethnic and national identities. Thus, they reject any influence from the outside world; particularly influences they feel are "corrupting" their cultural traditions.

Globalization is having a strong influence in Southeast Asia. The economic strides that Singapore, Malaysia, Indonesia, Thailand, and Vietnam have made are evidence that much of the region is opening to the influences of the outside world. There are

also much closer communication and economic ties among the region's countries. The Association of South East Asian Nations (ASEAN) intends to further integrate the economies and societies in the region, thus hastening globalization.

But at the same time, Southeast Asia is home to many groups of people with different cultures, ethnic identities, religions and histories. When these cultures come in contact there is always the possibility that conflicts will arise. For example, the ethnic minorities who live in the northeast region of Cambodia, in central and North Vietnam and southern Laos are facing increasing influence from outside cultures. This is resulting in the slow erosion of these groups' cultures and identities. DC-Cam is conducting research on the extent to which the region's ethnic minorities are experiencing a loss of culture and the role of education in keeping group and national identity.

4. Which areas in Southeast Asia are facing the threat of genocide?

Archipelagic countries such as Malaysia, Indonesia, and the Philippines are also under threat. These countries are large and densely populated, and are surrounded by water. They have had difficulty creating a single national identity because they are home to many disparate cultures. Over 200 languages are spoken in Indonesia alone and Indonesia and the Philippines have hundreds of islands, isolating the people who live on them. Life on these islands has created different cultures with different histories and different social and political structures. In recent times, as people from these different cultures have come into contact and begun to integrate economically, conflicts have arisen.

East Timor is an example of a conflict between identity and region. On this relatively isolated island, the majority Catholic population, which still retained close ties to Portugal, came into conflict with the large centralized bureaucracy and Muslim culture of Indonesia. As a result, East Timor sought to separate from Indonesia. The people who lived

there thought that they had a different identity and could not live together with the Indonesian people. Likewise, the Islamic separatist movements and clashes in the Philippines and southern Thailand illustrate how people react when they feel their culture is threatened.

5. What benefits will a regional genocide research center provide to ASEAN nations in the future?

The benefits are clear. As a Cambodian citizen, I never want people in other countries to suffer the hardships my country went through. I want ASEAN people to live in peace and prosperity and to have their fundamental human rights fully respected. When the world is successful in preventing another major genocide in the region, DC-Cam would be very satisfied with our work.

It is much better to prevent genocide than to attempt to find justice after it has occurred. Genocide can never be undone. Once it has happened, the society becomes broken and only well-concentrated and effectively administered reconstruction efforts can forge a new society from the ashes of the former. Therefore, I feel it would be useful to compare the cost that would be spent funding a genocide research center and preventing mass violence before it occurs to the cost of what would be lost if genocide happened again. The enormity of the destruction caused by genocide is so vast that the budget we anticipate seeking to establish the center does not constitute a fraction of that cost. I believe putting funds into genocide research is an endeavor worth engaging in.

6. What is the main purpose of the center?

We have set clear goals for the establishment of the Southeast Asian Genocide Research Center. The episodes of violence unfolding in the southern provinces of Thailand, the secession conflict in various provinces in Indonesia, the ongoing dictatorship in Myanmar, and the integration of indigenous ethnic groups into larger regional and global societies along with disintegration of various social structures, makes it necessary to establish a genocide research

center in Southeast Asia. The center would work in close cooperation with other regional research and education centers and the International Association of Genocide Scholars (IAGS). The Southeast Asian Genocide Research Center would work not only to study past atrocities, but also on predicting, preventing and intervening in future cases of genocide in the region. At the center, we will incorporate projects such as research, genocide diagnosis and education, conflict analysis and prediction.

7. When will DC-Cam be transformed into the Southeast Asian Genocide Research Center?

The sooner DC-Cam can transform itself into a regional research center, the better it is. We expect that our work towards this goal will begin in earnest after the completion of the Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal. Past experiences in Cambodia, East Timor and other parts of Indonesia have proven to us that a genocide research institute for Southeast Asia is urgently needed. The recent conflict in southern Thailand proves that, even without a recent war, violent conflicts can still exist in Southeast Asia. When there is the prospect of violent conflict, we should not also forget the prospect of genocide; even when the possibility of it actually occurring is remote.

8. How much funding will DC-Cam seek for the first step in the transformation into the genocide research center, where will the funds come from and what role will the Cambodian government play in funding?

We expect to need approximately two million dollars for our projects to run smoothly and effectively. At the moment, we are currently looking for sources of that funding. As usual, we do not expect any allocation of funds from the Cambodian government. However, any support from the government would be highly appreciated. Currently, as a locally operated and internationally affiliated NGO, we have received funds from all over the world; chiefly from Sweden, Norway, the United States and New Zealand. As we expand our operation to become more regionally

focused, we intend to seek financial support from globally oriented foundations; such as the George Soros Foundation and the Ford Foundation, where many of the internationally recognized research institutions turn to. We also hope to receive support from universities and foundations in other Southeast Asian countries.

9. How many staff members will be required to start the center?

DC-Cam has been very active in its staff development program. Comparing the size of its total workforce to the number of staff studying for advanced degrees overseas, I think we have the highest number of overseas trained staff among NGOs and governmental institutions in Cambodia. So far, we have sent more than ten staff members overseas to pursue tertiary educations in the UK, US, Sweden, the Netherlands, Hong Kong, Australia and other parts of the world. One staff member will complete his PhD this May and two more are currently completing their PhD dissertations. This does not include short-term training programs that our staff members have attended in many different parts of the world; from South Africa, Northern Ireland, USA, Bosnia, to Indonesia.

Receiving advanced degrees in law, history, political science, conflict studies and international relations, these trained researchers will return to Cambodia and form the core work force of the new center. At the same time, we are also working with foreign scholars specializing in genocide, war, history, anthropology, international human rights law and other specializations. We are also planning to work with other crisis-related institutions around the world. Along with more than ten core staff, we seek to recruit between twenty and thirty additional staff members for administration, finance, management, field research, translation and documentation.

Kok-Thay Eng is the Research Director of the Documentation Center of Cambodia and a student at Rutgers University.

LETTERS FROM YOUK CHHANG:

WHETHER THE U.S. GOVERNMENT SHOULD PROVIDE FUNDS DIRECTLY TO THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

U.S. Ambassador Joseph A. Mussumeli and his staff are of the view that the Extraordinary Chambers in the Courts of Cambodia (ECCC) is now on the right track and that the U.S. should now seriously consider direct support. I believe direct U.S. support of the tribunal is appropriate, but only if the ECCC agrees to some key reforms to keep the trials on track:

♦ **Robust Anti-Corruption Commitments**-One key condition is that the ECCC adopt tough anti-corruption controls. Since the issuance of a scathing UNDP audit last summer, the tribunal has taken minimal steps to crack down on alleged corruption. The tribunal must appoint an ad hoc panel immediately to investigate the allegations and must take decisive action against any employee found to have engaged in malfeasance. The United Nations and Cambodian government must publicly commit to stringent measures going forward. The Khmer Rouge Tribunal is, above all, a chance to show Cambodians how justice can be done; corruption could deal the process a fatal blow.

♦ **A Clear Operating Timeline** - The ECCC also needs to commit to a clear timeline for the completion of its mandate. It is essential to conduct the trials carefully and to deliver credible verdicts, but efficiency is also important. Cambodians have waited for three decades for justice, and an unnecessarily drawn-out process would likely generate considerable public dissatisfaction. If the ECCC lasts as long as the ICTY or ICTR, all of the Khmer Rouge defendants may pass away without ever facing justice.

♦ **A Credible Budget Plan** - Third, the ECCC needs to present a credible, binding financial plan.

The fact that it has already asked for additional funds is somewhat disconcerting. The Special Court in Sierra Leone (SCSL) began with a 3-year, \$56 million mandate like the ECCC but has now spent roughly \$150 million and five years with no clear end in sight. The ICTY and ICTR have consumed well over \$2 billion. Tribunals sometimes press donors for funds by insisting that justice cannot be done without large additional contributions. In some cases, their pleas are justified, but a balance needs to be struck. Bureaucracies have powerful incentives to perpetuate their own existence, and tribunals are no exception. The United Nations and Cambodian government may view the ECCC's relative success to date as a way to secure more funding, but funds should only be given if the UN and Cambodian government commit to efficiency measures, such as using local resources and outsourcing functions where appropriate.

♦ **Civil Society Participation** - A fourth condition for direct U.S. assistance, related to the first three, should be the inclusion of civil society participation in periodic reviews of the ECCC's budget and operations. An outside voice can help the tribunal allocate resources more efficiently, help to break political impasses, and provide a useful watchdog function.

The above reforms will not eliminate the risks associated with the tribunal, but they need to be taken if the ECCC is to complete its mandate effectively. U.S. assistance may not be financially critical for the ECCC, but both the United Nations and Cambodian government will view it as symbolically and politically important.

HEROINES OF CAMBODIA

All female survivors of Democratic Kampuchea are heroines of Cambodia. Seventy percent of the survivors of the Khmer Rouge regime were women; most of them were widows. Since the collapse of the Khmer Rouge regime in 1979, women have been a central force in the reconstruction of the nation. They reshaped the nation's economy during the tumultuous decades of the 1980s and 1990s, when civil war with the Khmer Rouge ensued and economic sanctions stunted chances for development. Furthermore, it was through their unwavering efforts that Cambodian culture, education, and traditions, which nearly vanished at the hands of the Khmer Rouge, were reinstated in the social fabric of daily life. Under these difficult circumstances, the women of Cambodia demonstrated great strength and resilience.

In honor of their heroism and courage, I propose that a statue be built. The statue would symbolize both their struggle and that of the nation. Most importantly, the statue will be a memorial to those who perished under the Khmer Rouge. It will remind young Cambodians and citizens of the world of the country's tragic past; a past that serves as a lesson against future atrocities.

Standing 20 feet tall, the statue should be of a woman holding her young child. This height represents the 20th century; a period in which Cambodia suffered enormous political, social, and economic hardships. The body of the structure will be divided into seven parts. The bottom third of the statue will be buried beneath the soil, representing the millions who died in the genocide. The remaining four parts, located above the ground, symbolizes the millions who survived.

Facing west, the direction of death according to Buddhism, the back of the statue will capture the rising sun's warmth. As the sun rises from the east, its shadow will appear in the same direction of the

statue. As the sun travels westward across the sky, this shadow will shift directions and appear behind the statue. This moving but constant shadow symbolizes the souls of the millions people who have passed away.

At sunset, the golden rays of the sun will shine upon the statue's countenance; this glow represents eternal remembrance. Humans cannot live without memories; memories remind us of who we are and where we came from. Both the dark shadow and amber glow are symbols of the memories of the genocide. The statue will evoke sorrow and compassion, not anger and revenge. It will be an artistic achievement which signifies peace and progress for Cambodia.

An appropriate location for the statue is Samdech Hun Sen Park, situated along the riverside. This is a large public area that would allow many visitors to view the statue. As people behold the statue of the proud Cambodian woman carrying her child, they will be reminded of the lessons of genocide so that in the future, such a tragedy never occurs again in Cambodia. This national statue should be erected during the historic trials of Khmer Rouge leaders.

Youk Chhang is the Director of the Documentation Center of Cambodia and Editor-in-Chief of Searching for the Truth magazine.

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30 YEARS LATER

Sopha Ly

In Cambodia between 1975 and 1979, conditions in the country eventually led over 1.7 million people to die from over-work, starvation, poor medical care and execution. Many families were almost entirely wiped out; a majority of the survivors were widows and orphans. After the fall of the regime in 1979, most young people had the opportunity to go back to their hometowns and live with their relatives. While many were able to reunite with their families, some were unable to locate their loved ones because they could not remember where their hometown was or the histories of their families. Sek Say was one of these children; she was separated from her family in 1979, when she was 12 years old.

Sek Saron, Sek Say's cousin, looked for Say everywhere. Saron eventually told the story of her cousin's disappearance to *Searching for the Truth* magazine in an article titled, "A Messenger from Region-25." Following the publication of the article, Saron learned that Say was alive and living in Kampong Speu province. She discovered that Say was also looking for her relatives who had disappeared nearly 30 years ago. From Saron, Say learned about the death of her parents and was able to see a photograph of her mother and younger brother.

Say's Story

Sek Say (known as Sek Sothy) was the oldest daughter in her family. Her father, Sek Sat, (known as Sek Prak) and her mother, Chan Kimsron (known as Sang) began serving the revolution before the Khmer Rouge won complete control of the country. When the Khmer Rouge defeated the Khmer Republic on April 17, 1975, they named their regime "Democratic Kampuchea." Sek Sat, Say's father, worked as a secretary in Region 25 and Chan Kimsron, her mother, was the chief of a textile factory. In May of 1978 Prak, his wife and his 1 year-old son

were arrested and sent to Office 21 by Angkar. They were all later executed. Say, her sister and all of her relatives who maintained relations with her parents were sent for re-education at the office in Chrey Opnev. Many of her father's relatives were permitted to go back to their hometowns. Only Say's family was separated from each other. Say's younger brother died from measles while he was escaping from the office in Chrey Opnov to Kien Svay district with his aunt. Say escaped from the office in Chrey Opnov and went to Kampong Speu province.

When thinking about her childhood, Say only has a few memories of the time she spent with her family during the Khmer Rouge regime. Say remembers that her parents worked in Tram Knol district, Takeo province. During that period, Say's grandmother cared for her in Kampong Speu



Sek Say (known as Sek Sothy)

province. It was a very long time before her father was able to take her home.

Once, when Say had a serious illness, her grandmother sent her to a hospital in Kampong Som province. As soon as her father heard that she was ill, he took her to a hospital in Phnom Penh located near the Preah Monivong Bridge. When Say recovered she asked her mother to go back to Kampong Speu province to live with her grandmother.

Later, Say's parents moved to Takmao town and they were able to take her along. Say recalled that when she was reunited with her parents, her mother had just had another baby boy. In Takmao town, Say did not receive porridge regularly because she was unable to work as much as her peers. To make sure that she would be able to eat regularly, her parents arranged for her transfer to a textile factory where it was easier for Say to work like the other children her age. Say lived in Takmao town for only 2 or 3 months. After that, she was sent to work at the Som Pan Hospital in Kandall province.

Som Pan Hospital

Som Pan Hospital was one of the locations where medicine was produced and wounded troops were treated. Say's parents sent her to work in the medicine production department because that department employed approximately 30 girls under the supervision of 4 or 5 older doctors. Say's aunt, Von, also worked there. Say was the youngest girl in the department. At the hospital, her duties were to get the medicine from the machine and then lay it out to dry under the sun. In the afternoon, Say and other girls carried bottles to a nearby river to clean them. When Say finished her work producing medicine, she washed vegetables for the cook. Because of her hard work, Say received a good diet. While working in the hospital, Say was unable visit her parents, who still lived in Takmao town. She worked at Som Pan Hospital until the time she was sent for re-education at the Chrey Opnov Office.

One day, at about 5pm, a man came to take her from the hospital. Say knew the man, named Khorn, was her parents' driver. Khorn told Say that

Angkar was allowing her to visit her mother in Thmey district, Thmey village. Khorn told Say that there was no need to bring a mosquito net and blanket but Say still brought them because her mother had always said, "Every time you move, take everything you will need with you." Khorn had to get an order from higher ranking cadres to persuade Say to enter the car. Say was sent to the Chrey Opnov Office that night. When the car went past her house in Takmao town, she told Khorn to stop. He refused and said that her parents were in Thmey village. "He took me from Som Pan Hospital and when we reached Takmao town, I asked him if I could get out. He did not stop the car. He told me that my mother was in Thmey district. I said no, you went pass my house already, but he still denied it."

Chrey Opnov Office

Chrey Opnov was the name of a mountain in Kon Pisey district, Kampong Speu province. It was also the name given to the prison created by southwest region chief "Ta Mok" in late 1976. The office was created to re-educate and change people who held on to their old political tendencies or were selfish. The office was run by Ta Khon, who had only one hand. Ta Ben was the deputy chief of the office. Most of the prisoners held at the office were the wives and children of men who were liquidated by the revolution. Some were arrested in Region 25 and others were associated with the troops from the eastern zones. Surrounding Chrey Opnov Office was a large grave used for burying executed prisoners.

Say reached Chrey Opnov Office at about 9 PM. The Office Manager found some food and a place for Say to sleep; the man told Say that they would find her parents in the morning. Once in Chrey Opnov, Say met her sister and her 4 families of her father's relatives. All of them had been sent to the prison two days before. They were all appointed to work in different units near the foot of a mountain in Chum Kiri district. After a long time, Say asked permission from the Unit Chief to visit her aunts and uncles and younger sister.

Say asked almost every one she met for

information about her parents. Say also asked Ta Khon if he knew where her parents were but he would not tell her anything. He told her, "[if you] try to find them, then you will." But Ta Khon did not punish Say when she broke the rules to look for her parents. He knew Say was young so he allowed her to look for her parents everywhere around the office. However, no one had any information or knew where Thmey district and village (Say's home village) was. Say looked for her family until she was out of hope; after that she so went back to work in the children's unit.

While she was there, Say did not know Chrey Opnov Office was a prison. One day, when she saw her uncle carrying earth, she asked him, "Uncle, who makes you carry earth? I have never seen you do this before. You used to water vegetables instead." Say's uncle replied to her, "Do not ask me questions. Just try to work hard." Say said to her uncle, "I was allowed to come here to visit my parents in Thmey district, Thmey village but I was not permitted to bring any clothes. Until now I have tried to find them but I have seen nothing. The managers let me walk everywhere looking for them until I gave up." Say's uncle could not say anything in reply so her doubt and confusion remained.

"Gentleness, Angkar's Children Have No Parents"

This was a phrase that Say always heard Angkar's children sing while they were catching sparrows. Every time they sang this song they would look at Say. Say was concerned about this so she asked her uncle. But her uncle was too fearful to explain. Say's uncle could only tell her to, "Please do not say or question anything. Just do whatever you are ordered to do." Say was then ordered to pull peanuts, clear the grass and do many other things.

At the office in Chrey Opnov, Say was cared for by a lady named Vann and a man named Khorn. Vann had looked after Say since she was a baby. Vann knew that Say had stomach problems and always got ill so Vann told the cook to bring only food that Say was able to eat. Moreover, Khorn often brought fruits to Say when he transported

earth around the office. Say remembered that, "Customarily, he brought fruits to me through a guard when he transported earth near where I was staying. Three or four times a day he drove a car across the office so I always had fruits to eat. Uncle Khorn and the guard knew what time I would reach the office because every time I came, I always had the fruits to eat."

In 1979, when Vietnamese troops entered Cambodia, disorder and confusion occurred as the armies fought. The Chief of Chrey Opnov Office ran to find a safe place and all of the prisoners also tried to run away to escape the bombs. Because she was afraid, Say did not dare to try to find her relatives during the chaos. She just followed the Unit Chief until they reached Pech Nil. There, Say met a widow named Et Tol. She asked Say to go with her to her hometown in another part of Kampong Speu province. Tol knew that Say did not know where to go and could not remember her hometown, so she adopted her and treated her like a daughter.

Et Tol, who is now over 60 years old, said that, "When she reached Pech Nil Mountain, I met Say. No one was looking after her; every one just ran for safety." Therefore, Tol decided to adopt Say as one of her children. Tol recalled that, "my other child, Say and I ran through the forest to get to my hometown. During the trip, my child slept on my lap and Say slept at my side." When Tol reached her hometown, she took her child and Say to live in a hut with her cousin. Tol tried to find Say's relatives. Tol said, "I heard that a family at Svay Rolom was missing a child so I took Say there. But the family replied their child did not look like Say and they refused to take her." After that, Tol brought Say back to her home to wait for information.

In 1993, after the restoration of democratic elections by the United Nations and a new government was selected, Say decided to ask permission from her mother to search for her relatives in Kampong Cham. Tol went along with Say and where ever they went, they asked if anyone had

information about her parents. Say could only remember that her father was named Prak and mother named Sang; this made the task even more difficult. Tol and Say spent many days searching for Prak and Sang. Finally, the two women received some vague information that the Prak that they were looking for lived in Krouch Chhma district. Unfortunately, due to lack of money, they were forced to return to their hometown without locating him.

