



*Editorial:*

# CONVICTION LACKING FOR KHMER ROUGE TRIAL PACT

The national election campaigns are under way and the voters and I expect and demand that this year's elections proceed in a more democratic manner. Yet while many citizens, experts and diplomats are calm about the pre-election campaigning, they are now questioning whether the fate of the proposed Khmer Rouge tribunal hangs in the balance, subject to the outcome of the July 27th parliamentary election.

Time may be running out. Khieu Ponnary, the first wife of Pol Pot, died on 1 July 2003, at the age of 83, in Pailin, a former Khmer Rouge stronghold in northwestern Cambodia, and it seems likely that important information died with her. Will the passage of time, unwilling leaders, and political maneuverings rob us of our justice and dignity?

Interested states, including Japan and Nordic countries, have continued to support and push the tribunal forward. Further, on 6 June 2003, U.S. State Department spokesman Richard Boucher welcomed the signing of an agreement between the RGC and the UN, saying “the establishment of a credible tribunal within Cambodia is a key step towards eliminating the climate of impunity in the country”, although concerns about the tribunal's impartiality, adherence to due process, and susceptibility to political influence remain.

At the signing ceremony of the Agreement between the UN and the RGC Concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea, held at Chaktomuk Theatre on 6 June 2003, their excellencies Sok An, on behalf of the Cambodian government, and Hans Corell, on behalf of the UN, reaffirmed their commitment to securing justice for the victims of the Khmer Rouge. Again this is a promising step.

On 16 July 2003, the Royal Government of Cambodia submitted a letter signed by Prime Minister Hun Sen to the National Assembly, urging legislators to expedite ratification of the UN-RGC draft agreement for the Khmer Rouge tribunal. And on 18 July 2003, Assembly President Prince Norodom Ranariddh said that the draft would soon be approved. Action speaks louder than words. But no action has been achieved.

Such statements are promising. It is important that representatives of the National Assembly choose to endorse the proposed tribunal. Yet, Khmer Rouge victims are justified in their concerns that these are just words and not promises. They are asking legitimate questions of their leaders: When will the draft agreement be passed by the Cambodian legislature? Is the current government of Cambodia willing to bring KR leaders to trial? Will the future government of Cambodia be willing to bring KR leaders to trial? And they deserve answers. And the members of the parliament must do their job.

Does the Royal Government of Cambodia really mean business? If it is all words, then will the end of the elections mean the end of progress toward a tribunal? If they really want justice, why hasn't National Assembly acted sooner?

The upcoming elections (July 27, 2003) serve as a reminder of the importance of the role of humanity, especially Cambodia's commitment to securing justice for the victims of Cambodia. Whether through the successful trials of Khmer Rouge leaders or through other means, we will never cease to hope that the victims will one day be able to rest in peace.

*Bunsou Sour*  
*Editor-in-Chief*

*Searching for the truth (English)*



# THE SECURITY SYSTEM OF SPECIAL ZONE'S OFFICE M-13

*Rasy Pheng Pong*

“The Security Office of the Special Zone,” also known as “The Secret Office of Thma Yong,” was created in 1971 to house and interrogate prisoners and to oversee three other security branches. It was originally located in Thma Yong, deep in the jungle of the Thpong district, Kampong Speu province, two kilometers away from the nearest village. Due to prisoner unrest and revolt, the office was moved to Trapeang Chrap, Thma Kup village, Amleang sub-district, Thpong district, under the new name of “Security Office M-13,” or simply “M-13,” later in 1971. M-13 is important for its role as the torture and execution center for high-ranking officers who had fallen from the ranks and for its leader, Duch, a notorious Khmer Rouge official who went on to head the Tuol Sleng prison in Phnom Penh. Duch, who has been arrested and is now awaiting trial, was in charge of the office since its inception, and left his mark of torture pits and mass graves on the landscape.

## **Branches of Office M-13**

The Security Offices of the Special Zone was in charge of three other security branch locations:

1. Police Security Office, located in Sdock Sa-at village, Meanchey sub-district, Oudong District, Kampong Speu province. This office was under the supervision of Khmer Rouge Cadre Sum.

2. The Security Office of Phnom Prasith Traey Troeng, located in Chveang sub-district, Ponhea Leu district, Kandal province. This office was supervised by Khmer Rouge Cadre Vuth. This security office was divided into four detention sections: one under a Maisak tree, close to the western part of the phnom [mountain]; one at the Chamkar Svey; one at Sala Wat Phnom Prasith Leu; and one at Sala Wat Phnom Prasith Krom. Detained prisoners were killed at the foot of Phnom Prasith Leu, while torture took place at a pond on the top of the mountain, measuring eight meters in diameter and one meter deep. A meeting was held every two or three weeks, and following the

meeting, at least fifty to a hundred prisoners were executed, on the grounds that they had expressed a desire to return home or to their cooperatives. A mapping report completed in 1998 revealed that more than 7,000 people were slain here from 1975 to the end of 1978.

3. Security Office M-99, located deep in the jungle bordering Ta Sal and Rasmei Samaky sub-districts, Oral district, Kampong Speu province. Several supervisors oversaw this office at different times. In the beginning, it was run by Comrade Chhai. He was replaced by Comrade Kul and Comrade Nam. The economic needs of Office M-99 were provided for by the prisoners' labor. A mapping report completed in 2001 noted that many prisoners were detained and killed. By 1977, M-99 was dismantled because of conflicts between the officers over their alleged connections to traitorous elements and alleged acts of anti-revolutionary treason, as well as allegations of moral offenses committed against the prisoners classified as “New People.”

## **Structure of M-13**

1. Duch, chief of M-13, was in charge of the office, controlling both the actions of the guards and the harshest interrogations of high-ranking officials.

2. Chan, deputy chief of M-13, was in charge of the office during Duch's absence. Similar to Duch, he controlled the interrogation of high-ranking prisoners.

3. Pon, an officer at M-13, was in charge of overseeing and carrying out the interrogation and torture at all levels.

4. Phal, an officer at M-13, was also in charge of overseeing and carrying out the interrogation and torture at all levels.

5. Meas, an officer at M-13, was in charge of interrogation, torture, and execution. According to Chan Khan, Meas took the most lives during his time at M-13, after receiving his orders from Duch. But Ham In claims



Ham In

that Duch himself killed just as many people as Meas, since many died as a result of Duch's beatings, even though they were not killed outright.

These five men were called "progressive men" of the revolution. "Progressive men" connotes that they had the power

to order actions to be taken and to severely beat prisoners without the express authorization of those above them in the hierarchy, according to Chan Voeun. Unlike the prison guards who could act only with the consent or on orders from their superiors, "progressive men" were most trusted by Angkar to perform their duties correctly.

### Layout of M-13

The complex was surrounded by a strong, 5-meter-high wood and bamboo fence. The Trapeang Chrap lake ran along the southern side of the complex and on its western side, separating the pits from the mass graves. Within the walls, more than four buildings housed the Khmer Rouge officers and security guards and were used for interrogation purposes. Prisoners at M-13 were held in multiple pits, the biggest of which was for the new arrivals. The initial pits built in 1971 housed prisoners until the American B-52 bombing campaign made them unusable. After the American campaign, Duch ordered new and larger pits to be dug, according to Chan Khan, 47, of Tep Phirum village, Veal Phun sub-district, Thpong district, Kampong Speu, who is a former prison guard at M-13. The new excavation was made in an attempt to avoid air attacks by the Khmer Republic. Most of the pits were covered by roofs of palm leaves. At this site, only one pit, used for the detention of new prisoners, was fenced in. Child security guards lined the other pits to prevent escape.

### Security Guards

Duch recruited young men and women under the age of fifteen to serve as guards at M-13. Im Vorn, also called Din, was recruited by Duch and forced to leave his parents in Kraing village, Pram Bei Mum sub-district,

Thporng district, Kampong Speu province at age 10. Vorn says that Chan Voeun and another friend were similarly recruited by Duch while they were at a training field in Thpong district. Duch selected Chan Khan through recommendations at the village and sub-district levels. In addition to these recruits, villagers in Thpong district say that six other boys were taken to M-13 and never heard from again.