In 2003, Say continued the search for her parents by broadcasting an announcement on the Sombok Khmom radio station and TV Channel 3. But still she heard nothing. Consequently, Say thought that if her parents were alive they would have found her. However, recently Say was contacted by an uncle who worked for the University of Management and always read *Searching for the Truth* magazine. The man knew everything about Say's history because he was Tol's in-law. He had found some information. He saw an article written by Sek Saron, published in issue #97 (March 2007) of the magazine. He recognized the story and wanted more information about a girl named Sek Sothy (known as Say) who had been separated from her relatives since 1979, while they were escaping from the Chrey Opnov Office.

Finding her cousin and relatives made Say feel happy but, it also made her think of the day she ran from the Chrey Opnov Office. At that time of her escape, Say had initially tried to follow her brother but he told her he had to go alone because he might be asked to serve the military. "I asked to go with him but refused. He told me that he might be selected as a soldier so I should run to the west with the other people. Then I met my adopted mother, who allowed me to go with her."

Meeting her Father's Relatives

Say was so happy the first time she reached her hometown. Many of her relatives were standing outside to welcome her home. Say smiles as she remembers the reactions of her family when they saw her for the first time in nearly 30 years. "My younger sisters shouted that 'It's her!' because she

remembered my eyes. My uncle said that he remembered the calves of my legs. He said that my calves looked like my mother's." However, Say's happiness soon turned to sadness. The reunion was joyous for only a moment because Say realized that nothing could equal the feeling of seeing her parents again. "Meeting my relatives was only happy for a while. If I could have seen my parents again it would have been much better," She said with a tear.

Eventually, Say realized her dream of seeing her parents again would never happen. She could only see a photo of her mother with her baby brother. In the photo, her mother is wearing prisoner's clothes. Say remembers that her mother was strict and did not speak much, but her father liked to have fun and he rarely punished his children. Say remembers that her father always wore green clothes and shoes made from car tires. He would go to work every morning and come back in the evening. People who worked with her father said that he served the military since he was a boy.

Say kept her mother's photo and when she finally received information about her parents' death, she donated some money to create a hall in the pagoda in her village to dedicate good deeds to her parents and her brothers. In the future, Say is going to visit her mother's hometown again to search for her mother's relatives. From her mother's biography, preserved by the Documentation Center of Cambodia, Say has a better idea of where to look and who may still be alive. Say hopes that her aunt, who worked with her at the Som Pan Hospital, is still alive because she was still young when they were separated.

Say does not want to file a complaint with the Khmer Rouge Tribunal as the daughter of victims of the regime. Her desire is to directly participate in the trials as a witness but she worries that she may not be able to speak well because she does not have a higher education.

Sophal Ly is a staff writer and the Team Leader of Searching for the Truth magazine.

A REVOLUTIONARY WOMAN

Bunthorn Som

Under the Khmer Rouge regime, the period from 1975 to 1979, the Cambodian population could not escape from starvation, hard labor, torture, separation and loss of family members. The Khmer Rouge believed that in order for the country to develop prosperously, members of their regime had to be chosen from the farmer and worker classes. All people, regardless of age, had to work, sacrifice and be unwaveringly loyal to the party. For instance, during the time of the regime, Yung Sokhom, known as Khom, was assigned to work in many social fields; such as teaching, salt production, two-handled basket making and farming. No matter how hard Khom worked, the Khmer Rouge always accused her of being lazy, not finishing her work assignments and still having private ideas. Despite this, Khom was able to survive because she served the revolution faithfully. It has been more than twenty years since Khom last spoke about her experience during Democratic Kampuchea but she cannot forget. She still recalls the memories.

Yung Sokhom, known as Han during Democratic Kampuchea, was born in East Boeng Thom village, West Kanthoa sub-district, Kampong Trach district, and Kampot province. Khom was the oldest of nine siblings; her parents were farmers. She studied up to grade 9 in Ang Sophy Primary



Yung Sokhom

School, situated in West Kanthoa sub-district, Kampot province. Later, Khom dropped out of school to help her family farm and to look after her younger brothers and sisters. Khom remembers that whenever her younger siblings cried during the

night, her mother would always say, "Be careful! The Khmer Rouge will come take you." However, at the time, Khom did not know who the Khmer Rouge were or, what was happening in her village.

After the coup to depose Prince Sihanouk from power in 1970, the Khmer Rouge and Viet Cong (North Vietnamese Army) entered her village during the night to propagandize people to join the revolution. They assigned a village chief and armed forces; actions which scared some villagers. By 1972, almost the entire Kampong Trach district was captured by the Khmer Rouge, except for the downtown area. In late 1972, Lon Nol's planes dropped bombs on East Boeng Thom village in order to expel the Khmer Rouge/Viet Cong. Fortunately, Khom's family and the other villagers were not injured. In 1973, all of Kampong Trach district was liberated by the Khmer Rouge. The Khmer Rouge soldiers mobilized all of the people in the village to attend a meeting to learn the new policies of the Khmer Rouge organization, known as Angkar. At that time, the village chief selected Khom and ten other women to complete the selection test for teachers. The test covered reading and basic mathematics. After passing the test, the district chief distributed a copy of a reading text book to each teacher. The next day, Khom was assigned to teach children ages six and down in East Boeng Thom village, West Kanthoa sub-district, Kampong Trach district. Each class consisted of around thirty students. In the morning, Khom taught consonants and vowels to her students and then she would ask them to do chores like picking up cow dun and cutting grass.

Life in Slakou village

In early 1974, the village chief transferred Khom to teach in Slakou village West Kanthoa sub-

district, Kampong Trach district because some of the students in Boeng Thom village would not listen to her. In Slakou village, Khom stayed with an old lady named Hong. She had to help Hong with housework since Hong was elderly and lived alone. Khom started to teach 40 students in a small cottage that was built by the villagers and made from trees. Khom received notebooks, pens, pencils, chalk and rice from Ta Kim, who was the sub-district chief of West Kanthoa. When her students could read, Khom asked them to learn one lesson by heart. The lesson was entitled "Our parents try to work hard, and uncle soldiers try to protect the village." After class, Khom had to lead her students to prepare land for planting potatoes, garlic and water grass. While teaching in Slakou village, Khom occasionally secretly visited home. At the time, Angkar still allowed people to use money. Some villagers secretly went to Vietnam to buy goods and materials to sell in Slakou village. This was very risky because if they were caught by the Khmer Rouge, they would be sent for re-education and might not be able to return back home.

Working on the salt fields

In late 1974, Khom was transferred to teach students in another village in West Kanthoa sub-district. While teaching, Ta Kim assigned Khom to attend a meeting at the Kampong Trach district office. At the meeting, the district chief assigned Khom and ten other women to work at a salt field. After informing her parents of her transfer, Khom walked with 100 other women to Angkor Chey district. One messenger led the group from Phnom Leav sub-district in Kampong Trach district. At the salt field, Khom was responsible for building embankments, stamping down earth, and leveling salt from 7am to 5pm. Sometimes Khom had to work overtime. Then she had to get up at 2 am to collect enough salt to meet Angkar's quota. No matter how hard Khom worked, she still received blame from her unit chief. He would say, "You did not stamp the earth well enough. This destroys the salt." His unit had 100 women and three men, who took care of the machines to pump water into the salt fields. At the salt field, some workers died after a plane dropped bombs and shells from Lon Nol's

Working in the salt paddy



air base on Rabbit Island. Being frightened of the bombs, Khom ran and hid in Phnom Leav pagoda in Phnom Leav village, Kampong Trach district, for one day. After that, the unit chief gathered all the workers and took them back to the salt fields.

One day, the unit chief gathered all the workers and asked them to write their biographies. Those who came from Kandall province were asked to live in Treuy Koh (west of Kampot province). This place was surrounded by sea and did not have enough potable water. Some workers developed skin diseases and open sores on their bodies; some of the workers died.

Making two-handled baskets

In 1975, a female comrade named Mien requested Khom be trained to make two-handled baskets in Keo Krasang village, Kep sub-district, Kampot district. The training was under the supervision of female comrade named Roem. Khom was in a children's unit that consisted of eight people. She had to learn to cut the bamboo into pieces and make baskets by herself. No matter how hard she tried, Khom could not make the assigned number of baskets per day. Therefore, the unit chief raised her short-comings in a meeting and asked Khom to try to reconstruct herself and make as many baskets as possible.



Villagers in Kang Meas district

In early 1976, Mien transferred Khom to Kampong Nong village in Kampot district, to teach villagers how to make baskets. In that village, Khom and her team of twelve people stayed in a decaying concrete house. After the villagers had been trained to make baskets, Khom was transferred to deliver salt to storehouses, repair old baskets and cut bamboo near a waterfall. Later, female comrade Roem, the unit chief, transferred Khom to work on a salt field in a place called Ong Mong Toek, which was east of Kampot province. Regardless of how hard Khom worked, she received only a single ration of porridge and sour soup made from banana tree trunks per day. Therefore, whenever the unit chief asked Khom to get vegetables for communal kitchen, she usually secretly picked up a jackfruit while she was in town, ripened it and shared it with the other members of her group.

Within three or four months, Khom had to attend the meeting at Thnoat Kambot. Kang Chap, chief of the region, presided over the meeting. He talked about "trying to work hard to participate in building up the country; especially trying to produce as much salt as possible to provide to the brothers and sisters on the battle fields." After the meeting, the chief allowed the salt unit to take a break for the rest of the evening. Khom used the opportunity to repair her torn clothes.

In 1976, Khom was transferred to a firewood unit. This unit collected firewood to support the communal kitchen in Kampong Kandall village, Kampot district. The unit chief selected three illiterate unit members to attend an education session. Khom, who knew how to read and write, was asked to prepare land to plant water grass and potatoes and to screen rice in the kitchen. After dinner, Khom had to attend self-criticism meetings with comrade Roem to criticize those who were lazy and ask the others to not follow their bad examples.

When reviewing her biography, the unit chief determined Khom was a member of the middle class and accused her of hiding her history. He required her to confess about the unclear division of class. Moreover, Khom had to attend a weekend meeting about living morally. In these meetings, Khom learned that affairs between men and women were forbidden. Even talking to each other was grounds for re-education. If the result of immoral acts was a pregnancy, both the man and woman were called for re-education. The two were usually never seen again.

After a while later, Khom received information that her mother was ill from a person in an economic unit that collected vegetables in East Boeng Thom village. Khom received permission from comrade Roem to visit her mother. Khom arrived home at around six in the evening and her father requested rice from the communal kitchen for her. After meeting her relatives, Khom's mother cried and told her to come back to the village and live with the family even though they did not have enough food to eat. But Khom refused because she was afraid that her unit chief would write a letter to the sub-district chief. If that happened, she would be taken for hard labor at Treuy Koh. Khom stayed home for two nights and then she returned to her unit.

Life at Samroang Cooperative

In August 1977, Angkar wrote a recommendation letter and assigned ten people from Khom's unit to take charge of Samroang cooperative in Boeng Bat Kandall sub-district, Bakan district in Pursat province. Upon her arrival, Khom requested one and half milk cans of rice and some fish paste from the economic unit of Samroang village. Three days later, Angkar assigned Khom and 100 people who were evacuated from Phnom Penh and other provinces, to plant rice during the dry and rainy seasons. Kab was the chief who controlled the unit. Every time the unit transplanted seedlings, Kab would lay electric wire so people would have a

guide to plant in straight lines. Those who transplanted late or missed a line would be shocked by this wire. Moreover, each person had to pull out 20 bunches of seedlings a day. If they could not finish the assignment during working hours, they had to stay late into the night, working until they were finished. Only when they finished, were they able to receive food rations. These rations were one milk-can of rice for every ten people. Since Khom was new, female comrade Kab ordered her soldiers to spy on Khom to see if she committed any acts of resistance. Angkar could not find any mistakes made by Khom so Angkar assigned her to be the unit chief instead of Kab. During the harvest season, Khom oversaw the delivery of rice to support the communal kitchen. Khom always pardoned those who worked late or stole rice. Because of this, she was respected by the members of her group and they requested Khom continue to be their chief. Every once and a while, Rem, chief of Bakan district, convened a meeting in Samroang cooperative. He talked about the evolution of Angkar and asked people to strictly follow the party line. Khom said that in other units the chiefs always traced those who were lazy in work, those who stole Angkar's materials and those who were former soldiers or students. These people were arrested and killed at Romlech sub-district in Bakan district.

In 1979, though the Vietnamese forces and forces from the United Front for the National Salvation of Cambodia captured Bakan district, no one in Samroang cooperative dared to run away from their unit without permission from Angkar. The sound of bullets and tanks came nearer and nearer to the village. Khom and Yut, the chief of the kitchen, decided to flee to Damnak Chang-Kram dam in Phnom Kravanh district. On the way, the women heard Khmer Rouge propaganda that said, "The Vietnamese will cut your throat if you don't flee." Hearing this propaganda, Khom continued to hide on Kravanh Mountain. Later, however, after

she had no confidence in the Khmer Rouge and with shortages of food, she returned to live with her aunt in Bakk Chinh-Chienh village, Bakk Chinh-Chienh sub-district, Phnom Kravanh district. Later, a man asked Khom to marry him and promised to take care of her but she refused because she thought that the country was in a time of war and, more importantly, her parents and relatives were not there to witness the marriage.

Marriage without parents

Because of insecurity and the lack of a labor force to work supporting the family, Khom decided to marry a man named Preap Sophat in late 1979. That year, Khmer Rouge soldiers entered the village and robbed rice and ox carts from the villagers often. Then Khom moved to Pursat provincial downtown and brewed wine for a living. One year later, Khom and her husband fled to the Thai border, where they lived in refugee Camp 7. In the camp, Khom and her husband changed jobs many times to earn enough money to support their family. However, because of many robbery cases, they decided to return to their native village. Khom emphasized that she was heartbroken when she

learned that her parents had performed a Buddhist ceremony for her after they thought she was dead. Later, people in the village asked Khom's husband to be a teacher, but Khom refused because she wanted him to do business. For a while, Khom's husband joined the Kampong Trach music performance group, which was supported by the government of the People's Republic of Kampuchea. The group members received shampoo, petroleum, rice and some money to feed their families.

In 1987, Khom's husband was shot to death by the Khmer Rouge while he was in a car with the governor of Kampong Trach district. Today, Khom is a widow who makes a living and supports her two daughters by selling vermicelli (a kind of traditional Cambodian cake). When recalling the Khmer Rouge regime, Khom wants the Khmer Rouge leaders to take responsibility for their barbarous acts on innocent people. She wants these leaders to stand trial to find justice for the victims and to educate the younger generations.

Bunthorn Som is a staff writer for Searching for the Truth magazine.

Villagers in Krabei Chaulraung village, Kratie province



APPEAL OF NUON CHEA'S PROVISIONAL DETENTION ORDER AND THE DC-CAM LIVING DOCUMENTS PROJECT VIEWING OF THE ECCC

Thea Clay

After nearly thirty years of waiting to see Nuon Chea, known as Brother Number Two, answer for his actions as a senior leader and alleged chief ideologue of the Khmer Rouge regime, an anxious and expectant Cambodian public was again asked to be patient during the slow process of finding justice in a court of law. When the Extraordinary Chambers in the Courts of Cambodia (ECCC) reconvened Monday, February 4th to hear the appeal of the provisional detention order of Nuon Chea, the hearing was quickly adjourned due to a dispute over International Co-Defender Victor Koppe's admission to the Cambodian Bar Association. The Documentation Center of Cambodia's (DC-Cam) Living Documents Project was present at the hearing and continued Phase 2 of its effort to spread information about the Khmer Rouge regime and the court designed to try those most responsible for the crimes committed during Democratic Kampuchea, by inviting 45 village and commune chiefs to Phnom Penh to learn about the judicial processes of the "hybrid"

court, assist them with filling out Victim Information Forms, and offer them an opportunity to view the Khmer Rouge Tribunal in person. The participants came from 5 provinces (Banteay Meanchey, Siem Reap, Kampong Thom, Kartie and Kampot) and included 5 women; 3 of the participants were also leaders of Cham Muslim communities.

On Sunday, February 3rd, the participants met at 8 AM in the Public Information Room of DC-Cam and were greeted by Mr. Sok-Kheang Ly. Mr. Ly thanked them for taking the time to observe the court and later share the information they learned with the people in their communities. He then briefly introduced the Living Documents Project and gave a 90 minute presentation on the personal history of Nuon Chea, his activities before 1975, his role in the regime and the issues surrounding the pending appeal of his provisional detention order. Following a brief intermission, Deputy Director Mr. Dara P. Vanthan explained the rights of the defendant, the structure of the court, and what the participants could expect to see the following day.

After a full morning of presentations, the group left DC-Cam and traveled to a nearby restaurant for lunch. They were then taken by bus to their hotel to enjoy a short break before the second half of the day's events. At 2 PM all of the participants returned to DC-Cam where Mr. Vanthan told them of the importance of filling out Victim Information Forms and the role they will play in the Khmer Rouge Tribunal. Mr. Ly then went item by item through the forms, explaining each section and answering the questions of the village and commune chiefs. The participants were divided into three smaller groups



Nuon Chea sits in the dock

and six staff members from the Victim Participation Project were on hand to help people complete the Forms. 41 of the 45 village and commune chiefs completed forms; 3 of the participants had previously filled out Victim Information Forms and one was too young to remember the regime. Each village and commune chief was also given 5 Victim Information Forms to take with them in case any individuals in their community wish to complete the form for themselves.

To document the impact and personal experiences of the village and commune chiefs before they viewed the pre-trial hearing, three reporters from Searching for the Truth Magazine interviewed the participants as they filled out the forms. The community leaders paid special attention while completing the forms and answering questions; many said that they felt lucky that they were able to contribute to the mechanisms of justice.

Once the village and commune chiefs finished filling out the Victim Information Forms, they were shown the DC-Cam produced documentary *Behind the Walls of S-21*. After the film was shown the floor was opened for questions. The question and answer portion of the day took longer than expected, lasting nearly two hours. A majority of the questions centered around three themes: 1) The impact of the funding shortfall on victims, 2) Nuon Chea's biography, specifically the number of children he has, and 3) How he could deny knowing about the crimes of the Khmer Rouge when he held such a high position in the regime. At the end of the day the participants returned to their hotels to rest and prepare for the pre-trial hearing.

First Pre-Trial Hearing for the Appeal of the Provisional Detention Order for Nuon Chea

The following day, February 4th, 2008, the group traveled to the ECCC compound to view the appeal of Nuon Chea's provisional detention order. The village and commune chiefs were excited and optimistic before the hearing began; they expressed gratitude to DC-Cam for helping them observe the

court and said they were looking forward to telling their communities about what they saw. After passing through security, the group was seated in the auxiliary viewing room. Three of the village and commune chiefs were selected to personally view the hearing in the main court room.

Shortly before the hearing began, Nuon Chea was brought from the detention facility to the court room. At 82 years old he looked frail but still carried an air of authority. He was informed of his rights and gave his biography. The hearing opened and immediately turned to the controversy surrounding a brief written in January of 2008 by International Co-Defense attorney Victor Koppe that accused Judge Ney Thol of not being neutral due to his connection to the Cambodian Military Courts. The Cambodian Bar Association responded by refusing to swear in Mr. Koppe, preventing him from defending his client. Cambodian Co-Defender Son Arun asked the court for an adjournment of the proceedings until either Mr. Koppe could be sworn in or Nuon Chea's third lawyer, Michiel Pestman, could arrive from Europe. The panel of 5 judges then heard arguments from Co-Prosecutors Ms. Chea Leang and Mr. Robert Petit and the lawyers representing the Civil Parties: Mr. Hong Kimsuon, Mr. Yung Phanith, Mr. Lor Chunthy and Mr. Ny Chandy. Once all of the lawyers had presented their arguments, Nuon Chea requested the right to speak before the court. He asked the court to adjourn until his defense team met international standards. He said having only one lawyer would not be fair to him. The judges listened to the arguments of each of the three teams of lawyers and then recessed the court so they could deliberate.

Following 20 minutes of discussion, the judges returned and announced that the hearing would be adjourned and reconvene at the soonest possible date; once Mr. Koppe was sworn in by the Cambodian Bar Association or as soon as Mr. Son could provide the court with a time frame for Michiel Pestman's arrival in Cambodia. After the decision was announced the court room and viewing rooms

quickly emptied. The village and commune chiefs spoke to each other quietly as they made their way to Sovanna Restaurant for lunch. DC-Cam Cham Muslim Oral History Project Team Leader, Farina So, conducted interviews with the community leaders. She found they were extremely disappointed with the adjournment and were conflicted about what to tell their neighbors about their experience at the ECCC. A religious leader from Kratie province expressed his feelings to the rest of participants. He said he didn't know what or how to tell his villagers about the postponement. He said the only thing he knew to do would be to ask them to watch TV, so that they could judge for themselves.