Many of the selected guards received no strategic training and had no idea what work they were to be performing at M-13. In said that they "were totally new people and the youngest group." It is important to note that this was most likely by design. The young boys may not have gone so readily to M-13 had they understood their work there, but once there, the young boys were malleable and impressionable and ripe for indoctrination. In early 1973, the recruiting process ended and the guards were divided into two main groups to police the prison: one group guarded the detention center and the other guarded the prisoners while they worked. Not only were the guards to watch over the prisoners, but they were also expected to be involved in their torture and killing. At night, the guards kept a strict schedule of surveillance. Two guards were on duty every two hours. The guards were not allowed to sit down or to rest. If a prisoner managed to escape during a guard's watch, that guard was severely punished by Duch himself. Voeun recounts that he had been recruited with promises of goods and education from Duch, but once he



Chan Khan

was at M-13, he never heard another word of this kind. When Vooun was negligent in his guard duties and allowed three prisoners to escape, Duch punished both him and his fellow night guard. Duch pointed his gun at Vooun, demoted him to the status of prisoner, and made him work the long and hard hours of the other prison inmates.

Presently, only five of the guards stationed at M-13 have been contacted and identified: Chan Vooun, who resides in Koma Meas village, Am Leang sub-district, Thpong district; Chun (no known family name), who resides in Amleang sub-district, Thpong district; Nin (no known family name), who resides in Tim Neap village, Amleang sub-district; Chan Khan, who resides in Tep Phirum village, Kbal Chin sub-district, Oudong district; and Im Vorn (known also as Din), who resides in Srok Sa-at village, Meanhey sub-district, Oudong district. The rest were either killed at M-13 or have disappeared.

#### **Prisoners of M-13**

The use of M-13 for the detention of prisoners began immediately upon its creation. The prisoners were mainly former soldiers and “base people” who had refused to follow the party’s “bright guidelines.” The KR’s meticulous documentation of the prison population shows that the prisoners came from all over the country. Indeed, some were sent to M-13 from as far away as Hanoi, Vietnam.

Ham In, a former prisoner at M-13 detained in June 1973, recalls that in that same year, more than 10 cadres who had just returned from Hanoi were transferred to the base to work as prison guards and interrogators. Under the watchful eye of Duch, these men soon became prisoners themselves and were forced to receive “supplementary education,” a misleading euphemism for their death. Chan Khan recounts that some of the Khmer Rouge cadres confined at M-13 were chiefs of division, chiefs of districts, and battalion chiefs.

In addition to high-ranking Khmer Rouge cadres, M-13 also imprisoned ordinary citizens, called “men of free movement.” Both the ordinary citizens and the high-ranking officers were subject to the same treatment. “No one knew what had happened to them, except Angkar itself,” explains In, who went on to comment that he had no idea why he was imprisoned, since he had only been a violinist for the Zone Art Performance Team. In was not

alone in his confusion; many, if not most, of the prisoners wanted desperately to know why they had been imprisoned.

When prisoners first arrived at M-13, they were held in 4 x 5 meter pits, awaiting classification. They were classified according to the severity of their alleged crime. Duch ordered that prisoners who had allegedly committed serious offenses were to be shackled by foot and kept in the pits. These trench-like pits were situated alongside the river and were close to the largest pit. Other pits were used for torture purposes. In described one such pit: It measured a half meter wide, a half meter long, and two meters deep. Each pit held one prisoner only. The pits were lined up next to each other and the bottom of each pit contained holes for securing the iron shackles attached to each prisoner’s legs. Another variation of this set-up did not allow the prisoner to stand up. It measured three-quarters meters wide, three-quarters meters long, and a half meter deep. Shorter and squatter than the other pit, the prisoner had to sit still and could not move his or her body at all.

#### **Interrogation and Torture of High Ranking KR Officers at M-13**

During interrogation, a prisoner could face severe punishment and even death for making an “incorrect answer” or for not responding with a “wanted answer.” When Ham In was captured and brought to M-13, some older prisoners whispered to him, “[you] must answer that you used to do this and that. Otherwise, you will be killed.” The best response to give during interrogation was that you “used to serve as a policeman or other high-ranking officer in the Khmer Republic regime [the Lon Nol government].” Soon, In was interrogated by Duch and he used the tactics taught him by the older prisoners. He falsely admitted to his crimes, saying, “I used to serve as a policeman with three ‘yellow stripes’.” This is what the regime wanted to hear. In’s older brother was not so lucky, not knowing that it was better to admit falsely to a crime he did not commit than to tell the truth. He admitted who he really was and was severely punished for it. In the end, the guards killed him. Ham In managed to be spared torture and execution and he even became an assistant in the office’s eating hall. Remembering that time, In repeats the speech that Duch always delivered: “All people brought here are guilty. Confessions must be made accordingly.”

The torture of these prisoners took place in yet another type of pit, which measured two meters wide by two meters long by five or six meters deep and was located along the west bank of the river. A post was planted in the middle of the pit, to which they secured the prisoner. Interrogation took place every day and all the Office's high ranking cadres participated, including Duch, Chan, Pon, Phal, and Meas. These men also conducted interrogation sessions in their own offices. Each interrogator had the necessary instruments of torture lined up on a table, including pins, chains, a hammer, a ruler, and manual pincers. Before the torture began, a prisoner was blindfolded and his or her hands were tied behind his or her back. Frequently, the prisoner was then hung upside down and the torturers pushed a pin underneath the prisoner's fingernail with a ruler, bit by bit. If a confession was extracted, the pincers were used to pull the pin out.

Duch's office cum interrogation room was located 50 meters away from the Trapeang Chrap lake bordering the southern fence. He was responsible for the interrogation of high-ranking officials. According to Ham In, Duch's preferred instruments of torture included a knife and a fire starter made from tree oil. Ham In also says that Duch and Chan practiced the harshest interrogation and torture, while Pon and Phal tended not to threaten or beat prisoners very badly.

In recounts the way his brother was tortured by Duch: "Duch tied his hands up and attached them to a post. Then Duch thrust a knife many times into the victim all the way from his forehead to his big toe, letting the blood flow into a zinc bowl." When Duch believed that his victims were answering incorrectly, he would use a wooden hammer to beat their chests and backs until they passed out or died. Alternately, Duch would force the prisoners to drink a detergent solution through a tube that was inserted into a victim's mouth, leading to their stomach. Duch used the most severe methods of interrogation, ones learned during his own time in prison from 1967 to 1970. Having been imprisoned for his alleged involvement in a propaganda campaign for the Khmer Rouge movement, Duch took out his anger on his victims at M-13.

In describes Duch as a strange character. Even while he liked to speak a lot and joke with the prisoners,

he never took pity on anyone. In recalls, "Sometimes during a moment of play or in talking with a prisoner, Duch would suddenly appear to have the urge to kill that person. Then he would order the guards to handcuff the prisoner and take him to be killed right away." Often, In himself was targeted by Duch. Duch often wanted to talk to In about his experiences in the Sangkum Reastr Niyum prison. One time, In entered the eating hall without knowing that there was a meeting taking place. Duch accused him of attempting to eavesdrop. When In explained that he was meeting Chan's wife, Chea, chief of the eating hall, to discuss food, he was spared any harsh treatment. Not only did Duch order his subordinates to kill prisoners, but he also killed many himself, so many that Chan Khan noted that he could not remember the exact number. Chan continued by saying that Duch also ordered his guards to shoot anyone attempting to escape. In confirms Duch's orders which required prison guards to torture and kill the prisoners.

In offers further testimony to the depravity of the prison guards. According to In, Chan Khan himself tortured his own grandfather, Sok, who was a prisoner at M-13. Khan's grandfather called him "brother," whereas the correct term would have shown more respect for his position. Khan responded to his grandfather by addressing him as he would a fellow child, saying that "he was young in terms of age, but old in terms of revolution." In 1979, Khan apologized and paid homage to his grandfather, saying that he did what he did "because he was so young at the time."

### Execution

There were several methods used to kill prisoners at M-13. Prisoners were killed during the interrogation sessions. Others were simply shot dead, while others were tortured to death. Still others were brought to an area of land known as the killing fields and either axed to death or shot. At times, according to Ham In, hundreds of prisoners were executed at once. "Some times more than two hundred people were killed one by one at the same time. The killer cut their throats and let their blood flow into a prepared pit of blood. After the killings, two other guards brought the corpses to arrange them in three cornerstone-like mass graves." Skulls could be seen everywhere lining

the pits.

In estimated that from the establishment of M-13 until its duties were transferred to Tuol Sleng prison, 30,000 prisoners either were killed, died of starvation, died from disease, or died in the flooding of the pits. In held Duch liable for these deaths, since every order from Duch had to be executed for fear of punishment or retribution. Chan Khan agrees, asserting, “If I did not follow his order, I would have been killed by Duch himself.” In remembers Duch ordering his guards to kill two prisoners every day by exhorting them: “[People] can plant thousands of potatoes a day. Just killing two people a day should not be a big deal for you.”