Similar sentiments were shared by other village and commune chiefs. A commune chief from Kampong Thom province said he was disappointed with the trial and that he didn't know what to tell his people when he returned. He said that he had expected to tell them about the judgment but now he didn't know how to respond to their questions. He also said felt like all of the participants wasted four things to come to observe the trial: time, money, work and politics.

Despite their disappointment at the speedy adjournment of pre-trial hearing, many villagers still expressed gratitude for the opportunity to observe the court. Samoeun Yem, a Cambodian-Canadian said that at first he felt disappointed with the incomplete trial but he was happy to witness the trial. He commented that what he saw was a real fair trail; one that balanced the rights of victims and perpetrators and/or prosecution and defense lawyers in presenting a case.

Second Pre-Trial Hearing for the Appeal of the Provisional Detention Order for Nuon Chea

Three days later, on February 7, 2008, after the adjournment of Nuon Chea's appeal of the provisional detention order, the court reconvened to hear arguments with all attorneys present. To witness the continuance of the pre-trial hearing, the Living Documents Project brought 57 villagers from

Takeo province and 20 from Kandall province to observe the court.

As the hearing opened and Nuon Chea was brought into the courtroom and informed of his rights, the villagers commented to each other about his appearance. Many of the community leaders were shocked at how old he looked. The morning portion of the hearing was devoted to the role of Civil Parties in the Pre-Trial Chambers. This hearing was the first to address the issue of Civil Parties and in what manner they will contribute to the court proceedings, especially in the Pre-Trial Chambers. Due to the need to set a precedent for the remainder of the Tribunal, the court listened to arguments from all parties and then took a short recess to deliberate. The judges decided to allow the hearing to continue but withheld a final ruling on the role of the Civil Parties in the Pre-Trial Chambers until all sides had a chance to review the submissions they planned to present and write reasoned responses. The court then recessed for lunch and the villagers traveled to Kambol pagoda for packed lunches provided by DC-Cam.

After lunch was finished and the Defense and Prosecution reviewed the submissions provided by the Civil Parties, the hearing resumed. The afternoon portion of the hearing focused on the provisional detention order for Mr. Nuon. The defense's appeal of the order centered his September 19, 2007 arrest in Pailin and statements made later that day in an adversarial hearing to decide the issue of provisional detention. Mr. Nuon had informed the court he wanted the hearing held immediately and would represent himself in the place of his Cambodian Co-Defender Mr. Son Arun, who was in Battambang province and would not be available until the next day. The Defense claimed Mr. Nuon was denied the right to a lawyer which resulted in an unfair adversarial hearing; they also claimed there was a lack of sufficient evidence to support his arrest and detention for the charges of grave breaches of the Geneva Convention and crimes

against humanity.

The Co-Prosecutors Mr. Robert Petit and Ms. Chea Leang argued that the September 19th hearing did not violate the rights of Nuon Chea and that the Office of Co-Investigating Judges had found plenty of evidence to support the arrest warrant. Ms. Chea also argued that the continued detention of Nuon Chea was necessary to prevent him from exerting pressure on witnesses and victims, prevent the destruction of evidence, ensure his presence in court, preserve public order, and for the protection of Mr. Nuon. The hearing continued until 5 PM, when the court recessed until the following morning. The 77 villagers from Takeo and Kandall provinces gathered outside the ECCC compound and discussed the day's events. They expressed satisfaction with the hearing and were pleased that the court was able to reconvene so quickly after the February 4th adjournment. After completing interviews with local and international media, the villagers returned to their communities to share the information they learned at the trial with their neighbors.

On February 8, 2008 the ECCC met for the third time to hear the final portion of arguments in the appeal of Nuon Chea's provisional detention order. Like previous public hearings, DC-Cam's Living Documents Project, working with the Cham Muslim Oral History Project, coordinated the viewing of this hearing by 20 villagers from Kampong Speu province and 20 villagers from Srey Prey village in Kampong Chhnang province. The villagers met before the hearing outside of the ECCC building and spoke to the media and court staff; many of the villagers had attended past public hearings with DC-Cam and previously completed Victim Information Forms. Oknha Khnour Kaitoam, the leader of the Cham Imam Sann in Cambodia, said he was very grateful to have the ability to return to view the hearings and follow the actions of the ECCC so closely. He said he was happy that many of his villagers, who were following the Tribunal on TV, were now able to see it in person. Three of the

Living Documents Project participants were selected to view the morning portion of the hearing in the main court room; the remainder of the group watched from the auxiliary viewing room, which was largely empty.

The hearing began with the lawyers representing the Civil Parties presenting their arguments for the continued provisional detention of Nuon Chea. Each of the three lawyers present was permitted 30 minutes to speak; the weight their arguments would be given, if any, was to be determined by the Pre-Trial Chambers Judges and explained at the hearing to announce the decision on the appeal. The Civil Parties largely echoed the arguments of the Co-Prosecutors: mainly that the release of Nuon Chea would disrupt public order, threaten or deter witnesses from testifying, threaten the preservation of evidence, heighten the risk that Mr. Nuon would not be present in court, and also put his security and safety at risk.

Seng Theary, one of the Civil Parties, was also allowed to speak. She said it was, "a right and a privilege for victims to speak before the court." She encouraged other victims to come forward to similarly participate in the Tribunal and urged the court to offer more protection to witnesses, victims, and Civil Parties. She ended her 15 minute presentation by offering a copy of a book on trauma to Nuon Chea and saying she wanted him to read it so he would understand more clearly the effects of his



At Nuon Chea's hearing

policies on the people of Cambodia. The book, which was produced by Ms. Seng's NGO, The Center for Social Development, explores some of the damage caused by the Khmer Rouge regime. The Judges ordered the book be given to Mr. Nuon.

Once the lawyers for the Civil Parties exhausted their allotted time, Mr. Petit and Ms. Chea reiterated their arguments. Cambodian Co-Defense attorney Mr. Son Arun then challenged the court practice of not identifying the Civil Parties in public hearings. The judges refused to discuss the issue outside of chambers. The court then recessed for lunch. The DC-Cam group again gathered at Kambol pagoda for packed lunches. The group sat under the shade of fruit trees, ate, laughed and discussed the case.

Following a long lunch break the group returned to the ECCC for the final portion of the pre-trial hearing. Three women from the Living Documents Project were selected to view the main court room. The afternoon session lasted only two hours and consisted of Co-Defenders Mr. Koppe and Mr. Son outlining their arguments for the release of Nuon Chea pending trial. They contradicted many of the claims made by Cambodian Co-Prosecutor Chea Leang, said the ECCC had a fundamental obligation to ensure the rights of defendants were protected, and argued that conditional pre-trial release was not as rare as stated by the prosecution and would be reasonable in this case since Mr. Nuon had lived peacefully in his private residence for decades, had good relations with his community, holds no passport, and has not fled despite living close to the Thai border.

The judges then asked each side if they had any additional, new issues to address before the hearing adjourned. None of the lawyers had any new arguments so Chief Judge Prak Kimsan announced the court would break for deliberation. He announced that the decision would address the appeal of Nuon Chea's provisional detention order and offer a ruling on the role of the Civil Parties in the Pre-Trial Chambers. Chief Judge Prak Kimsan told the audience the court would announce the

date of the decision hearing two days in advance.

The hearing ended around 3 PM and the participants in the Living Documents Project gave interviews with the press and DC-Cam. They said they were pleased with the Tribunal and were looking forward to returning to their communities to share their experiences. Many expressed a desire to return to the ECCC for the decision announcement, and all of the participants interviewed said they would continue to follow the Tribunal on television and radio.

Decision Announcement and Ruling on the Role of Civil Parties

On March 20, 2008, the Pre-Trial Chambers of the ECCC reconvened to announce the rulings regarding the provisional detention of Nuon Chea and the future role of Civil Parties. The DC-Cam Film Team and staff members attended the hearing to record and report the Court's decision. The session began with the entrance of Mr. Nuon and the reading of his rights. The hearing progressed rapidly through the reading the charges, summation of the arguments presented in the March 7th and 8th hearing, and arguments surrounding the role of the Civil Parties.

After nearly 30 minutes, the 5 judge panel announced their decision. The Pre-Trial Chambers rejected the appeal of the provisional detention order for Nuon Chea and ruled to allow Civil Parties to participate in all of the ECCC's hearings. The ruling said the grounds for pre-trial detention were still satisfied and set a precedent that will allow the future participation of Civil Parties in appeals of provisional detention in the pre-trial phase of the Khmer Rouge Tribunal, in the trial phase, and also in the sentencing phase. Mr. Son, the national defense lawyer for Mr. Nuon said that he was "not satisfied with the decision."

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REFLECTIONS: DEMOCRATIC KAMPUCHEA AND BEYOND

Sarah Jones Dickens

The Documentation Center of Cambodia will open its exhibition *Reflections: Democratic Kampuchea and Beyond* at Tuol Sleng Genocide Museum in Phnom Penh, Cambodia on April 17, 2008. The exhibition, which will be housed in two buildings, aims to take museum visitors on a historical-visual journey, starting on April 17, 1975 when the Khmer Rouge entered Phnom Penh and ending in the present day. Featuring photographs taken from the archives of the Documentation Center of Cambodia, the visual documents placed upon the walls give insight into life during Democratic Kampuchea; the torture, execution, and killing in the prison systems; the finding and excavation of countless mass graves; the various ways Cambodians have sought to remember and memorialize the victims; and the ongoing process of and search for justice.

Reflections raises several questions and may grant some insight into the historical context of Democratic Kampuchea. For instance, what happened during the sanguinary three years, eight months, and twenty days? What did the Khmer Rouge want to achieve and what tactics did they use in pursuit of those goals? What were the direct effects on people's lives? What types of memorials have been erected to remember those who died? What is being done to bring those leaders most responsible to justice?

At the same time, the exhibition may raise questions that cannot be answered: How do individuals, communities, and nations recover and re-build? How does one even begin to classify the group of people who killed, tortured, and dehumanized others? Are they perpetrators, bystanders, or victims of the Khmer Rouge's psychological and physical manipulation? How did such massive atrocities happen without anyone trying to stop them? In short, what happened to the promise of "never again?"

Genocide education is important for several

reasons. Kamboly Dy, the first Cambodian author to write a high school textbook on Democratic Kampuchea, "Teaching Genocide in Cambodia," (2008) states that genocide education is the only way to prevent massive atrocities, such as those perpetrated by the Khmer Rouge, from happening again. Teaching students about what happened during the reign of Pol Pot can foster discussion between students and relatives: students can share historical information taught at school, while relatives speak about and relay their personal stories to the younger generation [Dy]. At the same time, genocide education may also assuage the suffering of the victims because it allows their suffering to be "remembered and acknowledged [Dy]." Above all, I argue that genocide education fosters empathy and compassion among the younger generation; compassion and empathy which are crucial to, and a factor in, a survivor's recovery from massive trauma.

But unfortunately, genocide education, according to Dy, remains "largely absent from school curriculums in Cambodia," owing to various social, economic, political, and pedagogical challenges. In fact, Cambodian students currently study history without a textbook; which raises more concerns about the manipulation and insufficiency of their educations.

While it is indeed imperative to focus on reforming high school and university curricula, changing the minds of political leaders, equipping teachers with the training and resources necessary to effectively communicate such daunting subject matter, and implementing the recommendations that Dy espouses will take some time. Classroom settings, which Dy advocates, may perhaps represent one of the better methods of teaching about the Cambodian genocide, but are there other avenues which can be utilized for genocide education until the obstacles inside the school system have been

overcome? Is there anything that can be accomplished in the meantime?

The Documentation Center of Cambodia already educates Cambodians through film and radio announcements, student outreach projects and tours, and magazine distribution. Perhaps it is the case that an art exhibition can informally operate as a "pseudo-visual textbook;" to detail and document the countless instances of human rights abuses, the torture, and the seemingly infinite number of traumatic experiences that Cambodians have endured. Similarly, rather than only offering historical information, an art exhibition, like a classroom seminar, creates dialogue and fosters discourse on issues that may not have a "correct" or "objective" answer. Furthermore, unlike a textbook, a visual exhibition's outreach is not limited to students who attend high school or university classes. Art can span generations, cut across geographical boundaries, and touch the lives of those who cannot read or write. Currently there are five exhibits housed on the second floor of Tuol Sleng Genocide Museum, including *Stilled Lives, Victims or Perpetrators?*, and *Forensic Skulls*, but very little historical overview and context has been given to museum visitors. In recent surveys, answered by national and international visitors to Tuol Sleng Genocide Museum, most respondents stressed that the museum offers scant information about the reasons behind the Khmer Rouge and life inside Democratic Kampuchea. When asked the question, "Would you like to know more about the Khmer Rouge regime?" nearly all responded, "Yes."

Perhaps it is the case that the new exhibition, *Reflections*, is a small yet significant step towards finding other ways to teach Cambodians and the international community about Democratic Kampuchea. If successful, the museum exhibition, like the reformed curriculum that Dy fancies may inspire future research on the Khmer Rouge, spark dialogue between survivors and their children, shed light on the extent of the brutality, and encourage participation in the search for truth and justice.

At the same time, a photographic exhibition

also has the ability to affirm and legitimize the past experiences of those who suffered under the Khmer Rouge; perhaps the more crucial and fundamental aim of *Reflections*. The photographs exhibited in *Reflections* have the power and ability to produce the "having-been-there" effect which Roland Barthes theorizes in *Camera Lucida*. Pointing to the existential connection between the "necessarily real thing which has been placed before the lens" and the photographic image, Barthes states that "every photograph is somehow co-natural with its referent." [Barthes, 76] According to Barthes, the photograph is an affirmation that the object placed before the lens "has once been there" even if one can "no longer touch the object." Furthermore, Susan Sontag in *On Photography* expands the notion of the indexical nature of the photograph and provocatively asserts that the photograph is different from other artistic genres precisely because the photograph has a "special status with regard to the real."

Why is it that a photograph can produce a "real effect" or can serve as visual evidence? Abigail Solomon-Godeau, in a groundbreaking critique of photographic modernism entitled *Photography at the Dock* (1991), provides insight into the reasons why photography may be afforded this aforementioned special status. "Unlike hand-made images in which the depicted image lies on the surface of the paper or canvas, the image in a photograph appears to be in it, inseparable from its ground; conceptually, you cannot lift the image from its material base."

There have been, of course, criticisms of the modernist school of photography. Many critiques of modernist photographic theory argue that the photographs do not produce the "reality effect" that Barthes stresses, but believe instead that photographs are subjective documents, whose truth and reality are bound to, and limited by, the cultural, psychological, and social processes in which the images are situated. John Tagg, in *The Burden of Representation* warns that we cannot look for some "magic" of the medium, but instead we must be aware of "the conscious and unconscious processes,

the practices and institutions through which the photograph can incite a fantasy, take on meaning, and exercise an effect."(Tagg, 4)

Tagg's views are distinct from those of Barthes and Sontag. Given the technological advances of the 20th and 21st century, with digital photography and the ability to crop, adjust, and cut/paste objects into a photograph, the concerns raised by Tagg seem even more valid. But there still seems to be some type of evidentiary quality that exists in photographs regardless of their subjective surroundings. According to Sontag, "Something we hear about but doubt, seems proven when we're shown a photograph of it...A photograph passes for incontrovertible proof that the thing happened. The picture may distort; but there is always a presumption that something exists, or did exist, which is like what's in the picture [Sontag, 5]."

While it is indeed the case that one should be critically aware of the external factors that produced a specific photograph or the institution it sits, perhaps a photograph can begin to counter the doubts, legitimize the stories, recognize the suffering, and offer visual evidence that supports the oral testimony given by survivors. It appears that genocide education will not be in schools in the near future, perhaps a museum can create a context to educate students,

Cambodian citizens, and the international community. And, at the same time, a museum can create a social context and a safe place for survivors and individuals who did not live through the Khmer Rouge to come together and bear witness to instances of massive atrocity. Judith Lewis Herman in *Trauma and Recovery* argues that "to hold traumatic reality into consciousness requires a social context that affirms and protects the victim and that joins victim and witness in a common alliance." I put forth the argument that the visual documents in the exhibition, *Reflections*, have the power to provide a social forum for survivors to come together to forge a partnership with other survivors and outsiders. A partnership that allows survivors and people from different generations, geographical locations, and cultural backgrounds, to share their past experiences, and above all, have those experiences affirmed and legitimized.

Reflections: Democratic Kampuchea and Beyond opens April 17, 2008 at Tuol Sleng Genocide Museum. It is curated by Olivia Altaras, Sarah Jones Dickens, and Sayana Ser.

Sarah Jones Dickens is a Fulbright Scholar who is currently researching the effect of genocide on visual arts in Cambodia.

KHMER ROUGE HISTORY AVAILABLE ON AIR

DC-Cam has produced a radio program focused on readings from its magazine *Searching for the Truth* and other books published by DC-Cam. Our program can be heard on:

- ♦ FM 102 MHz of the Women's Media Center, Phnom Penh, every Wednesday and Thursday from 7:30 to 7:45 p.m.
- ♦ FM 93.25 MHz, Kampot, daily from 7:00 to 7:30 a.m. and 7:00 to 7:30 p.m.
- ♦ FM 99 MHz, Preah Vihear, daily from 7:00 to 7:30 a.m. and 6:30 to 7:00 p.m.
- ♦ FM 103.25 MHz, Battambang, daily from 9:00 to 9:30 a.m. and 3:00 to 3:30 p.m.

Soon DC-Cam will also extend its radio program to Siem Reap. We anticipate that the program will contribute to the enlargement of people's understanding on Khmer Rouge history and the prevention of the repetition of such a regime.

For comments or questions on our programming, please contact Sin Sothida and Chheng Sothearin at P.O. Box 1110, Phnom Penh or 023 211 875.

CONVEYING KHMER ROUGE HISTORY TO YOUNG PEOPLE

Sok-Kheang Ly

Sitting alone and quietly under a makeshift shelter near a water lily pond in front of his house, wrinkled and gaunt Tauch Lan, 67, turns to stare at the film crew from the Documentation Center of Cambodia (DC-Cam). As we approach him, he warmly invites us to take a seat on a bamboo bed and begins to ask us where we came from. In response, our team introduces DC-Cam's core members and their activities in two sub-districts in Svay Rieng province; including the sub-district which Mr. Tauch lives. DC-Cam's activities included screening a documentary, discussing Khmer Rouge history with villagers, and providing up-to-date information about developments at the Extraordinary Chambers in the Courts of Cambodia (ECCC), commonly known as the Khmer Rouge Tribunal.

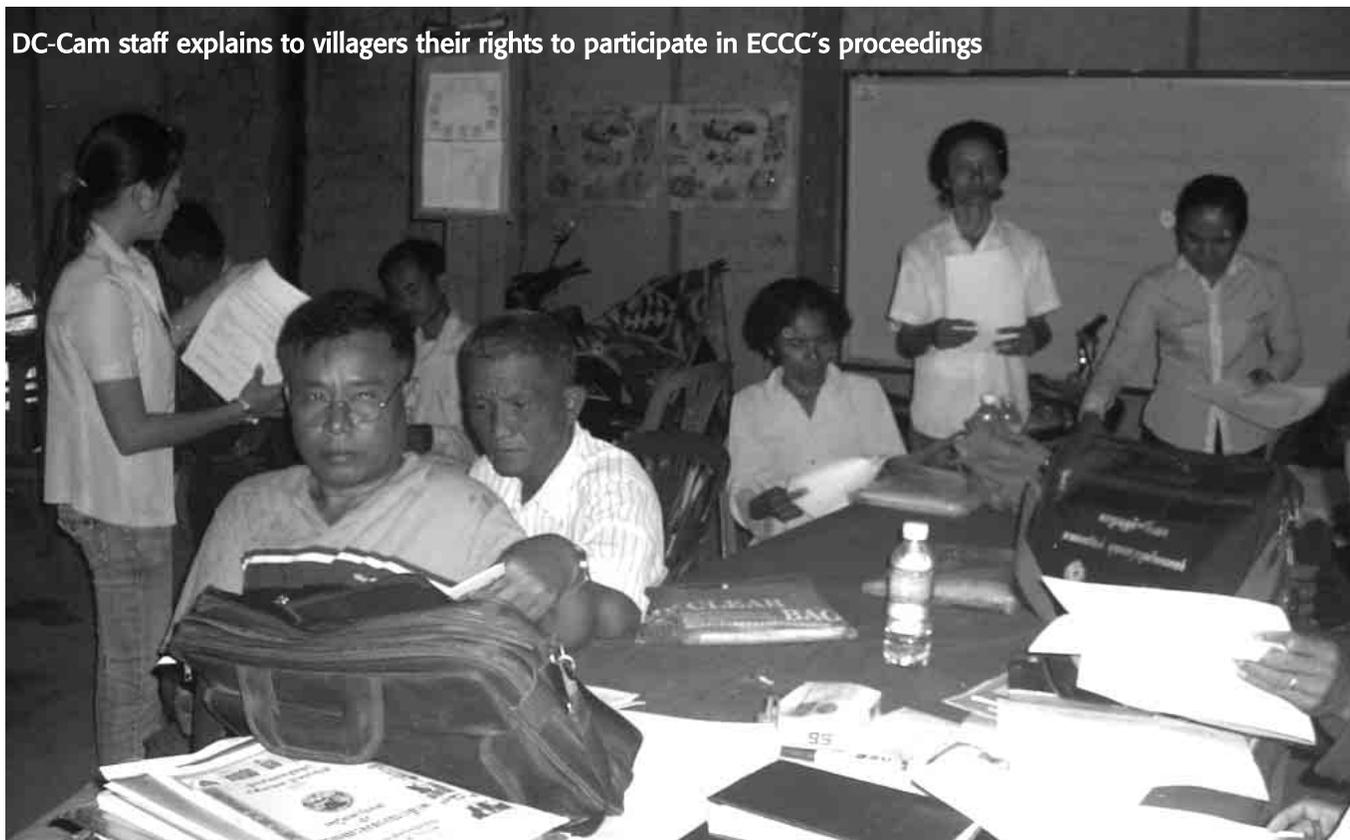
Our explanation is a stark reminder to Mr. Tauch of Cambodia's tragic past. During the Khmer

Rouge regime, 1975 to 1979, nearly two million Cambodians died. Mr. Tauch spoke at length of the sufferings that people in the Eastern Zone faced before, during and after Democratic Kampuchea. Mr. Tauch, originally from Kampong Ampil sub-district in Svay Rieng province, related to the team a chronology of chaotic socio-political events; including constant bombing, the dramatic rise of the Khmer Rouge movement in the late 1970s, the systematic purges and executions of Eastern people in 1975-79, and the people's efforts to build new lives in the heavily mined sub-district of Kampong Ampil after the collapse of the regime.

Pre-1975 Turbulence

After gaining independence from France in 1953, Cambodia made considerable progress in all sectors under the leadership of the then Prince Norodom Sihanouk. However, the year 1970 was a

DC-Cam staff explains to villagers their rights to participate in ECCC's proceedings



political turning-point that brought the country to the point of no return for decades thereafter. In 1970, the revered Prince was overthrown by Lon Nol, who ruled Cambodia until 1975. Subsequently, some people came to regard the Lon Nol coup as a curse responsible for the tragedy in their lives. The Cambodian people's ordeal increased during the civil war between the Lon Nol regime and the Khmer Rouge, with frequent aerial bombardment that ravaged their lives. The Lon Nol regime was in no position to help the people lead stable lives. As such, many people expressed their dismay at the regime's powerlessness.

Ung Chamroeun, 63, of Porng Tik sub-district, said, "The people kept revering Samdech (Prince) Sihanouk and following his appeal for his children [the Cambodian people] to enter the murky forest to struggle against the enemy." Similarly, So San, 63, the commune chief of Porng Tik sub-district said that the coup against Samdech Sihanouk disappointed the people. Mr. So continued, stating that re-instating the Samdech would have been the single measure capable of transforming Cambodia into a progressive society. Of the people in Svay Rieng province, Mr. Tauch said that the constant bombing was one of the reasons that prompted the people in his province to join forces with the Khmer Rouge. The bombardment caused tremendous civilian casualties despite being targeted at military installations. Long Peou, 61, also of Kampong Ampil sub-district, recalled that a bomb was dropped on a pagoda, causing the deaths of villagers and monks.

In addition to the people's anger at the bombardment, Mr. Tauch said that the Khmer Rouge conducted forceful recruitments in Svay Rieng province. In response to youth opposition to conscription, the Khmer Rouge disseminated propaganda stating that, "No one can stand in the way of the wheels of history." Providing an example of forced recruitment, Mr. Ung spoke of how the Khmer Rouge disrobed over 60 monks in his home village. The Khmer Rouge instructed the monks to

disrobe, justifying their actions by emphasizing the importance of joining forces to fight the Lon Nol regime. The Khmer Rouge took harsh measures against those who disobeyed their orders. In Sary, 56, of Kampong Ampil sub-district, recalled that, "In 1972, I was a monk at the Ang Krauch Pagoda. When the Khmer Rouge forcefully implemented conscription, I was compelled to leave the monastery and to engage in military activities, including carrying the wounded from the battlefields and ammunitions. In 1973, I was among a number of young soldiers, all of us around 15 years old, who were sent to the Svay Chek battlefield."

Undoubtedly, the Khmer Rouge drafted a large number of people into the military. Mr. So saw in late 1975 a dramatic increase in the number of Khmer Rouge soldiers. Many people predicted the Khmer Rouge victory over Lon Nol's soldiers; whose bases were only within the tiny provincial town of Svay Rieng.

From Warriors to Traitors

On April 17th, 1975, five years of chronic civil war and bombardment came to an end with the Khmer Rouge's resounding victory over the Khmer Republic. In Phnom Penh, some city dwellers even came out on to the streets to celebrate the arrival of the black-uniformed soldiers. Others feared that arrests or executions would immediately follow the victory. Within a week of their victory, the Khmer Rouge emptied many of Cambodia's cities and towns, including Phnom Penh. Forced evacuations left many dead along the roads.

While evacuations were carried out throughout Cambodia, Mr. Ung spoke of the deteriorating situation in Svay Rieng province. He said that pre-1975 working conditions were altered to include cooperative work and communal dining. The workers would dig canals, move earth, and build dams. Mr. In was promoted to a sub-district militiaman. His responsibilities included recording and reporting all problems to the sub-district chief. Mr. In continued, "I patrolled each cooperative. When the people did

not comply with the disciplinary rules of Angkar, did not come to work or pretended to be ill, I brought them for re-education."

The Khmer Rouge considered moral offenses to rank amongst the worst crimes and often, infractions resulted in death sentences for those caught. Mr. In highlighted that the Sixth Code of Revolutionary Conduct stated that unapproved sexual intercourse between a man and a woman would be punishable by death. Similarly, Sokh Phan, 59, of Kampong Ampil sub-district, told us that in her cooperative, men and women were housed separately. It was highly prohibited for people to fall in love. Ms. Sokh witnessed the execution of a couple accused of committing a so-called "moral offense." They were blindfolded and killed. Most people could only safely marry with Angkar's approval. Mr. In did provide us with an example of a consensual marriage between Savorn, the chief of women in Unit K, and Am, the chief of men in Unit K.

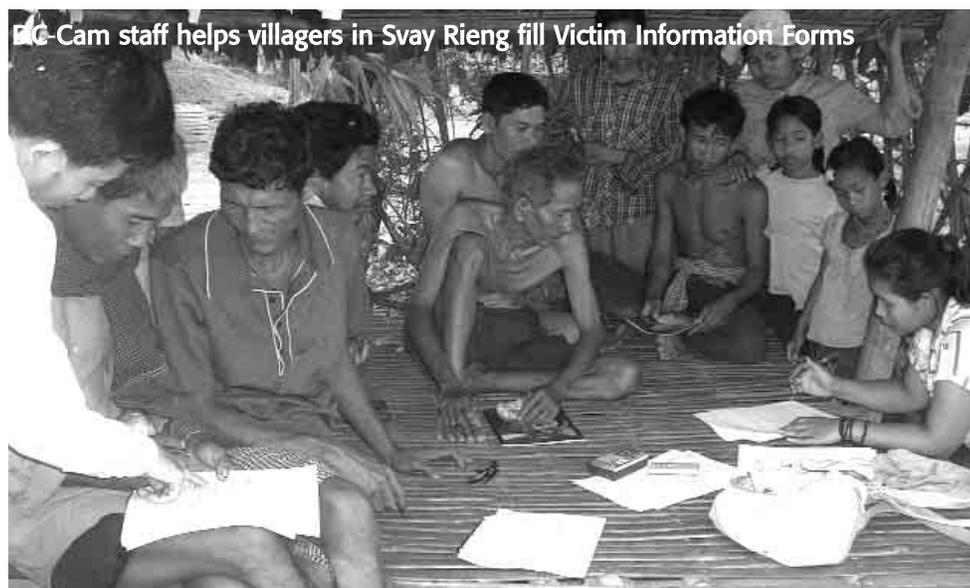
Despite knowing that the Angkar harshly treated those found to have violated its rules, Mr. In risked his own life to release at least 10 people charged with stealing the crops growing in front of their houses. The sub-district chief blamed him for not bringing the "thieves" for re-education. The chief warned him not to let it happen again and threatened that Mr. In would face serious consequences if it did.

Towards the end of 1977, the situation in the Eastern Zone changed from bad to worse as the armed skirmishes between the Khmer Rouge and Vietnamese forces intensified. Mr. Tauch recalled that when the Khmer Rouge soldiers retreated, the Vietnamese troops set up their camp in his home sub-district. Furthermore, with the arrest of alleged "traitors," Sao Phim, the chief of the Eastern Zone and many other people fled to Vietnam seeking refuge. For this reason, the people in the Eastern Zone were branded "Vietnamese heads with Khmer bodies." Thereafter, the Angkar mistrusted all its cadres from the Eastern Zone. Both Mr. Ung and Mr. Tauch reiterated that the Khmer Rouge arrested all cadres serving as village, sub-district, district, and provincial chiefs and replaced them with cadres from the Southwest Zone.

Although the purges were targeted initially only at cadres from the Eastern Zone, the ordinary people did not escape persecution. Most interviewees told us that the people of the Eastern Zone (namely Svay Rieng and Prey Veng provinces and half of Kampong Cham province) were often sent to Pursat and Battambang provinces to prevent them from fleeing to Vietnam. Once the Eastern people were relocated, the Khmer Rouge imposed the worst working conditions on the new evacuees. Mr. Tauch reported that his parents were killed along with five

other families in Pursat province. When asked how he managed to escape the killing, Mr. Tauch responded. "I was on a waiting list to be killed too."

Even though Pen Kun, 67, moved from Svay Rieng province to Battambang province as a child, she faced similar mistreatment at the hands of the regime. Due to her Svay Rieng background, the Khmer Rouge immediately



DC-Cam staff helps villagers in Svay Rieng fill Victim Information Forms

executed her husband. She was then sent to Mongkul Borei district. Similarly, Meas Ya, 71, of Pong Tik sub-district, was very upset as he talked of the deaths of his parents and nine siblings in the Eastern Zone. When the regime was ousted in 1979, Mr. Meas was the sole survivor from his family.

Returning Home

In the aftermath of the murderous regime, starting a new life proved difficult for both the people and the government. These difficulties were unsurprising, considering the country's socio-political, economic, religious and cultural foundations had been destroyed and almost all educated people had been targeted for persecution and/or execution. Survivors found themselves in a climate of uncertainty, confusion, insecurity and psychological suffering. They returned to their home villages only to fall victim to landmines. According to Mr. Tauch, hunger forced the people to risk their lives walking through mined areas to search for food. He added that, in 1979, up to fifty people in Kampong Ampil sub-district stepped on mines and bled to death due to the lack of proper medical care.

Importance of Learning about the Past

Having suffered terribly for nearly four years under the Khmer Rouge regime, many survivors cannot forget the period. Frequently they tell their stories to their children and discuss the period. This process of story-telling has proved to be a good means by which survivors may heal past wounds. Nevertheless, most survivors complain that members of the younger generation struggle to believe their stories about the regime. Some youth even laugh at the stories; convinced they are exaggerations.

In Sokh Phan's opinion, it is highly important for the younger generation to hear their elders' stories from the period, as it informs them of the atrocities committed during the Khmer Rouge regime. If all survivors tell their stories to the younger generation, they will begin to believe the veracity of the stories. Smiling, Mr. Tauch told our film crew, "I want to

hear the answers of the five charged persons. How can they say that they know nothing of the killing during the Democratic Kampuchea period? I don't believe their denials. During the period, I lost around one hundred relatives, including my parents."

While Katt Ya, 66, of Andaung Krasaing sub-district, had not heard of the upcoming trials, Mr. Tauch told us that he has been following news broadcasts about the trials. Of the trials, Mr. So expressed his willingness to wait for justice. Similarly enthusiastic, a farmer, 61, from Svay Rieng province, expressed his satisfaction upon hearing of recent developments at the ECCC. Having lost six siblings to the regime, the farmer asked our film crew to assist him in completing and delivering a Victim Information Form to the ECCC Office of the Co-Prosecutors inform them of the crimes he had witnessed and suffered. He was one of sixteen new complainants in Svay Rieng province. Clearly, the farmer and many others wish to participate in the tribunal process. The farmer asked us to urge the tribunal to deliver justice as quickly as possible.

Conclusion

Most of the people in the two sub-districts visited by our film crew expressed their gratitude for the documentary film screenings. In addition to informal story-telling by survivors, the screening of documentary films proved to be an important means to educate people of the history of Democratic Kampuchea. In addition, the film crew assisted sixteen survivors in completing and filing complaints with the ECCC. These survivors expressed their joy at being able to participate in the legal process. While their participation in the tribunal process is significant, the process of informal story-telling to the younger generation proves to be an important way for survivors to improve historical understanding and obtain some measure of closure.

Sok-Kheang Ly is the Team Leader of DC-Cam's Living Documents Project.

ASSOCIATION OF BUDDHIST NUNS AND LAY AND JUSTICE WALK ON THE E

Photos by the DC



NOMEN OF CAMBODIA AND DC-CAM PEACE :CCC, DECEMBER 25, 2007

C-Cam Film Team



VICTIM PARTICIPATION PROJECT VISIT TO KAMPOT PROVINCE

Andrew Steinman, Neil Pai, and Padraic Glaspy

Sea was ten years old in 1975 when the Khmer Rouge first came to his village. He was drafted into a children's unit and put to work extracting medicines from local trees. Two years later, in 1977, he was moved into a youth mobile unit and began training to fight in the war against Vietnam.

In January of 2008, Documentation Center of Cambodia (DC-Cam) staff members sat in chairs outside his home in Kampot province while he read through a list of names of people from his area - including his own. These names belonged to people who gave statements thirty years ago to the Vietnam-backed People's Republic of Kampuchea (PRK) government describing their suffering under the Khmer Rouge regime.

In the 1980s, officials from the PRK traveled throughout the country to gather similar statements from victims of the Khmer Rouge regime. In total, the PRK collected over 1,250 petitions, signed by or bearing the fingerprints of over one million people. These documents, known as the "Renakse Petitions," were part of a massive effort to discredit the Khmer Rouge and persuade the United Nations to deny it recognition as Cambodia's governing authority. The petitions were never sent to the UN; today, they are held in DC-Cam's archives.

The petition from Sea's commune describes in general the crimes committed by the Khmer Rouge; including destruction of property and animals, killings of villagers, and denials of freedom of speech and expression. Only after 1979, the petition claims, did the commune have sufficient food and clothes for residents - all thanks to help from Vietnam, the USSR and other "generous socialist countries." Three hundred and thirty-seven villagers signed their names.

The petitions from this commune and over one thousand others comprise one of the most comprehensive surveys of Khmer Rouge atrocities to date. Because the effort was undertaken thirty years ago, when the events of the Pol Pot era were still fresh in people's minds, the petitions are the closest thing to a "truth commission" on the Khmer Rouge era that Cambodia has had.

Despite their historical value, the Renakse Petitions have not yet been utilized by the ECCC as evidence in its proceedings. The Renakse Petitions' evidentiary and legal value has been widely questioned. Many see the political motivation of the PRK government as a warning sign of inaccuracy. Nearly all the petitions denounce the crimes of the Khmer



DC-Cam staff helps villagers in Svay Rieng fill Victim Information forms

Rouge and praise Vietnam for liberating Cambodia. Many of the petitions contain identical political language and some former petitioners have admitted that they received instructions from the government to include specific language in the petition. The petition from Sea's commune, for example, rails against the "Pol Pot clique" and "American imperialism." The document was created after the commune received a template in an open letter from the PRK government. Because the petition was more of a political diatribe than a sober calculation of Khmer Rouge crimes, it was necessary for DC-Cam staffers to visit the commune and talk to survivors to verify the truthfulness of the factual accounts.

For Sea, a young boy at the time, the suffering brought on by the Khmer Rouge period was still fresh in his mind as he told his story. After being drafted into the youth mobile unit, Sea was sent for combat training. He tried to escape but was caught by the Khmer Rouge and put in jail for 28 days and punished with physical labor. In jail Sea was forced to work long days with very little food. Later he was forced to fight against Vietnam on Salos Island until he suffered a bullet wound to his right hand and was sent back to the village.

From such visits, DC-Cam has determined that, although most of the petitions do include political language, the personal stories contained within them appear reliable. As of yet, DC-Cam has interviewed only a small number of the Renakse petitioners, but their stories have mostly corroborated the original statements. Most petitioners have also verified that their statements were not only true, but also provided voluntarily.

This year, DC-Cam will begin a project to realize the potential of the Renakse effort and reactivate the truth commission that was undertaken some thirty years ago. By interviewing some 10,000 of the original Renakse petitioners and assisting them in submitting victim complaints to the Extraordinary Chambers in the Courts of Cambodia (ECCC), DC-Cam seeks not only to provide a rich source of evidence

to the Tribunal, but also to connect the Tribunal to those individuals whose original petitions were never acted upon.

With DC-Cam staffers huddled around him, Sea, now the commune chief, went through the names on the petition one by one and described what had happened to each of the signatories - some had died, others moved away, but many still lived in nearby villages and were available to speak to the staff. As he dispatched his deputy to convene a meeting, he came to his own name on the list and began to laugh. Sea's laugh shows the value of using the original Renakse Petitions as a springboard for DC-Cam's Victim Participation Project. Individuals who see their name on the old petitions are instantly reconnected with their contribution the effort to document Khmer Rouge crimes many years ago. Many of the individuals who gathered at Sea's home also expressed instant recognition at seeing their printed names before them. Sea recalled quite readily sharing his story in the petition.

In 1978, after being wounded in the war against Vietnam, Sea was sent back to his village. He worked there raising chickens when a handful of people, including his cousin, were arrested. These people were accused of not working hard. Sea's cousin disappeared that day and has not been seen since.

Before the DC-Cam staff arrived in Kampot with his signature and a Victim Information Form to fill out, Sea's story had also disappeared. By re-interviewing him and collecting his story DC-Cam helped Sea to ensure that his experiences will not be forgotten. By sending his complaint to the ECCC, Sea has also renewed his participation in a collective effort to hold the leaders of Democratic Kampuchea accountable for their crimes.

Andrew Steinman, Neil Pai, and Padraic Glaspy are DC-Cam Legal Associates and students at Harvard Law School.