#### **DAILY LIFE AT M-13**

##### **The Economic Support for the Office**

The office relied exclusively on the hard work of the prisoners for its economic livelihood. The prisoners who had committed only minor offenses produced all of the goods, vegetables, and fish used by the prison. Duch released Ham In from his imprisonment only so that In could fish in the river and the Trapeang Chrap pond, since In was an experienced fisherman. Using the skills learned from fishing with his parents as a boy, In caught fish that he would not be allowed to consume.

##### **Prisoners’ Work**

Prisoners who survived torture and interrogation, and newly-arrived prisoners were made to work day and night. They worked shackled by handcuffs or chains and under the strict supervision of the guards. The guards had the right to shoot prisoners on sight at any hint of escape. Some prisoners died during the long work hours, because of the overwork and their poor and insufficient nutrition. Even while they were forced to create dams, plant potatoes, and clear forests for farming, the prisoners never saw any of the fruits of their labors.

##### **Food Rationing**

Each prisoner received a small bamboo tube of thin porridge two times daily. The prison guards were given a bowl of rice mixed with the corn and potatoes that the prisoners grew and harvested. They were also fed two times daily, whereas the Khmer Rouge cadres, Duch and his colleagues, were fed three times daily. The prison guards sometimes also received a bowl of porridge. In

describes how the porridge was cooked: in a large pot of boiling water, two cans of rice were mixed with red corn, potatoes, and potato leaves, a much richer meal than the prisoners could ever hope for.

##### **Political Meetings**

Every week, Duch called together his three branches to meet at his office. Every three weeks or every month, Duch would also get dressed up for a meeting outside M-13, driving his Mobelite motor bike to get there. In says that he did not know where Duch went when he left the compound, but every time he returned, he would have new tasks for the prison guards, for lower cadres, and for the prisoners to perform. In also reports that soon after his return, Duch would order the young prison guards to take a few prisoners to be executed. It seems likely that these meetings influenced Duch’s choice of victim.

##### **Mistrust**

Even though Duch held significant power at M-13, he was not above criticism. In 1973, most of the holding pits at M-13 had flooded and many of the prisoners had died as a result of the flooding. Yet Duch never brought this issue to anyone’s attention. Other cadres assigned to the police security offices in Prasit Traey Troeng and M-99 became suspicious of Duch and his actions at M-13. Ham In recounts that high-ranking cadres were repeatedly asking about the deaths at M-13 and they blamed Duch for not reporting the incidents to the higher levels. Yet nothing ever came of these questions, and indeed, Duch was given an even more important and powerful assignment as head of the Tuol Sleng prison in Phnom Penh.

Not only did the officials at M-13 come under criticism from outside, but they experienced an internal purge in 1975 when one of their high ranking officials came under suspicion. Phal, who was an important figure at M-13 but who ranked below Duch, Pon and Chan, was purged from the leadership of M-13 for committing moral offenses and for claiming that he was the second in command under Duch. In recounts that Duch made a bet with the guards and the prisoners accused of minor offenses that he would give a bicycle to anyone who could identify the prisoner tied up in front of them. No one had a good guess, but it turned out to be Phal, who was soon killed.



and he had frequently shot prisoners who tried to escape. But Duch learned that his family had had a relationship with public officials in the Lon Nol regime, and so Khan was demoted to a work brigade. Khan explained his thinking, “I had always tried [my] best to gain power and prestige. Instead, when the regime was victorious, I became desperate [because I was not chosen].” Duch chose Chan, Pon, and several other guards whom he trusted to accompany him to S-21.

Duch’s mandate as security chief of S-21 was terminated on 6 January 1979. Some of the officials at S-21

were killed in the fighting and others escaped to remote areas of the country where the Khmer Rouge still had control. Duch fled to Am Leang sub-district, Thpong district, and continued his reign of terror. Here, the Khmer Rouge rounded up and killed more than 4,600 people. According to a police inspector in Thpong district, Duch was in charge of assembling and murdering these people. Dossiers written in connection with the Pol Pot - Ieng Sary trial in August 1979 describes how another 1200 people were transported to the area north of the Kenseng Sam pagoda in Thpong district in February 1979.