FOLLOW-UP TO ARTICLE ON THE VICTIM PARTICIPATION PROJECT: VICTIMS STILL WAITING TO HEAR FROM TRIBUNAL - RESPONSE WILL COME

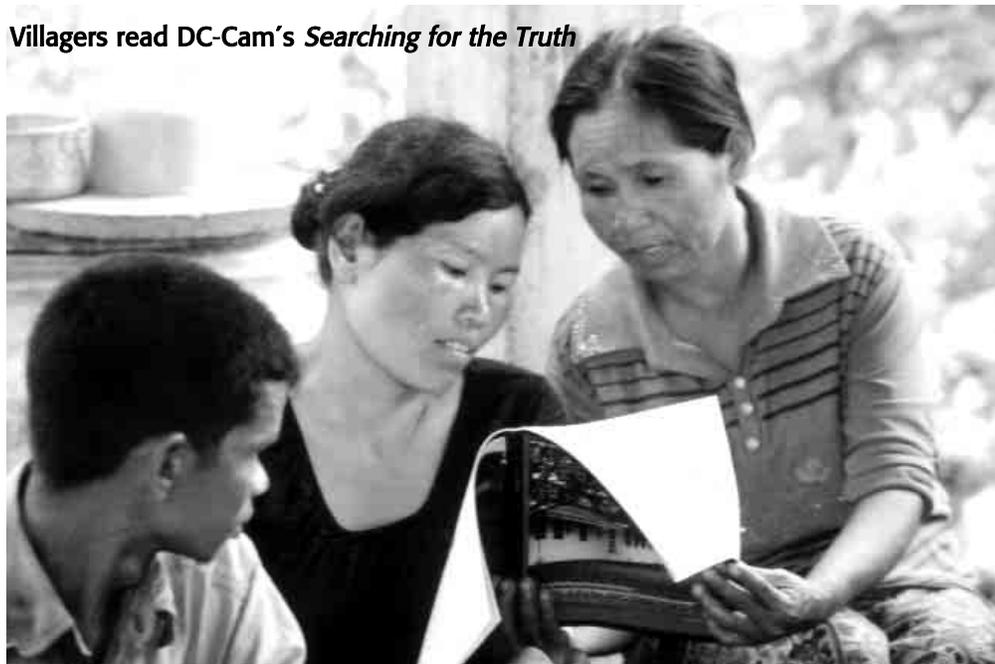
Farina So & Sarah Thomas

Introduction to Victim Participation

The Extraordinary Chambers in the Courts of Cambodia (ECCC), more commonly known as the Khmer Rouge Tribunal, offers survivors of the Democratic Kampuchea regime the opportunity to volunteer to participate in proceedings against the regime's senior leaders and those individuals most responsible for its crimes. According to one of the tribunal's practice directions, survivors may participate in the proceedings in three ways: (1) by volunteering to be witnesses (giving live testimony about crimes suffered or witnessed); (2) by filing complaints (providing the Co-Prosecutors with factual written information to aid prosecution); and (3) by applying to become civil parties (joining the proceedings as a party to claim collective or moral reparations). The tribunal has produced a Victim Information Form for survivors to complete and submit to its Victim's Unit.

Since October 2007, DC-Cam has been

Villagers read DC-Cam's *Searching for the Truth*



operating a Victim Participation Project (VPA) designed to inform survivors of their participation rights and, if they wish to participate, to provide them with and assist them in completing the Victim Information Form. While the VPA's activities began in earnest in March 2008, DC-Cam has previously met with hundreds of survivors. As of February 5th, 2008, DC-Cam had forwarded 517 Victim Information Forms to the ECCC's Victim's Unit. In particular, in October 2007, DC-Cam collected a large number of the forms at a conference on Victim Participation attended by 280 Cham Muslims. After learning of their participation rights, 200 conference participants chose to complete the form; with the vast majority choosing to file Victim Information Forms to inform the tribunal of crimes suffered or witnessed.

Failure to Timely Respond to Complaints and Frustrated Hope

According to the tribunal's rules and one of its practice directions, the Office of the Co-Prosecutors

must respond to every survivor or victim who submits a complaint within 60 days of its registration. In the response, the Co-Prosecutors must state their decision whether to accept or reject the complaint. On January 29th, 2008, four months after the conference and subsequent filing of 200 Victim Information Forms, Farina So, Team Leader of the Cham Muslim Oral History Project, contacted a number of participants to

find out if the Victim's Unit or Co-Prosecutors had informed them of the status of their complaints. She found that none of the seven religious leaders contacted had received a response from the tribunal. As the highest provincial religious leaders, many confirmed that no one in their respective provinces had received responses either.

The tribunal's failure to respond to complaints is worrying. If complainants do not receive a prompt response within the time promised, they may lose interest in participating or become frustrated with the tribunal process. A religious leader from Stung Treng province told Ms. So that he "fe[lt] uneasy with the court since [he hadn't] heard anything from them," pointing out that he has been "kept waiting for a long time." Furthermore, if they do not receive a response, complainants in remote areas may even doubt the existence of the Khmer Rouge Tribunal. An assistant to a religious leader in Siem Reap stated, "I want to know when the trial happens. If they had responded to our complaints, we would have some idea regarding the reality of the trial." Worse still, complainants may conclude that the tribunal does not value the contribution of their story.

ECCC Efforts to Respond to Complaints and DC-Cam Cooperation

Undoubtedly, the Victim's Unit, Co-Prosecutors and Co-Investigating Judges face an immense task in reviewing and responding to the 500 plus complaints submitted by survivors and victims. Considering that the Victim's Unit has been in existence for only a couple of months, such difficulties are unsurprising. Promisingly, on February 7th, 2008, the tribunal issued a press release stating that it was "beginning to respond to hundreds of complaints..." The press release credited organizations, such as DC-Cam and others, for "play[ing] an important role in ensuring victim participation." It stated that all complaints "have been scanned, processed and analyzed." Although it did not state when complainants should expect a response, it did state that the tribunal "is now in the process of advising each and every

complainant about the status of their complaint and how the Court intends to use it."

Recognizing the difficulties faced by the tribunal, DC-Cam has offered to provide assistance to the Victim's Unit in reviewing and responding to complaints. At a meeting with the Victim's Unit's Deputy Head, Gabriela Gonzalez Rodriguez, Youk Chhang (Director) and Anne Heindel (Legal Advisor) outlined possible forms of assistance that DC-Cam may offer, including: (a) the referral of potential interns; (b) the provision of information to survivors overseas about victim participation; (c) translation services; and (d) assistance in distributing the Victim Information Form and the booklet on victim participation to survivors. Furthermore, in light of the difficulties faced in contacting survivors in remote areas, the DC-Cam has offered to help the Victim's Unit contact complainants if the tribunal requires further information from them and in delivering responses to survivors already assisted by DC-Cam staff.

Conclusion

Despite the long delay, the tribunal now appears to be in a position to begin contacting survivors and informing them of the status of their complaints. While the delay may have frustrated many complainants, many will hopefully remain interested in participating in the proceedings. Due to the only very recent establishment of the Victim's Unit, the delay in responding to complaints, though undesirable, has been understandable. With sufficient personnel and effective procedures in place, the Victim's Unit should be able to process and respond to complaints in a timely manner, building survivors' confidence in the tribunal.

Sarah Thomas is a DC-Cam Legal Associate and a Legal Fellow from Columbia Law School.

Farina So is the Team Leader of the Cham Muslim Oral History Project.

TUOL SLENG AND CHOEUNG EK

David Chandler

I began studying documents from the Tuol Sleng Genocide Museum in the early 1990s and since that time I have read thousands of them. I have also given many talks and seminars about the museum and the prison, known under Pol Pot as "S-21." In my book, *Voices from S-21*, I summarized my research, drawing on these documents, interviews with survivors of the prison, and with people who once worked there. The book has been translated in the pages of *Searching for the Truth*, the monthly magazine of the Documentation Center of Cambodia. On several occasions Cambodians have suggested to me that S-21 was invented by the Vietnamese to blacken the reputation of the Cambodian people and to indict them en masse for genocide crimes. None of the Cambodians who spoke to me could be considered "Khmer Rouge."

I always reply that I believe their suggestions are mistaken. The effort to invent S-21, I think, would have been far too costly and complicated for the Vietnamese. The Vietnamese did not have the resources to compose the documents discovered in the S-21 archives (and thousands of other documents related to S 21 that were discovered elsewhere in Phnom Penh), to invent the names and backgrounds of workers at the prison, to fake the photographic evidence, and to invent biographies for the survivors. Moreover, had they mounted such an operation, it seems likely that someone who participated in it would have spoken about it; especially after the Vietnamese withdrew their forces in 1989.

To be sure, the impetus to turn Tuol Sleng into a museum came from the Vietnamese, under the guidance of an army colonel named Mai Lam. Mai Lam, who is now retired and living in Ho Chi Minh City, has been interviewed on several occasions. He says he is proud of his work turning S-21 into a genocide museum. He is also happy to have turned the Killing Fields at Choeung Ek, where over 10,000

prisoners from S-21 were executed, into a terrifying tourist destination.

The Vietnamese established the museum at Tuol Sleng in 1979-1980 for several reasons. In the first place, I believe it was important for them to base the legitimacy of their presence in Cambodia, and the legitimacy of the PRK government, on the fact that they had freed Cambodia from the "genocidal clique" of Pol Pot and Ieng Sary. The PRK tried and condemned both men to death in absentia in August 1979. It was also important for the Vietnamese, and for their allies in the Soviet Block, to distance the Vietnamese Communist Party, and its Cambodian counterpart, from the communist regime of Democratic Kampuchea. It was important for the Vietnamese and the PRK to label Democratic Kampuchea (DK) a "fascist" regime, like Nazi Germany, rather than a Communist one. Finally, it was important for the Vietnamese to argue that what happened in Cambodia under DK, and particularly at S-21, was a genocide resembling the Holocaust in World War II, rather than the assassinations of political enemies that at different times has marked the histories of the Soviet Union, Communist China, and Vietnam.

The Vietnamese organized S-21 into a museum using the massive amount of documentation that remained at the site. Similarly, they turned Choeung Ek into a tourist destination after exhuming thousands of bodies. In neither case did the Vietnamese invent the institutions. Instead, the documents from the S-21 archive, the photographs of prisoners and the interviews that have been conducted with survivors and former workers at the prison, all convince me that S-21 was a Cambodian institution that served the purposes of a terrifying regime.

David Chandler is the author of *Voices from S-21, Terror and History in Pol Pot's Secret Prison* (1999)

LONG MUY'S LIFE STORIES: A COMMENT

Laura Summers

The life stories offered in the forced confession of Long Muy and by his family and friends provide some clues as to what happened to him but much remains to be clarified. One difficulty presented by this exercise is the nature of the confession, which is really a set of answers to questions put to Long Muy by interrogators who worked within generic guidelines. In other words, Long Muy's "answers" mirror the thinking of his interrogators and behind them, the leaders of the Communist Party of Kampuchea (CPK) and Democratic Kampuchea (DK). His jailors establish emotional distance between themselves and their actions by forcing Long Muy to "confess" to having embarked upon the path of disloyalty more than 20 years before his arrest. Long Muy manages in spite of this to tell his story in a way that suggests he was a victim of unrealistic revolutionary expectations. Also important, he reveals tensions in Cambodia's relations with the People's Republic of China (PRC). I will comment first on the personal story of Long Muy, and then on the tensions embedded in the history of Cambodia's relations with the PRC.

Long Muy is made to "confess" to supporting a fictionalized, anti-revolutionary Kuomintang (also transcribed, Guo Min Dang or Kok Meng Taing) allegedly created among Cantonese residents of Prey Veng province in 1957. Long Muy's father may well have supported one of the pro-Kuomintang societies or associations formed to support schools, newspapers and sports clubs in this period, but his son's alleged Kuomintang network is described as a political party. It is viewed as an anti-communist and anti-national rival to Cambodia's Angkar (or "organization." This network becomes a "CIA party" and seems at another point, possibly in a different answer, to become a Labour Party. For most of the

1960s, the CPK was known as the Workers' Party of Kampuchea, which may be translated as a Labour Party; this slip of phrase may be meaningful. The interrogators accept that Long Muy joined the CPK sometime in the 1960s, possibly inducted by his cousin, and possibly as late as 1969, as is mentioned. It appears he was not politically active at the time of the violent suppression of the mini-cultural revolution in Phnom Penh's Chinese schools (where he was teaching), or the banning of the Cambodia-China Friendship Association later in 1967. It seems reasonable to assume that these events, in which thousands of young Chinese were involved, led him to ignore the advice of his father about not getting involved in politics. After 1973, he is accused of sabotaging the CPK's wartime economic policies, and criticized specifically for using the Angkar's money to pay for labour and for building schools (in which there was propaganda against Cambodia's Angkar). In 1976-77, he is accused of neglecting communal property in full view of foreign advisors from the PRC. These allegations are made to suggest opposition to the collectivist standpoint of the revolution. His arrest in July 1977 comes only weeks after the arrests of most prominent urban progressives of the 1960s, including Hu Nim and "Tum" (Seat Chhe). Long Muy identifies Seat Chhe as the leader of his enemy network. Because the two worked together in Region 22, and possibly earlier in Phnom Penh, it is possible that Tum may have included Long Muy in his "enemy" network. [Choung, 2000: 7; Summers and Corfield, 2008: passim]

The long trajectory of Long Muy's "confessed" counter-revolutionary activity offers occasional glimpses into CPK anxiety about the independence, sovereignty and self-reliance of the Cambodian

revolution in the light of sustained dependence upon the PRC and its party. Neither Long Muy nor his interrogators knew enough about inter-party history to conceal this effectively. According to old Soviet archives, the very first communists in Cambodia were ethnic Chinese, recruited in the 1920s by the Southern Seas branch of the Communist Party of China and transferred to the Communist Party of Indochina (ICP) in late 1930. The Cambodian section of the ICP had 120 Chinese (and four Vietnamese members) in 1931. There were no Khmer members. An additional 300 Chinese workers belonged to a clandestine Chinese communist party-affiliated trade union. [Quinn-Judge, 1988: 179] The Khmer Revolutionary People's Party, formed in 1951 when the ICP disbanded, seemed to open the way for three national communist movements within French Indochina but ethnic Chinese and Vietnamese communists, who resided in Cambodia or Laos, remained members of the Vietnamese party. The Vietnamese party also retained a vaguely defined, leading role in the revolution. In 1960, Tou Samouth, Salot Sar (Pol Pot), Nuon Chea and Ieng Sary brought this arrangement to an end by formally disbanding the (ethnic) Khmer Revolutionary People's Party formed in 1951 and establishing a multi-ethnic, class-based Workers' Party of Kampuchea in its place. This made recruitment of non-Khmer to the cause of revolution, especially ethnic Chinese, Cham or Khmae Leu, possible for the first time. Meanwhile, the Prince Head of State created a sensation in the Cold War world by establishing economic and then diplomatic relations, with the PRC. Concurrently, Cambodia eliminated the French colonial congregation system which ensured measures of self-government and privilege for each of the five hui-guan or language groups). Independent Cambodia also imposed restrictions on Chinese access to occupations (1956), rights to own property (1957), and the curriculum used in Chinese schools (1958). Remarkably, Zhou Enlai was allowed to hold a meeting with Chinese residents during a state visit in late 1956 just as the

government began its centralizing reforms. Zhou warned his audience against engaging in big nation chauvinism and said the PRC did not mind if Cambodian Chinese became Cambodian citizens. But next, in 1957, with no prior diplomatic arrangement, an Overseas Chinese Workers Relief Committee from the PRC began providing aid and welfare to unemployed Cambodian Chinese. This gesture, in particular, startled many Cambodian politicians. [Willmott, 1967: 45-8; Willmott, 1970: 122-124; Smith, 1965: 109-110]. The flags decorating many Chinese schools in July 1958, when diplomatic relations were established de jure, were those of the PRC, not of the Republic of China or of its then ruling Kuomintang party.

These glimpses of inter-ethnic and international politics should be sufficient for arguing that Long Muy was not arrested because he was an ethnic Chinese or the son of a Cantonese immigrant, or for having lived and worked in the Eastern Zone. There is no evidence that he was responsible for any serious disruption of DK-PRC relations in the course of carrying out his duties as chief Khmer-Chinese translator. Long Muy writes that he had a heavy, perhaps unbearable workload. His claim seems to be corroborated by a PRC military aid official visiting in 1976 who revealed the large PRC aid mission had 10 interpreters only, and needed 100. He hoped DK would assist China in reducing the shortage [Kiernan, 1996: 132-133]. However hard Long Muy may have tried, he apparently failed to produce any miraculous increase in the number of Khmer-Chinese interpreters and translators. He also "confesses" to enrolling his new recruits into his Kuomintang network. He was likely judged an under-achiever. When examining cadres reported for unsatisfactory job performance, Tuol Sleng interrogators were supposed to find the enemies responsible.

In my view, and apart from the moral dilemmas raised by the issue of torture, officials at the ECCC are wise to refuse to accept Tuol Sleng confessions as evidence or as indicative of truths subject to

verification beyond reasonable doubt; a requirement of most criminal justice systems. What I have attempted to do in this comment, is to demonstrate how knowledge of the past helps to expose key issues or themes in multiple or competing life stories. Long Muy no doubt discussed his desire to study in the PRC with Chinese officials, or even his superiors

in DK, and he clearly anticipated being away from the country on his last visit with his family. He almost certainly misunderstood how the party would view his aspiration.

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PUBLIC INFORMATION ROOM

DC-Cam's Public Information Room (PIR) is open to students, researchers, government and non-government organizations, and interested members of the public who want to learn more about the history of Democratic Kampuchea and the developments of the coming Khmer Rouge tribunal.

DC-Cam is the largest repository of primary materials on Democratic Kampuchea. Through the PIR, the public can read the documents and use them for research. The documents in our possession include biographies, confessions, party records, correspondence, and interview transcripts. We also have a database that can be used to find information on mass graves, prisons, and genocide memorial sites throughout Cambodia.

The PIR offers four services:

1. Library: Through our library, the public can read documents, books and magazine, listen to tapes, watch documentary films, and view photographs held at DC-Cam, the Tuol Sleng Genocide Museum, National Archives and other locations.

2. Educational Center: DC-Cam shows documentary films and offers lectures on Khmer Rouge history, the tribunal, and other related subjects.

3. Tribunal Response Team: Our document and legal advisors provide research assistance to the tribunal's legal experts from both Cambodia and the United Nations, as well as to the public.

Khmer Rouge documentary films are shown every Tuesday and Thursday at 9 a.m. and 3 p.m.

The PIR is located at House 66, Preah Sihanouk Blvd, east of the Independence Monument. It is open to the public from Monday to Friday, 8 a.m. to 12 p.m. and 2 to 5 p.m. For more information or if you want to arrange a group event, please contact our staff, Sokheang Ly, at 023 211 875. Thank you.



Above: Cham Muslims filling Victim Information Forms

THOUGHTS ON PUBLIC ANNOUNCEMENT OF ON-SITE INVESTIGATIONS AT CHOEUING EK AND TUOL SLENG

Sarah Thomas

On February 22nd, the Extraordinary Chambers in the Courts of Cambodia (ECCC) issued a public notice announcing that the Co-Investigating Judges would be conducting on-site investigations on February 26th at Choeung Ek ("The Killing Fields") and on February 27th at Tuol Sleng Genocide Museum. On the same day, the Associated Press reported that tribunal officials had stated that "[a] detained Khmer Rouge chief executioner will re-enact his crimes... on a tour of the former "Killing Fields." With only five charged persons currently in detention at the tribunal's detention facility, there was no doubt that the individual in question was Kaing Guek Eav (Duch), the self-described "Chairman" of the notorious S-21 Prison.

On-site investigations form a normal part of the investigative processes of international criminal tribunals. Rule 55(5) (a) of the ECCC's Internal Rules provide that, in order "to ascertain the truth...", the Co-Investigating Judges may "conduct on-site investigations." Similarly, the Rome Statute (Article 54(2)) and both ad hoc international criminal tribunals (ICTY Statute, Article 18(2); ICTR Statute, Article 17(2)) make provisions for on-site investigations. During on-site investigations, the Judges may carry out activities such as collecting evidence at the site and interviewing witnesses. Rule 55(8) provides that parties to the proceedings "may request the Co-Investigating Judges to allow them to attend."

The tribunal's decision to announce the occurrence of on-site investigations and specific dates was undoubtedly well-intentioned and designed only to prevent inconvenience to visitors of the sites. The release of such information, however, and additional statements imparting that Duch would

be present and speaking of his "crimes" and describing him as an "executioner," is problematic. Statements like this could have endangered his personal security and violated the presumption of innocence.

First, by informing the public of the movements of the Co-Investigating Judges on these days and by leaking that Duch would be present, the ECCC risked Duch's personal security. The Pre-Trial Chambers had already found that there was a credible threat to Duch's safety and ordered his continued provisional detention for that reason, amongst others. In its decision on December 3rd, 2007, the Pre-Trial Chamber found that "[t]he threat to the Charged Person's safety comes from the victims and their relatives and members of the staff working for him at S-21," and warned that "the victims and their relatives could be tempted to seek revenge." While the ECCC's public notice stated that "[a]ppropriate and strict security measures will be in place," it was surely difficult to ensure Duch's safety at these sites.

Second, by informing the press of the re-enactment of Duch's crimes and describing him as an "executioner," the unnamed officials created the impression that Duch is guilty; a violation of the presumption of innocence. Rule 21(1) (d) of the ECCC's Internal Rules states it to be a "fundamental principle" that "[e]very person suspected or prosecuted shall be presumed innocent as long as his or her guilt has not been established."

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THE NEED FOR AN INSTITUTIONAL SAFEGUARD TO ENFORCE AN EXPRESS CODE OF JUDICIAL CONDUCT FOR THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

Rockford Hearn

The Extraordinary Chambers in the Courts of Cambodia (ECCC) adopted a Code of Judicial Ethics during its Plenary Session of 31 January 2008. The tribunal, established by a 2004 Agreement between the United Nations (UN) and the Cambodian government to prosecute senior Khmer Rouge leaders and those most responsible for crimes committed during their brutal 1975-79 rule, has faced harsh criticism surrounding its ability to adhere to international standards of justice, fairness and due process. Under the terms of the 2004 Agreement, the tribunal rests squarely within an untested, inexperienced Cambodian judiciary with a long history of corruption and political manipulation. The adoption of a Code of Judicial Ethics represents a positive step for the ECCC, but one which alone is insufficient. This Code must be followed by the creation of an independent judicial council or other such judicial disciplinary body comprised of judges tasked with enforcement and discipline.

The ECCC is part of a broader trend in international law. Beginning in 1993 with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), a number of international and mixed criminal courts have been established to deal with serious human rights abuses. The ICTY and ICTR are dominated by international staff and resources and have weak connections to the domestic populations they are intended to serve, which led to their portrayal as "instruments of Western political intervention." This, among other factors, encouraged the creation of mixed, or "hybrid" tribunals characterized by joint local and foreign participation. Hybrid tribunals incorporate national laws, judges and prosecutors

which helps to develop the host nation's judiciary and legal system, and international norms and personnel, which confers legitimacy, resources and technical expertise.

The ECCC is distinguished from prior hybrid tribunals because it is formally part of the national judiciary, making it vulnerable to many of its shortcomings. In Cambodia, a country ravaged for 30 years by war and political upheaval, these include a lack of independence and impartiality and the potential for judicial corruption. The international precedent for hybrid tribunals has been to accommodate the shortcomings of domestic judges by requiring a majority of international judges. Such a structure, however, was firmly rejected by the Cambodian government.

The 2004 Agreement between Cambodia and the UN set up a two-tiered system in the ECCC which was established by Cambodian law (the ECCC Law). It integrated into the existing judiciary, a Trial Chamber and a Supreme Court Chamber that serves as a final court of appeal. The Cambodian government insisted that a majority of judges in both chambers be Cambodian; with a Cambodian serving as President of each. The ECCC Law and the tribunal's Internal Rules also provide for a Pre-Trial Chamber tasked with resolving disputes that arise between the two Co-Prosecutors and the two Co-Investigating Judges, among other responsibilities. The Pre-Trial Chamber also contains a majority of Cambodian judges, with one serving as President.

The Cambodian judges occupying these Chambers have been chosen by the Supreme Council of the Magistracy, a Cambodian government body reportedly subject to political intervention at the

highest levels. The ECCC Law requires that judges, "shall be appointed from among the currently practicing judges or are additionally appointed in accordance with the existing procedures for appointment of judges; all of whom shall have high moral character, a spirit of impartiality and integrity, and experience, particularly in criminal law or international law... Judges shall be independent in the performance of their functions, and shall not accept or seek instructions from any government or any other source."

However, in Cambodia the selection and appointment of judges is not transparent and is allegedly subject to political interference. According to Dinah PoKempner, the general counsel for Human Rights Watch, Cambodian judges and prosecutors remain for the most part apparatchiks, selected for loyalty and entirely manipulated by the executive in cases with any political or patronage dimension.

The structure of the ECCC, relying so heavily on members of the Cambodian judiciary, is particularly problematic because of a lack of qualified, experienced judges in Cambodia. During the Khmer Rouge regime, Cambodia's legal system itself came under attack and was virtually destroyed. Attempting to establish a homogeneous society without class and other distinctions, the Khmer Rouge was threatened by the prospect of intellectuals and their perceived ability to challenge Khmer Rouge rule. These individuals were therefore targeted as potential enemies. The lucky few were stripped of their positions, while the vast majority of judges, lawyers and prosecutors were systematically murdered. The result is a current lack of qualified personnel. World Bank data from 2004 reports that only one in six of Cambodia's 117 judges and one in nine Supreme Court judges had a law degree. Fewer still have any substantial experience in international law.

An unqualified, inexperienced judiciary is more susceptible to corruption and undue influence for a variety of reasons. First, with increased experience and qualification comes increased identification with one's institutional role in the judiciary, a factor

that in turn makes a judge less prone to be involved with corruption. A qualified judiciary also enjoys greater social prestige, which in turn attracts better candidates and makes more powerful the sanction of being excluded from the judiciary because of improper behavior. Finally, qualified judges are likely to adopt their fellow judges and other legal professionals as a reference group. In this way, an indirect check on corruption is activated by the professional environment, since judges will tend to exert the discretion they enjoy according to the values of the profession as a whole. Cambodia's inexperienced judiciary, then, is uniquely vulnerable to corruption and political influence.

Indeed, Cambodia's executive has a long history of exerting influence over the nation's weak judiciary. By the end of the Khmer Rouge regime, the legal institutions were dismantled and legal "culture" was all but gone. The Cambodian judicial system was rebuilt from scratch with scarce resources, almost no properly trained individuals and ongoing conflict continuing into the 1990's. To the extent that the courts were re-established by the new government, utilizing Vietnamese assistance, they were conceived and designed as instruments for political needs. This endemic interference reportedly continues today.

Political influence is exerted largely from Prime Minister Hun Sen's Cambodian Peoples Party (CPP), which has effectively retained administrative and legislative power since the Vietnamese expelled the Khmer Rouge in 1979. Hun Sen began his career in politics as a low level Khmer Rouge commander operating in the eastern area of Cambodia. When Pol Pot began his purges of Eastern Zone cadres in 1973, Hun Sen fled across the border to Vietnam where he played a role in the resistance movement advanced by the Vietnamese. When the Vietnamese ousted Pol Pot from power in 1979, they made Hun Sen, then 27 years old, Foreign Minister of the new government. From there he rapidly maneuvered his way into the leadership of the communist government, and in 1985 formed the CPP which controls the Cambodian government today.

The CPP, which was initially composed of Khmer Rouge deserters, has many ties with former Khmer Rouge government personnel. As civil war continued throughout the early 1990's, Hun Sen, seeking to end the Khmer Rouge as a military threat, convinced many of its leaders to stop their struggle and join his government. Many Khmer Rouge leaders defected, bringing with them hundreds of communist soldiers. "In the case of some Khmer Rouge military units, it was as simple as changing uniforms. One day they were Khmer Rouge guerrillas in black pajamas; the next day they were loyal government soldiers in green uniforms." The narrow jurisdiction of the ECCC and its mandate to try only the most senior leaders of the Khmer Rouge will likely limit the threat of direct indictment of former Khmer Rouge cadres who currently occupy places in the Cambodian government and military. Nevertheless, there is sure to be much information about past activities during the Khmer Rouge rule that they would not want disclosed.

Judicial impartiality will be further challenged by the uncommon experience shared by Cambodians. As all Cambodian families were affected by the tragedy caused by Khmer Rouge rule, the Cambodian judges themselves are likely to have personal experience with the Khmer Rouge regime and the alleged atrocities they committed. This fact will give the Cambodian judges a different perspective than that of their international counterparts. For years, Cambodians have been told that the crimes committed during the Democratic Kampuchea period constitute genocide and that the Pol Pot regime was responsible. As a result, preconceived notions about the guilt of the charged Khmer Rouge leaders are a significant concern. While this common experience does not necessarily mean that local judges will lack impartiality, this is a possibility that must be considered and protected against. Similarly, the ECCC will almost certainly face great public pressure to convict defendants. Judges must possess a level of immunity to public and political pressure, as well as to their own emotions, and must respect the presumption

of innocence and procedural fairness. To do so requires that the judges be held to a high standard. The UN Agreement, the ECCC Law, and the recently adopted Code of Judicial Ethics mandate judicial independence, impartiality, integrity and experience. However, none provide any mechanism to ensure such standards.

Cambodia's Constitution created a Supreme Council of Magistracy tasked with appointing and removing judges and imposing judicial discipline. This Council was established to guard the independence of the judiciary. However, the executive retains majority control of the Council. Moreover, in May 2005, Prime Minister Hun Sen rendered the Council effectively powerless by dissolving its Secretariat and transferring its powers to the Ministry of Justice, a Ministry headed by a member of his party. The Council has played almost no role in the oversight or reform of the judiciary and reportedly functions largely as a "de facto CPP party organ."

The adoption by the ECCC of a Code of Judicial Ethics including the universally accepted values of independence, impartiality, integrity, propriety, competence and diligence is a necessary first step towards ensuring international judicial standards are met. However, the existence of clear rules of conduct does not guarantee that they will be complied with in practice. Because the Code fails to provide for the creation of an independent enforcement mechanism, it will be ineffective to combat the well-ingrained lack of independence and potential for corruption characteristic of the Cambodian judiciary.

Because Cambodians hold the majority on all of the ECCC panels, the reality is that the ECCC is susceptible to control exerted by the Cambodian government. The idea that merely placing Cambodian judges in the same building with international colleagues will somehow block outside influence and ensure independent action is wishful thinking. Likewise, merely asserting that the judges are independent does not make them independent. What is needed is an institutional safeguard in the form of a new judicial council, comprised of judges

and tasked with the enforcement of the ECCC's newly adopted Code of Judicial Ethics and like codes of conduct.

Such a council should be controlled by the judiciary in order to guard against improper influence by the executive and legislative branches. Investigations of judges or the threat thereof must not be a potential tool to be used by other branches of government as retaliation for unpopular judicial decisions or to exert pressure on judges. Effective enforcement should include the power to subject members of the judiciary to both non-criminal and criminal sanctions, for example in cases involving bribery. Oversight must be formulated to detect misconduct accurately, to investigate it fairly and to eradicate it effectively without eroding an independent judiciary. It must be balanced, on the one hand, by the need to protect judicial independence, and on the other, by the need to provide for accountability of judges' actions. The process must include sufficient transparency to command public confidence.

After an entire generation of suffering and decades of negotiations, the Cambodian people

have hopes of seeing justice and accountability for the crimes of the Khmer Rouge regime. The tribunal that has emerged from many years of negotiations, however, is vulnerable to the corruption and political exploitation. Nevertheless, as noted by Cambodian scholar Steve Heder, there is nothing fundamentally wrong with the ECCC Law and Agreement, "at least on paper" in terms of individual rights. What is in serious doubt is the ability of the ECCC to guarantee such rights in practice, particularly with regards to the independence and impartiality of Cambodian officials. I applaud the adoption of the Code of Judicial Ethics, but insist that such a measure will accomplish little by itself. The ECCC must move beyond addressing the issue of an independent, impartial and competent judiciary through rhetorical fiat alone and establish a judicial council tasked with judicial oversight and discipline, independent of the various political controls that have manipulated Cambodian justice for so long.

Rockford Hearn is a student at Santa Clara University School of Law and a 2007 DC-Cam Summer Associate.

Villagers queue up in front of the gate of ECCC, anxious to hear what Nuon Chea had to say during his provisional detention hearing



DONORS MUST DEMAND REFORMS BEFORE PLEDGING FUNDS TO THE KHMER ROUGE TRIBUNAL

Sara Colm

The long-delayed trials of the leaders of the Khmer Rouge began dramatically with a judicial "re-enactment" at the regime's notorious Tuol Sleng prison, where more than 14,000 people were tortured and executed from 1975-79. Part courtroom, part spectacle, the three remaining prison survivors were brought face-to-face with Kaing Guek Eav (Duch), the former prison chief, as he led international and Cambodian judges, prosecutors, lawyers and a coterie of court photographers on a tour of the prison.

Officially called the Extraordinary Chambers in the Courts of Cambodia (ECCC), the Khmer Rouge Tribunal is a "hybrid" court, composed of Cambodian judges sitting alongside international judges, with international and Cambodian co-prosecutors and defenders. Duch is among five former Khmer Rouge leaders jailed on charges of war crimes and crimes against humanity for the deaths of millions of Cambodians during their four-year rule, which ended in 1979.

In December 2007, Duch made his first public appearance before the tribunal to appeal for release from pre-trial detention. His hearing stands in contrast to most judicial proceedings in Cambodia; where often the accused do not have access to a lawyer. If they do, they often will not have met the lawyer before going into court.

During trials, judges have been known to arbitrarily refuse to admit defense evidence and issue verdicts written in advance of the court hearing. In politically sensitive cases, judges have been known to receive "guidance" and instructions from senior political and government figures.

For most Cambodians, a courthouse is not the place to seek justice. Whether in criminal or civil proceedings, the rich and powerful almost always come out on top. When a wealthy and well-connected

complainant's case comes before a court, judges routinely "bid" on which who will be the lucky one to hear the case and get the financial rewards. Many Cambodians' experience of "justice" is finding the appropriate clerk to pay off in hopes that the judge will decide in one's favor. If you don't have money, you don't win.

It is in this environment that Cambodia's Khmer Rouge Tribunal is taking place. The handful of arrests, high-profile hearings and investigations have given hope to some that the long-stalled process of bringing the Khmer Rouge to justice may finally yield results. But as international donor countries consider a request for an additional US\$170 million in the coming weeks, they should be cautious and insist upon significant reforms before pledging more.

The ECCC was established as a special chamber within the Cambodian court system to try "senior leaders" and "those most responsible" for crimes committed by the Khmer Rouge from 1975-79. The UN initially opposed the hybrid arrangement, fearing that the Cambodian government would try to manipulate the tribunal and limit its independence. Cambodia's judiciary is widely known for its lack of independence, corruption, and low professional standards. These problems remain; making it critical that all other parts of the ECCC function properly for there to be any chance that the process will be credible.

Chief among the issues that have yet to be resolved is just how far the ECCC will be willing to go in following the evidence and identifying additional individuals to investigate and prosecute. The Cambodian government would like as few prosecutions as possible in order to claim that it did its part in holding the Khmer Rouge accountable without implicating current figures in the Cambodian government, some of whom are former Khmer Rouge members. But can the ECCC be

credible if it only tries a pre-selected handful of individuals? ECCC budget projections presented to the donors in January indicate that at most three more individuals may be prosecuted.

While the five charged so far are key figures, large numbers of other alleged perpetrators, including former Khmer Rouge government officials, senior military officials and regional authorities, continue to live freely. Donors must ensure that the ECCC has the financial support and independence necessary to bring additional accused to justice.

Other issues facing the ECCC include the need for proper witness and victim protection programs; without which it will be hard to conduct prosecutions or allow victims to safely participate as civil parties. Questions have already been raised as to how the ECCC can protect the witnesses who participated in the on-site investigations when the ECCC's witness unit is barely functioning.

Funds are also needed to hire sufficient investigators to carry out thorough and professional investigations and a public outreach campaign to allow average Cambodians access and understanding of the process. Steps must also be taken to address serious allegations of corruption, kickbacks and mismanagement on the Cambodian side of the tribunal. Rights observers have already questioned the legitimacy

of some of the decisions that have been reached by the ECCC and the independence and commitment of some of the judges.

All of this makes the need for reforms within the ECCC urgent. Before contributing more funds, donors must demand greater accountability and a timetable for implementation of concrete reforms to effectively address the corruption allegations and rectify serious deficiencies in the court's management and administrative leadership.

The court also needs to be more transparent; so that justice is not only done, but seen to be done by Cambodians. An essential first step is for the UN to promptly appoint a high-level adviser to the ECCC; a person with the diplomatic clout and competence to implement these critically needed changes. International assistance must aim to ensure that Cambodia's national practices rise to meet international standards, instead of lowering international standards to meet domestic practices. Only if donors and the UN insist on all possible safeguards, will it be possible for the Khmer Rouge Tribunal to deliver to Cambodians the justice that they have been waiting for.

Sara Colm is a senior researcher on Cambodia for Human Rights Watch.

SEARCHING FOR MISSING SONS AND DAUGHTERS

My name is Kvet Nik and I am a 79 year old female. My husband's name was Em Aun (died in 1979). I was born in Kampot province, Kampong Trach district, Angromeas commune, Krang Lieve village. I had a total of eight children: two sons and six daughters. Their names are as follows: 1) Ouch Eoun, female, 2) Ouch Lao, male (worked in a 17th April Hospital at the end of 1979), 3) Ouch Ang, male (died at Chamkar Doung, Kep City due to malaria), 4) Ouch Mom, female, 5) Oung Eeoun, female, 6) Ouch Or, female, 7) Ouch On, female, 8) Ouch Ern, female. I am searching for information about my second child, Ouch Lao, who disappeared. He was last seen in Pursat province in 1979. My present address is Trapaing Chuk village, Mean Rith commune, Dornng Tung district, Kampot province. If anyone knows about Ouch Lao, please contact me through the above address or via the Documentation Center of Cambodia. Their phone number is: (855) 23 211 875. Thank you.

POSSIBLE ROLES FOR A SPECIAL ADVISOR OR OVERSIGHT COMMITTEE FOR THE ECCC

Anne Heindel with Dr. John Ciorciari

As the Extraordinary Chambers in the Courts of Cambodia (ECCC) seeks new funding sources to make up an immediate shortfall, some donors are considering whether to make additional funding conditional on international oversight over the ECCC's financial and administrative decisions. Partial audits of the ECCC in 2007 support their view that stronger oversight of operations is needed. Some donor governments and NGOs have suggested the creation of a special international advisory position and/or oversight committee as a condition for providing additional funds. The special advisor or committee would monitor and provide input on the Court's administrative operations in an effort to ensure its independence and transparent functioning. This memorandum presents our views on how these roles could most effectively promote efficiency, transparency, and accountability at the ECCC.

Other Available Models

Neither the framework agreement between Cambodia and the United Nations nor the Cambodian law establishing the Court foresees the existence of a special international advisor or oversight committee. Moreover, only at the Special Court for Sierra Leone (SCSL) does any remotely similar role exist. Most international courts have either been UN bodies or have developed out of UN missions, and therefore have been subject to formal UN oversight mechanisms. Only the SCSL is similar to the ECCC in being formally independent of the United Nations; its management committee provides the closest existing precedent.

The International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY) were created by the Security Council under its Chapter VII peace and security authority. No independent reporting or monitoring structures were created to oversee these UN subsidiary bodies' proper administration.

Instead, these tasks fell to the UN Secretariat and the Security Council itself, to which the court Presidents reported on an annual basis. The Special Panels for Serious Crimes in East Timor were created by the UN Transitional Administrator in that country. The Secretary-General was tasked with reporting to the Security Council every six months on the progress of the Special Panels, but no other oversight mechanism was established.

Unlike these courts, the SCSL was never a UN institution; it is an independent court created by treaty between the United Nations and Sierra Leone. It is not funded directly from the UN budget, but from voluntary state contributions. The Security Council does not have a direct oversight role, and



Villagers read DC-Cam's *Searching for the Truth*

the UN Secretariat was never tasked with administering its funding. Instead, the agreement between the UN and Sierra Leone provides that interested states establish a Management Committee comprising a representative of the UN Secretary-General, state donors, and the host state. Additionally, the SCSL Statute requires the SCSL President to report annually on the operation and activities of the court to both the Secretary-General and the Government of Sierra Leone.

A New Position or Committee for the ECCC

We believe that a special international advisor or oversight committee could promote transparent and efficient operations at the ECCC by performing functions broadly similar to those of the SCSL's management committee. Some of the key functions of the special international advisor or oversight committee could include:

- ◆ Providing advice and policy direction to senior ECCC officials on all non-judicial aspects of the Extraordinary Chambers' operations
- ◆ Participating in the formulation of the ECCC's annual budget;
- ◆ Reviewing financial and other administrative reports of the ECCC
- ◆ Reporting to the Cambodian government, UN Secretary-General, and key international donors on the ECCC's budget and non-judicial operations
- ◆ Advising the Cambodian government, UN Secretary-General, and key international donors on matters related to the ECCC's non-judicial operations
- ◆ Helping to ensure that the ECCC has adequate funds for its operation

Any new advisory position and/or oversight committee must comply with the framework agreement and 2004 establishment law. For this reason, the position or committee would have to operate independently of the formal ECCC structure. We believe that both an individual advisor and an oversight committee could help improve the ECCC's operations and serve as useful conduits between the Court and its key official stakeholders. An advisor could collaborate with ECCC officials on a day-to-day

basis, while a management committee could be responsible for periodic assessments.

If an individual advisory position is created, we believe it should be a UN-mandated post appointed by the Secretary-General in consultation with the Cambodian government and major international donors. The advisor's effectiveness and political weight would be dependent on his or her diplomatic skills and expertise in court management. He or she should report directly to the UN Secretary-General and possess a mandate to consult with all state donors as well as ECCC officials.

An advisor fitting this description could have a number of advantages. An effective and high-level individual advisor could react quickly and decisively when concerns arise. An effective advisor may also be able to build relationships and trust with ECCC officials and other key stakeholders. We believe regular informal meetings would be an important ingredient in building effective oversight.

A management committee could comprise representatives of several key donor states, as well as the United Nations and Cambodia. This arrangement would have the benefit of making the Court more responsive to the views of all stakeholders, and possibly result in more transparent and deliberative decision-making. Its effectiveness would depend on the extent to which committee members worked together effectively and actively. If a committee is created, it should be small in size (e.g., 3-5 members), enabling it to function efficiently and decisively. Members should be appointed by the UN Secretary-General after consultation with the major stakeholders. Whether an individual advisory position or a committee is established, effective oversight will require engaging regularly with ECCC officials and interested governments, taking a low-key diplomatic approach, and focusing on collaborative solutions to the ECCC's challenges.

Anne Heindel and John D. Ciociari are DC-Cam Legal Advisors.

WE CAN FORGIVE BUT WE MUST NEVER FORGET

Kjetil Grødum

A study recently published in Norway shows that 65% of Norwegian students do not know who Pol Pot was. This has engaged a lively debate in Norway expressing great concerns. Many commentators interpret this as a sign of general historical illiteracy. Perhaps the opposite of historical illiteracy could be described as historical consciousness?

A Norwegian student was interviewed by a national newspaper about this saying: "To not remember names taken out of their context does not mean that we do not know the history. What is important is to be able to draw the lines to our present day society to understand about the causes and effects." From the discussions in Norway about the lack of historical knowledge about who Pol Pot was, it is tempting to ask, "Why is it important that students in Cambodia and in Norway know about Pol Pot? What meaning and value do historical knowledge and historical consciousnesses really have?" Part of the answer may be found if we turn our focus to the tribunal in Cambodia and the search for truth and justice about the regime led by the man 65% of the Norwegian students have never heard about.

Pol Pot died on the 15th of April, 1998 in Anlong Veng, a dusty district on the border with Thailand. This was the last stronghold of the Khmer Rouge until the resistance movement was finally dissolved in 1998. Pol Pot never had to face justice for the estimated 1.7 million people that lost their lives during his rule between 1975 and 1979.

So far, five of the most senior Khmer Rouge officials have been arrested and are waiting for their trials to start at the ECCC tribunal. They are all old men now, and many suffer from ill health.

When I speak to young Cambodians, many tell me that they are not interested in knowing

about what happened. A teacher from one of Phnom Penh's elementary schools told me that her pupils don't believe her when she tells them about the genocide and the suffering during the Khmer Rouge years. Her school is located just a few blocks from Toul Sleng Genocide Museum, the location of the former S-21 prison where thousands of men, women and children were questioned and tortured before being sent away for execution at a nearby rice field.

In Norway, the government sends thousands of school children on guided tours to Poland and Germany to visit the former death camps established by the German Nazi regime during World War II. The questions of why it is important for school children in Cambodia and Norway to learn about the conflicts of the past could partly be answered by saying that it is important for the formation of historical consciousness. But what does this really mean in two such different societies like Cambodia and Norway?

One thing that has become clear to me after talking to victims of the Khmer Rouge regime is that for many of them, the most important thing is that the truth is revealed and that the next generation believes their stories.

"Never Again" has become a slogan for different attempts to make sure that the tragedies of the past will not repeat themselves. Not by forgetting, but by constantly reminding ourselves of the lessons learned from past conflicts and making them relevant to our present day society, can we act and react in time so we don't have to relive history.

In political planning documents for the Norwegian elementary schools, historical consciousness is described as the capability to reflect about your own life from the perspectives of histories of the

past. This is about gaining a perspective on your own life through consciousness of how all humans are a part of histories with a past, present and future. This is something more than just learning historical facts. By facing stories of past sufferings, triumphs and mistakes, we have the potential to become aware of our responsibility to influence the direction of history. By relating past, present and future, so that the past becomes part of how we shape our understanding of the present, we are able to orient our selves towards a better future.

Museums and history-based learning centres have an important role to play in preserving and maintaining histories and communicating them to the next generation. In this regard, they play a role in constructing historical consciousness by fulfilling our collective responsibility to keep memories alive when the witnesses are not longer among us. Perhaps this is also a moral responsibility; a commitment to remember the stories of past sufferings, and to learn from them.

In Cambodia, the witnesses to the Khmer Rouge regime are on the frontline of the ongoing fight to ensure that the next generations learn the truth about what their parents and grandparents went through and that the stories of those lost will never be forgotten.

I had the privilege to travel with a group of 40 commune village and commune chiefs on a tour arranged by DC-Cam to witness the pre-trial hearing of Nuon Chea, also known as "Brother Number Two." All of the people I spoke with felt a heavy responsibility to ensure that their stories would never be forgotten. Their hope for the tribunal was that their grandchildren now will finally believe them when they tell the stories of what they went through.

The tribunal holds the potential to serve as an instrument for ensuring that the stories from Cambodia's brutal past are read as facts and that they are recognised and remembered; so school children may finally learn about their country's conflicted past

and that they will believe what they hear.

The tribunal will secure a foundation of truth that could unite the stories of the suffering related to the brutal past, providing them with a plot; a history with a clear beginning, mid point and ending, that can be told to the next generations as a whole.

Perhaps this is part of the answer to the question about the meaning and value of historical knowledge and historical consciousness; to learn from the past to prevent it from repeating itself in new forms. Historical knowledge and historical consciousness, both in Cambodia and Norway, becomes valuable as the collective commitment of "Never Again".

Kjetil Grødum is currently living in Phnom Penh and is the research coordinator for Stiftelsen Arkivet - The Center for Historical Reflection and Peace Building in Norway.

MISSING BROTHER

My name is Gek Ly, age 47, and now I am living in Australia. My father is Bun Duk. In 1975 he had a shoe shop called Nam Yoeung in Kampong Som.

I would like to search for my brother Bun Trach aka Chrouk (he would now be 50 years old), who left home to serve in the revolution in 1970 and other five cousins: Ing Sina (female), Ing Sipha (female), Ing Ya (male) and two younger cousins whose names I do not remember. In Sangkum Reastr Niyum, this family lived near Vimean Tip Cinema, selling shoes.

If anyone has known or heard anything about him, please contact me via phone: 012 909 770 or 012 809 880, or Gek Ly, 1 Bracknell Rd, Canley Heights, NSW 2166, Australia.

Mobile: 0402-194-182, Home: (02) 9711-7637

Email: emmatran90@gmail.com

PHOTOGRAPHS FROM DEMOCRATIC KAMPUCHEA



REAL LIFE EXPERIENCES UNDER THE KHMER ROUGE REGIME

San Sok

I started study at 5 year-old at Wat Chhnah School, Snao sub-district, Prey Kabas district, monk Sreyvann Bet was my teacher. I had studied there for 6 months. Due to missing my family so much, I went back to my house, at that time my mother had indigestion. Later my mother sent me to stay with monk Pov. He told me to memorize the some Buddhist books, proverb rule, Trey Net rule (Buddhist rule), Kel Kal rule (educated book), and poetic books containing rules of conduct men and women. I memorized everyday until I remember the meaning of several books, after that I returned home again. I had relaxed at home for many days then my mother sent me to study with monk Kun Lach Phoeun, head of Buddhist monastery in Thnaot sub-district, Baty district, Takeo priovince. In

1949-1950, he inserted me to study at Wat Thnuat primary school. After three years of learning, I passed the first step of primary school, and then I continued another class.

When I was 12 years old, my mother indigestion became more serious. My grand mother had found many doctors to cure her, later she sent her to Phnom Penh's hospital; however, my mother was not survived. Consequently, my father married a new wife, so I and my 4 sisters lived with my grand mother; we did the farming and weaved the skirt that made of fine silk. My oldest sister got married, so she moved to live with her husband at Tropeang Krosang sub-district, Baty district, Takeo province. Due to lacking of money, my grand mother sent my two younger sisters working outside, my little sister

A construction site



worked in Kompong Chhnang, and another worked in Phnom Penh. I studied at Bompengh Vichea primary school in Wat Sabat. I was the outstanding student in the class.

After I graduated, I continued to Preah Soma Prey Leveaty Secondary school, Prey Kabas district, in the year 1956-1957. First, the director of the school required me to pay money for registering, and buying study materials, so I decided to stop study because I could not afford it. Later I helped my oldest sister sell vermicelli and a kind of cake in Chom Bok market. Once at 9am, while I was selling, I met the director of Bompengh Vichea Primary School named Keo Prach. He then asked me about the reason why I stop. He asked me to continue my study, and he will support me.

The director of Secondary school allowed me to study, and fill the application for doing exam. On September, I and my 9 classmates went to Ong Eng Primary school for doing the exam. One week later, the result was shown, only my one person passed the exam, he was my classmate. In 1958, I became the priest in Thnuat pagoda, Thnao sub-district, Baty district, takeo province. Monk Lach Born allowed me to teach grade eleventh students. Next, the school director asked me to teach grade seventh and eighth students who were about to take exam, but I decided to teach only grade ninth.

In early 1961, I wanted to stop teaching and went to study Pali language at out side the pagoda, but monk Lach Born refused instead let me teach priest. One day I got a fever, chef monk and villagers who believed in Buddhism sent me Lok Sonk hospital, Phnom Penh. Doctor tested my blood; he discovered that I got a serious intestine illness. Three months of relaxing in the hospital, I have learnt some medication including the theory and practice, thus the doctor ask me to help him by giving medicine, doing injection and taking care of monks who stayed in this hospital. Later I used this knowledge to cure the monks and other villagers until they got recover from their illness; I had never made any mistakes, day by day, I became famous in curing

people. Money that I had earned from teaching could provide me to open a private clinic, bring back my father's motor which he had pawn for buying a motorbike, and repairing the old house, and then I brought back my younger sisters to live together.

On April 18, 1967 I got married. Later monks, laymen who arranged a ceremony in the Buddhist monastery, villagers, school director and teachers voted me to become chef of commission who was responsible for primary school expansion, and the member of Buddhist community in Baty district. I also volunteered to teach 50-60 students at night.

On March 18, 1970 at 9am, while I gave the injection to a villager at Veal village, Kdanh sub-district, I heard the from the national radio cough king Sihanouk mistake and refused to recognize him as head of the state. The foreign radio in Masco, Beijing and Hanoi which broadcasted in Khmer had a reaction of this event. King Sihanouk regarded coup of March 18 as illegal action, and invoked Khmer people to go to Makit forest and fought against the coup which was controlled by Lon Nol, Serey Matak, Seug Ghokthang who got support from USA. On 23 at the same year, Nation United Front of Kampuchea was set up in Beijing by King Sihanok was the head.

In Baty district, people who supported King Sihanouk and who supported General Lon Nol hit each other, made many people died and injured. One of my second cousins lived in Khnat Thom village, Pea Riang sub-district died of bombing. In my village, villagers, teachers, officials and elderly opened a small meeting for discussing how to create units or groups for fighting against Lon Nol. I was selected to be a member of village controller, responsible for cultural position. At the North of Prey Leveaty market, Prey Kabas district, Lon Nol militaries bombed and fired gun to scared villagers and destroyed their house. Therefore, my grandmother and grandfather took their family's members to live with me at Om Pel village, Cha sub-district, which was 7 kilometers far from their house. The situation in the village was disorder; the connection in the village became worse.

On July, at 8 o'clock in the morning, Many

cars, tanks, and air-plans drove in to the village, thus the villagers aimlessly run away. The militaries used the gun pointed at each house and place where it had many people sat, they looked at everywhere in case of having Viet Kong hid in the people's house. Two hours later, all these militaries left the village. Meanwhile, Brother Ni Erm and Preab Keo who conducted activity in some sub-district came to my village, and asked my village to be the base for creating the power. I and some villagers arranged the accommodations, food and provide the medication if one got the ill. From that time, some secret short course programs related to political were trained in different villagers' house. On early October, My village was appointed to set up a meeting for closing the training program. When the meeting was finished at 11 o'clock in the morning, brother Preab Keo, chef of Kraing Thnong village and head of group who conducted the resistance movement in 8 sub-districts, north of Second Street of Baty sub-district, there had been approximately 20 youths went toward me and asked me about my health and told me about their suffering in their sub-district which was under control of Lon Nol, the reason they told me that because my village responsible for helping people.

Brother Preab Keo and Ni Erm asked me to teach people in the village about the treatment especially the way how to rescue patients in emergency. I agreed to do so, I tough people who came from 8 sub-district of Baty district, totally 60 people. Chef of village and group solved the living condition of them. What I tough them, was the way of giving injection on muscle, nerve, under and above the skin, how to enclose the wound including broken bone, skin, and head problem, the way how to rescue the wounded person from battlefield, and the way to help the pregnant deliver their baby.

Escape from bombing

On February 1971 at 10am, while I and my neighborhoods were sitting on the bed outside the house, suddenly, 200 militaries, wearing the bag at their back and the guns went from west to north. At

about 2pm the militaries set up a controlled place from the middle of the village to end of village at north. Owing to afraid of fighting tonight, villagers took their families, led the cattle to outside the village. For me, I went to my mother-in-law's house at Veal village, but left my cousin looked after my grandmother at home. That night I slept at home, at 11 o'clock I heard the 3 sound of gun shooting at south-eastern of my house then another sound at northeast of my house which was about 300 meter far from my house only, after that it became silent. From 12 o'clock at night to 2 o'clock at night, I heard the gun shooting at Sabat pagoda. At 7am, Lon Nol's force that stayed in the village withdraws the armies and air-plane until 9am the armies left the village completely.

Art for revolution

I was selected to be the chef of art for revolution in Baty district responsible for supporting the musical instrument to a band that fled from the region controlled by Lon Nol. Due to see the band worked well, Brother Ni Erm, chef of propaganda committee at Baty district, proposed about 10 youths from my band to teach them how to sing and dance for the revolution. At that time, my band had opportunities to act in a few ceremonies in some villages, and while we were propagandizing. My band have acted in full summer, and stopped in August.

Serve for the revolution

The act of bombing became worse, it made many people died and injured. In September 18, 1971, I decided to join Nation United Front of Kampuchea following chef of Cha sub-district. Krem Vann, chef of Prey Kabas sub-district called to meet him at Prey Levea office for questioning me about my stand of joining the revolution. Later, he lifted me to the Prey Kabas office. I was responsible for Prey kabas prison, located in Svay village, Ba Sre sub-district while Eng Ly was the chef. In here, besides the prison, there was a long hall on the ground with the tiled roof, wood wall and two big beds inside for Khmer Rouge's cadres; other side in the hall, there was tables and chairs for other 4 members

who worked for the prison. Every questioning the prisoners, I wrote the report with Sok Sery. In the middle of October 1971, there were some suspects, so either chef of sub-district, Krm Vann or deputy chefs, Chey Sron hold meeting in every week for awakening the suspects' mind to go back home.

The job in cultural office

On 2 November, I went to work in cultural office in Prey Kabas sub-district following the proposal of Ten Narin who was the chef. When I arrived there, Narin introduced me to all staffs. Deun Sareth, transferred his work which was to write a document about "the political program of Nation United Front of the Kampuchea" for publishing to me. I finished it in 2 days, after I finished writing it; I design the cover and entitled that "The political program of Nation United Front of the Kampuchea" and made some copies for distributing to every liberated area. Meanwhile, I also made some traveled permission letters to villagers. At cultural office, I also obligated the cultural work, nation custom, set up the document and text books about literature, mathematics from grade 1; I had to do the propaganda by sharing the document to district and sub-district.

The changing event

At the end of November 1971 at about 12 o'clock at night, the explosion in the Say Va market appeared to kill many people and militaries, and stopped in the morning. Finally, The Ranakse Front

Canal digging during Democratic Kampuchea



controlled the Say Va market region and grasped several properties, whereas North Vietnam armies withdrew to Ton Gel village which was the border between Cha and Snao sub-district.

The commission of accepting the evacuated people

On February 16, 1972, I transferred my job from strengthening the culture to the commission of accepting evacuated people from Prey Kabas sub-district. Phay Srun was the director and Tin Narin was the deputy director of this commission, and there were other 6 members. In the first month, this commission arranged the structure and working network from district to village. Sron and Oun Sary responsible for southern and eastern area, whereas I and Tin Narin responsible for Western area. This commission had 2 obligations: First, propagandizing and evacuating people from battlefield; second, to accept people who were evacuated from other village and solve their living condition. After that, we hold a meeting discussing about evacuating people from Traing distric (district 108).

One day, while I was holding a meeting with sub-district and village cadres next to the Prey Padao pagoda, suddenly there was a plane dropped the bombs to the middle of the Say Va market, this led the some houses burnt, some animals died. Along the Second National Road, Ranakse Front was fighting to demand Banteay Trav Orug of Kompong Dangkao at Kendal Province's border. At that time I was

standby the second combated line at Tro keat pagoda and Dey Krohorm pagoda located at Dem Dong village, Chombey sub-district expanded to Pot Sar sub-district near Kendal province's border; my job was to evacuate people from battlefield. In 6 months time, the work of evacuating people finished, we continued to the work of awakening people's mind and solve the living condition of cripples, poor family and doing a good deed for dedicating to cadres, combatant and people who scarified their life.

Later, I was appointed to connect and gathered former teachers, and then arranged the district organization and other organizations in every sub-district, totally 130 families. Ta Pay Sron appointed me to be the chef superior officer at Prey Kabas and Ang Kanh sub-district.

Becoming a prisoner with no reasons

On August 16th 1973 I went to Ampil Reang village to ask the villagers for help plowing and rice seeding. I bumped into Phai Sron on the way when he was cycling out of his office. He stopped the cycle and told me to take over the work in the rice field. Sometimes later, Phai Sron were tied up and got to walk on the national road number 2. He was accused of being a spy from the Eastern Zone.

On August 23rd 1973 a representative of cultural office of Region 33 visited our unit and brought a letter from a chief of regional cultural office to inform its staff and their families to meet up at the regional office in Prey Kabas district. I then helped take Phai Sron's wife and children to the meeting. At 2 pm a messenger took us to the branch cultural office of the region in Prey Chheu Teal village, Pdau sub-district, Prey Kabas district. The office staff welcomed us with a meal and a place to stay for the night. Next morning, a politic training course began. Comrade Phuong Sanith, the chief of region 33, presented and gave a talk to the participants. One week after, Phuong Sanith got me and Tin Narint to self-criticize and report the previous leadership situation. Then Phuong Sarith, a chief of the region cultural office and a member of region 33, separated my unit to under a new control of the office of region 33 and divided it into three branches: 1) Ba Seth sub-district, district 53, 2) branch cultural office of the region in Prey Chheu Teal village, and 3) Regional unit of productive cultural office in Kampeng village, Kampeng sub-district. I stayed in Prey Chheu Teal village. Phung Sanith came to spend a night per week at the office to control over the cultural affair in 6 districts of Region 33. There, my duty were to carry water to fill up jars, feeding pigs, slice and pound banana trees to feed domestic animals and

grow crops to feed the whole unit. Brother Nob, an office secretary worked very hard on his reports that he couldn't even go out. After dinner I chatted with him and helped him writing the reports until 6 am when his brother Phuong Sanith took the reports to a meeting. At 6 pm in the evening, brother Sanith asked me and brother Nob to a dinner and told us, "Sakhorn, the regional Angkar have made a decision to smash you but I suggested them to continue investigate because that was not his fault alone and promised to re-educate you. Since now you are able to go out." After that the chief brought me to anywhere he worked such as Ba Set. He then gave me all documents to work on and to monitor the medicines in the region office.

Boeung Prey village

Beginning 1974 region 33 opened an office in Kampeng pagoda in Kampeng village to gather people to work in the rice field in Punley, Prey Pdau and Angkor Borey sub-district. I stayed with comrade Sanith in Prey Sambuor village, Angkor Bory sub-district and founded a wood craft to make a water-wheel used in the farm irrigation. Later on, he assigned me to work in a cultural office in Ba Set district. There, there were two huts built next to a rice granary and a kitchen at the north of a market and Ba Set Pagoda. There were three youths guarding there.

On January 2nd 1975 Region 33 set up an autonomous region on a mountain in the west of Phong sub-district Korng Pisey district Kampong Speu province District 53 Region 33. At 9 am As soon as I got assigned from Sanith, I prepared a pack of rice and some dried fishes when other elders packed rice pans and water containers to prepare for travel. At 4 pm on the same day we arrived at Phong pagoda. Then a sub-district messenger and a guard accompanied me to Boeung Prey village crossing hills and sparse forests in 30 kilometer away. At Boeung Prey autonomous village, Phuong Sanith was a regional clique, Ta Doak, a former chief of public transportation office in Region 33 and a chief of committee, and Yim Sath, former chief of commerce office of region 33 and a current sub-chief.

On January 10, 1975, a messenger of Region 33 informed the committee of Boeung Prey autonomous village to prepare for evacuated people from Phnom Penh. A group of roughly a hundred people including young children and adult, with their cattles and belongings arrived in the village around the evening of the day. Most of whom were from Thporng district, Phnom Sruoch distirct, Kampong Speu province. Some were from Kandal Stung, Dang Ko and Mok Kampoul district in Kandal province. All of them had families and relatives worked with Lon Nol government. In about a half month, we received 200 families, roughly 600 people in total, who were forced to evacuate from the city. Among them, some people of Phong sub-district used to reside in Boeung Prey village.

In March 1975 I led a group of youth which included 50 people to clear 10 hectares of bushes located along the river and on the flank of a mountain to grow corn and rice alternatively. One month later, we began to run out of food supplies as the new people did not bring with them enough food and depended on ours. Therefore, the region committee wrote a letter for autonomous village to contact and request for food supplies from Korng Pisey district.

On April 17 1975 I traveled with a group of 30 ox carts to transport rice provided from Ra Luos village located north of Phong pagoda in Phong sub-district. While collecting the rice I heard from radio news that revolutionary armed force invaded and took control entirely of Phnom Penh city. The news satisfied us.

Dying of hunger

On May 25, under revolution force control, Sanith and I came to visit home village in Cha sub-district, Prey Kabas distirct. After spending a night in Cha village, Sanith asked me to accompany him to Phnom Tompek pagoda Kraing Yov sub-district Sa-ang district Kandal province to search for his relatives and then continued to Koh Anlong chin village Set-bo sub-district, Sa-ang district to look for his wife who had not seen since 1970. Unable to trace where

they were, we headed back to Ba-seth sub-district office. A little while later, we, Chhi (Sanith's brother in-law), Sanith and I went to Reak Chey village and found Sanith's wife there. The next day, Chhi and I helped take Sanith's wife and their two kids and their belongings to Cha village and stayed in my house for two nights. I asked a messenger to send Sanith's family to Ba Set district where Sanith was based. Learning that I got sick and had to stay at home for a week, Sanith and Voeun, the messenger, visited and reminded me to go back to my unit when I got better. By then, Sanith and Doak were Boeung Prey village chiefs. And I have nine people in the unit including Chhi and Yem.

Beginning September in 1975, Boeung Prey village which composed of nearly 300 families roughly equaled to a thousand people fell upon a hard time lacking of food, spreading of diseases such as diarrhea, fever, and swelling. The disease slaughtered the evacuated dwellers numbered to 4-5 people a day. By then, Sanith and Ta Doak were invited to attend a politic training course at the Regional office, therefore, all responsibilities fell on to my foot. One month later, the number of death caused by malnutrition and lacking of medication went up to 10 people a day. Unfortunately, I also fell sick, fever, feeling suffocated, and unconscious. Learning that I got sick, Sanith sneaked out from the training to bring medicines to me. About a while later when I got recovered, I gave order to villagers to harvest corn on a total of 10 hectares land so they would have some food to eat. When Sanith and Doak came back from the training course, I reported the widespread of famine and the idea of regional committee which let us resolves the problem on our own. After listening to my explanation, both comrades agreed with me and blamed on Nob who misreported the situation.

Return to my home village

My fever worsened from time to time even though I took the medicines. Sanith and Doak were kind enough to take me to a hospital at Region 33. At midnight I told Ry and Voeun to borrow two

bicycles from our neighbors to help take me back home as there were a lot of people waiting to see the doctor. It was until 4 am that I could leave the hospital for my mother in-law's house. I asked Ry and Voeun who got back to the unit to keep secret about my stay and sent a letter with them to Sanith describing the severe illness I had that I were not able to go back to work at the unit. Staying at my mother in-law's for about 10 days, I returned home in Ampil village and then faked a letter to social office to ask for more medicines.

On November 10, 1975, my grandmother passed away. Three days following the funeral, my sister, brother in-law, who had been a policeman in Lon Nol regime and two kids, had to flee to North-western zone.

In February 1976, my unit in Boeung Prey village was dispersed so I wrote a letter to Teav Tum, a chief of Som sub-district, to ask a permission to return to live in my village. There I was appointed to dig canals and build dikes with other people in the village and had to eat collectively at the cooperative. Each day I worked very hard that my hemorrhoids and fever got worse. The unit chief permitted me to take days off and then moved me to work in elder unit. I was responsible for plant seeding, fertilizing and collecting the vegetable for the collective kitchen.

In early April 1976, my vegetable unit was moved to base in a village on the South of Phnom Da mountain so the unit members could help build a dike measured up to 50 meters in depth and 10 kilometers in length. The dike started in Angkor Borey sub-district and ended in Kampong Ampil sub-district near to the Vietnamese border to protect flooding in rainy season. In early June 1976, the unit chief announced that we had a morning off from work to attend an annual summit delegated by Hou Nim, a member of a politic office of the central party and the minister of information ministry. Hou Nim talked about the national constitution recently approved and praised to all of us who had been working hard. Sometimes later, as I got sick again, the unit chief sent me to a district hospital

where a traditional healer treated me. Ten days later, I was not still recovered. I thus asked the healer for some medicines and went back home. Then, my unit chief assigned me to work in planting unit composed of 30 elders.

In mid December 1976, the village chief assigned me, Vet, and Try to plant crops in Kbal Khmoach Prek Soeur in Por Rumchak and Ban Kam sub-district bordering with Koh Thom district. The cooperative chief of Cha sub-district provided us with 20 cans of rice, salt, and Prahok (a kind of Khmer food: salty fishes that can be preserved for food for a long time) for traveling to that area. On a 100 width land at a field by a lake we built a hut with reed wall and palm leaves roof. On the next day, we cleared the land and plant vegetable, pumpkins, cucumbers, and tomatoes. I assigned uncle (the way we address a man) Try to take care of the vegetable and Vet to fish. In February 1977, I received a letter from Teav Tum to ask me and Vet to return to the cooperative.

We arrived in Cha sub-district at 9 pm but until next morning that I could meet him at home. He handed me a big notebook, three small notebooks, three pens, and a ruler and explained to me, "You need to find out secretly about the biographies of those people whose names are in the book and who work in battalions, Hundred-member unit, Fifty-member unit, and were village chiefs. And you need to report to me every one or two days." On the first day, I began working in Ampil village on 4 people; they were unit chiefs and village chiefs. Then I gave the report to Teav Tum. After that, he got me to search for a biography of a female comrade, Phim Yom, a chief of female sub-district office. I talked to her father in Baing Bat village but could not obtain adequate information; I thus went to see her younger sister, Phorn, to complete the information. Each day, I continued working on biographies left. Half a month later, I was appointed a technician at a collective plant unit which was currently created by the sub-district chief and located near to Wat Cha. We plowed the land and dug a canal to keep

water for planting crops. The bean grew fast so that we could collect them for the kitchen promptly and shared some left with the cooperative chief, Dam, the new appointed sub-district chief and Tum, the sub-chief.

The death of my wife

In April 1977, the women unit chief assigned my wife who had just had a baby boy for two months to work such as clearing land, harvesting rice, and collecting vegetable for the kitchen. It was causing her sick lacking of breast milk to feed the baby. So it developed the baby to suffer dysentery. The unit chief sent them to receive treatment at Cha sub-district hospital and then to a district hospital. Taking care of my wife and baby without enough sleep and food caused me sick, diarrhea and body swollen. I often sneaked out from work in the afternoon to see my wife and son at the hospital. Sometimes elders at the plant unit kept some food for my wife by hiding from the unit chief. Unable to cure, my wife passed away and left the baby for my sister to look after.

Accused of being an enemy

As there weren't enough food in the village, kids began to steal sugar cans, potatoes, and some other kinds of fruit to eat. It happened every day until there was an accusation to me and comrade Him that we created a group of thieves in the village. The village chief raised this issue in the meeting but my unit chief defended me that he never saw me walking out of the field. Done with the crop planting, my unit chief assigned me to clear the land and plant banana. One day when I got back home I saw my clothes and stuff scattering in the house, some of my belonging were lost. I walked to the cooperative and found the elders tearing apart a dictionary to make cigarettes. I asked them back the dictionary. But they accused me of being conservative, keeping the revolution enemy's things. I told this to comrade Ye, the village chief, he thus explained to kitchen chief not to collect papers or books from my house as some of his document were kept there.

In November 1977 while eating porridge in

the kitchen I saw a woman throwing up on the front. She then walked to a chef, Peng, and ask for some salt. She didn't receive the salt, and was also scolded. Enabling to stand this, I argued, "She just came to ask for salt not for fish or fried chicken, why did you scold on her?" Peng didn't reply to me but walked to the back of the kitchen. A little while later, Sek Born, the cooperative leader got out of a room standing with his hands on the waist behind and yelling at me, "No need to find an enemy against the cooperative, here he is." Hearing his words, I walked out of kitchen and headed to sit under a house. Around noon, Ye bicycled to the village and announced that we met at the kitchen. I walked into the kitchen while people were eating porridge. Ye spoke about the situation of the revolution of the Democratic Kampuchea and the policy to prepare a collective eating. He then asked me to have comments. I spoke about the leadership of the revolutionary Angkar that: There is only one Angkar that could bring the country to successes in all fields. I took the chance to raise Born's words accusing me earlier, "an enemy against the cooperative." When I finished the comments, Tum closed the meeting without a word. He then rode his bike to Cha village.

Angkar's arranged marriage

On February 10 1978, at 3 pm comrade Vong, cooperative chief of Cha village told Ye, Ampil village chief, to get me to marry. Until I arrived Cha village and saw 6 chairs already in place that I knew that it was a three couple wedding. Yom and Ye, representative of Angkar, sat right in front of me. At the beginning, Ye opened the ceremony by announcing the principles of a new form of wedding and then declared that the brides and grooms were all widows. After the announcement, Yom expressed her view on the party policy in preparing a modern form of a family of the Democratic Kampuchea. Then each bride and groom and the parents' representatives came up to speak and make commitments to the Angkar. After the meeting, my relatives and I, about 10 people, went to visit my mother in-law's house. Noticing my torn

clothes, my wife pulled out of her box a new black shirt and black pair of pant and gave me to change. At 4 in the morning, I returned to work in threshing rice unit in Ampil village. At 3 pm I borrow a bicycle from the cooperative and took my wife to live with me at Ampil village.

Early 1978, new people who were evacuated from other places riding in 10 ox-carts were told to go back to home villages but were in fact executed at Tuol Banh Angkunh and Tuol Phum Kdei. Frequetly, Chhuon, women unit chief, Eang and Poak, the sub-district spy chiefs, came to the cooperative kitchen and boast to have killed people. Cha pagoda, Dharmma Viney pagoda, Prey Lvea pagoda, and district hospital were all the killing fields. About 700 people were killed there.

On January 7, 1979, at midnight I saw defeated troops and many people evacuated on the other side of the river in Sa-ang distirct and Koh Thom district. I then gathered my relative at the cooperative back to the home village. On 16th , my wife gave birth to a baby girl. My sister in-law helped carry my wife to the cart covered with straw. We traveled to Baing Bat village to escape from the floating bombs.

On January 28th, 1979 we rode on an ox-cart

to the main road number 2 and came across a line of Vietnamese troops. My relative and I decided to return to live in the home village. On February 22, there was a meeting at Cha village that selected Mr. Mol Ton to lead the sub-district and appointed me to work on propaganda and in the sub-district office. We founded a solidarity group to cultivate crops that consisted of 10 to 15 families dividing into strong labor forces, couples, widows, orphans, and disabled. Nevertheless, people still faced the lacks of food. At the sub-district unit office, we used large pans to cook corns and ate with salt and radish. Sometimes, Vietnamese soldiers provided us with rice, flour, corns, sugar.

On January 1989, I was assigned to work in an office under supervision of Prey Kabas district as a manager of information office. As there was a complication in the sub-district work such as recruiting soldiers, I resigned from the position. Since 1993 I was an information office manager in Prey Kabas district until October 1999 when I was retired and turned to do other work like selling groceries and cultivating rice.

San Sok is a survivor from the KR regime.



People returned to their houses in 1979

LETTER FROM A READER:

ADDITIONAL INFORMATION ABOUT MEL SOVANN AND LAM VIRI

Dear Sir,

The truth is bitter. From your DC-Cam data I have learned that my friends, Mel Sovann and Lam Viri, went the horrible way through Tuol Sleng and were killed there. This is intense and bitter news for me. I have finally, after 30 years, found a place in Phnom Penh for remembering and praying - Tuol Sleng Prison.

The search for the truth throughout history is difficult. The question, "what is evidence?" is a very sensitive one. A lot of material (physical) proof no longer exists after more than 30 years and a lot of witnesses are no longer alive. I have a lot of respect and understanding for the projects of DC-Cam and all my thanks for the results and texts in English. Please, allow me to make some remarks in the hope that they are a help to you:

1. Data

It is quite normal for different sources to have different data about the same (seems to me) person. And it is a question of time to correct these C BIO records and others. These are the cases:

♦ *Mel Sovann (C BIO Y06644 Mel Sovann, 19770102 arrested (?); C BIO B11677 Mel Sovann; C BIO Y06078 Mel Sovann; C BIO I08445 Mel Sovann; DC-Cam Special English Edition Third Quarter 2006, page 8 ff. Mil Sovann; DC-Cam Promoting Accountability Team Report Third Quarter 2006, page 15 f. Mil Sovann.)*

♦ *Lam Viri (C BIO Y06031 Lam Viri, from France (?); C BIO Y06086 Lam Viri ; C BIO B16491 Lam Viri, from France (?); C BIO B11506 Lam Viri; C BIO I10714 Lam Viri; DC-Cam Special English Edition Third Quarter 2006, page 8 ff., Lam Virey; DC-Cam 2006 Vanished: Stories from Cambodia's New*

People Under Democratic Kampuchea, page 106 ff., Lam Viri.)

2. Confessions

To use confessions given under physical or mental torture as evidence - this is a very sensitive and critical way to search for the truth in history, and the data is - in most cases - very far from truth. The suspected persons had to write - if they were able to write - what the interrogator wanted to hear - for his own safety and to give agreeable information to the ruling "brothers No. ... until No. 1." So it was not difficult for the interrogator to create an "enemy" by special construction of the confessions, by listing contacts and enemy networks, by discovering spies - all under pressure.

All dictators of the 20th century and also the "brothers No..." were sick with a mania (or abnormal obsession). The Brothers, (see f. i.: Chronology of Cambodian History, www.geocities.com, Hua Guofeng and Pol Pot 29 September 1977) saw themselves surrounded by only spies and enemies.

3. Confession Summary Clarification for Mel Sovann

DC-Cam Searching for the Truth Special English Edition, Third Quarter 2006, page 8 ff., Mil Sovann. Concerning the Confession Summary of my friend Mel Sovann; I have to make the following remarks since I knew him since October 1971.

♦ It is correct that Sovann was one of the most active and best Cambodian students in the Soviet Union during this time. He also had close connections with the Royal Cambodian Embassy in Moscow. He respected King Sihanouk and had good relations with other students from Cambodia. - Sovann never studied Marxism and Leninism "as a part of a secret group." Marxism/Leninism was a

normal part of his official studies at the Moscow Energetic High School (now called Moscow Technical University).

◆ It is difficult to believe that Sovann was introduced "to Boris Lapsos, who recruited him to join the KGB." And it is difficult to believe that Sovann "worked" for the Soviet Intelligence Service KGB until the end of 1976. There is no logic in this. If the KGB worked with Cambodian students in Moscow, then many different KGB-people would have worked with them, not only one. If Sovann did work as a spy, his assignments would have been more concrete. And how could he have kept contact with the KGB under the "eyes" of Angkar? That is an undoable task.

◆ It is difficult to believe that Sovann created propaganda with Lam Viri between 1971 and 1972. Lam Viri was not politically active. He was - until his last days (according to his confessions in Khmer) - a scientist and engineer.

◆ It is also quite difficult to believe that Sovann wrote a greeting card to Lam Viri in Moscow with a lot of information about the situation in Cambodia

and, that he gave this card to Prince Norodom Narindrapong.

◆ I know from his last letter to me (sent in March, 1973), Sovann decided to go to Beijing to support King Sihanouk. It was his wish to go to the liberated regions of Cambodia as soon as possible.

4. Confession Summary Clarifications for Lam Viri

In DC-Cam 2006, *Vanished: Stories from Cambodia's New People Under Democratic Kampuchea*, page 106 ff., Lam Viri. I have to make some supplements:

◆ Lam Viri had a PhD from Moscow.

◆ Lam Viri's daughter, Sofia Virianovna Lam-Viri, is an entrepreneur who lives in Moscow. I still try to make contact with her.

◆ Lam Viri asked me on 19th of June, 1976: "Can I go back to Cambodia to help as an engineer?" My answer was: "Yes." Still I am suffering because I gave this answer.

With all my respect

Sincerely yours

Dr. Hans Koch (PhD Moscow)

Berlin, Germany, 18th March 2008

SEARCHING FOR MISSING FAMILY MEMBERS

Missing Son

I am Pich Yann, 66, of Trapeang Chouk village, Chralong sub-district, Baray district, Kampong Thom province. I have four children; one died in 1975. I am searching for my son, Hor Ol, who disappeared before the liberation day (April 17, 1975). At that time Hor Ol was 16; he followed the Khmer Rouge soldiers with Lorn at Wat Kuk Khnong. I have not heard from him since. If anyone has heard about him, please inform me or contact the Documentation Center of Cambodia via phone: (855) 23 211 875. Thank you.

Missing Two Sons

My name is Sar Ouch. I am 73 and live in Trapeang Chouk village, Chralong sub-district, Baray district, Kampong Thom province. I have five children. I would like to search for my two sons, Chuon Chen and Chuon Sear. They both disappeared in the Khmer Rouge regime after they were drafted into the army. Chuon Chen had entered the revolution before 1975; he visited home once and I have never seen him again. Chuon Sear joined the revolution after 1975; he disappeared after that. If anyone has any information about my two sons, please kindly inform me or contact the Documentation Center of Cambodia. Thank you.

SEARCHING FOR INFORMATION ABOUT CHAMREOUN CHY

My name is Vathana Chy and I am currently searching for information about my father, Chamreoun Chy. He was taken from us by the Khmer Rouge regime in April 1975. Today, he would be in his late 50's.

My father, Chamreoun Chy, was born in Poum Ratanak in Battambang. He was married to my mother, Chor Tanglor and together, they had five children; Sochit Chy, Socheat Chy, Tieng Chy (currently Chinda), Samnang Chy (currently Vathana), and Ountouc Chy (deceased).

Chamreoun Chy was a professional badminton player and a riot policeman. He was last seen in April, 1975 in Kampong Thum.

His family, including myself, currently lives in the United States and deeply desires to learn any information about his whereabouts. If you have any information about Chamreoun Chy, please contact the Documentation Center of Cambodia. Their phone number is (855) 32 211 875. Thank you.



Magazine of the Documentation Center of Cambodia

Searching for

THE TRUTH

- ◆ The Arrests of Ieng Sary and Ieng Moly
- ◆ Recent Developments at the ECCC

"Following the tragedy that Cambodia has lived, there is now a time for journalists—there was the time for historians to understand and the time for NGO's to attempt to try to bring justice. Now, today is the time for justice."

-- François Roux

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Searching for

THE TRUTH



- ◆ A Genocide Research Center in Asia
- ◆ Finding the Truth of the Khmer Rouge

"The best way to bring justice after genocide is to prevent it from happening or spreading in the first place."

-- Kok-Thay Eng

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