**Conclusion**

**Trapeang Chrap: 1975 - Present**

The M-13 complex quickly returned to nature after its abandonment in 1975. The area became a tranquil place filled with wild animals, but its quiet exterior masked the huge mass graves dotting the landscape, filled with tens of thousands of dead. Between 1975 and 1979, neither villagers nor Khmer Rouge soldiers lived in or even crossed through the former M-13 area or Trapeang Chrap lake. Today, villagers from Thmar Kup village, Amleang sub-district, have cleared parts of the area for farming. Many sections of the dense bamboo forest that contains M-13 remain untouched. The deep pits have slowly filled in and now measure only one or one and a half meters deep. The five or six meter posts now poke out of the ground only one meter. But despite these signs of change, the river flowing alongside M-13 still runs from the foot of the Oral Mountains, and Trapeang Chrap lake, which served the sustenance needs of M-13, retains its importance, providing villagers with the water to farm and raise livestock.

Many people in Thpong district know about the killings at M-13. Former victims are haunted by their memories of the atrocities committed here. Perhaps a tribunal will ease their pain. Ham In, Chan Voeun, Um Vorn, and Chan Khan all demand punishment for the surviving Khmer Rouge leaders, especially the man who killed more than 30,000 people during his reign as the chief of M-13.

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# THE EVIL LEGACY OF THE FRENCH COLONY

*(Democratic Kampuchea, Telegram 66)*

We would like to report to you, brother, about [our] meeting with Swedish journalists: On April 7, 1978 they went to visit Vietnam. 1) Before going to Vietnam, they said that they wished to meet with Cambodia in order to know the current situation in Cambodia. Then we asked them, “What do you think about the Cambodia-Vietnam situation?” They replied that they were journalists and so they were neutral. They would publish both statements. Even though they would publish both statements, their ideas were in line with ours that the Vietnamese wanted to include Cambodia as a member of the Indo-Chinese Federation. They [the journalists] said that they would not come under the control of anyone [either country]. Regarding this issue, they knew about the past events, including the negotiation in Geneva in 1954 and in Paris in 1953, when Cambodia did not participate because of [tensions between] Cambodia and Vietnam. 2) We then started talking about Youn activities, both politically and militarily, and about their spying activities in Kampuchea under the guise of the “Federation” from 1970 until April 17, 1975 and after April 17, 1975 until the present. However, all of their activities have been defeated. Remarkably, they were defeated militarily on January 6, 1978. But presently, they are again ready for a military attack for the second time. Meanwhile, they are propagandizing and distorting international public opinion in an attempt to provoke confusion regarding this issue. We spoke about the economy, especially agriculture, and we handed over some documents. They said that they understood the situation and that they would inform their delegation, headed by the foreign minister who had come to Vietnam, so that they were aware of the situation. Finally, they asked us the following questions: 1) Do you want to reclaim Cochin-China? I replied that this was an old issue, which the government of Kampuchea would not revisit. We were trying to protect the existing boundaries—the evil legacy of the French colony. They said that they understood the long history between Kampuchea and Vietnam and that they would publish the truth for the people of Sweden.

With the warmest revolutionary fraternity.

12 April 1978, Roat

Received on 13 April 1978

Copied to: ♦ Uncle ♦ Uncle Nuon ♦ Brother Van ♦ Brother Vorn ♦ Office ♦ Documentation.



Kong Saban



Im Paris



Chap Saroeun

# COMRADE PAUK TO POL POT

*(Democratic Kampuchea, Telegram 94)*

Dear Respected Brother Pol,

I would like to report about the enemy, the masses, and cultivation in the northern zone, as follows:

1. The enemy in the northern zone does not carry out activities that affect the people and the cultivation too much.

The enemy says that the revolution is too strict. They oppose the idea of cooperatives and the construction of new dikes. They also complain about starvation. For instance, in Chamkar Leu district, former soldiers, Muslim Chams and former cooperative chiefs placed the contemptible Lon Nol's photograph and his declaration of March 18, 1970 on a tree near Kampong Krabao village, Chamkar Leu district. They also set fire to the forest, destroying banana and jack-fruit plantations. The zone has advised regions to investigate the above-mentioned enemy activities closely. We have already arrested the former cooperative chiefs. In addition to these actions, the enemy has a hidden network, which we are investigating. We will take appropriate measures to deal with this.

2. In terms of the masses, old and new people are confident in the party's politics, ideology, and assignments. At Angkar's urging, they are working very hard to build new dike systems. At the same time, they share food and shelter with each other. However, there are a few cases of fever and diarrhea. These cases are caused by too much sun exposure. People are advised to drink more hot water. We have also decreased the work times, like we discussed before. We also teach people to drink hot water.

3. The cultivation of the zone

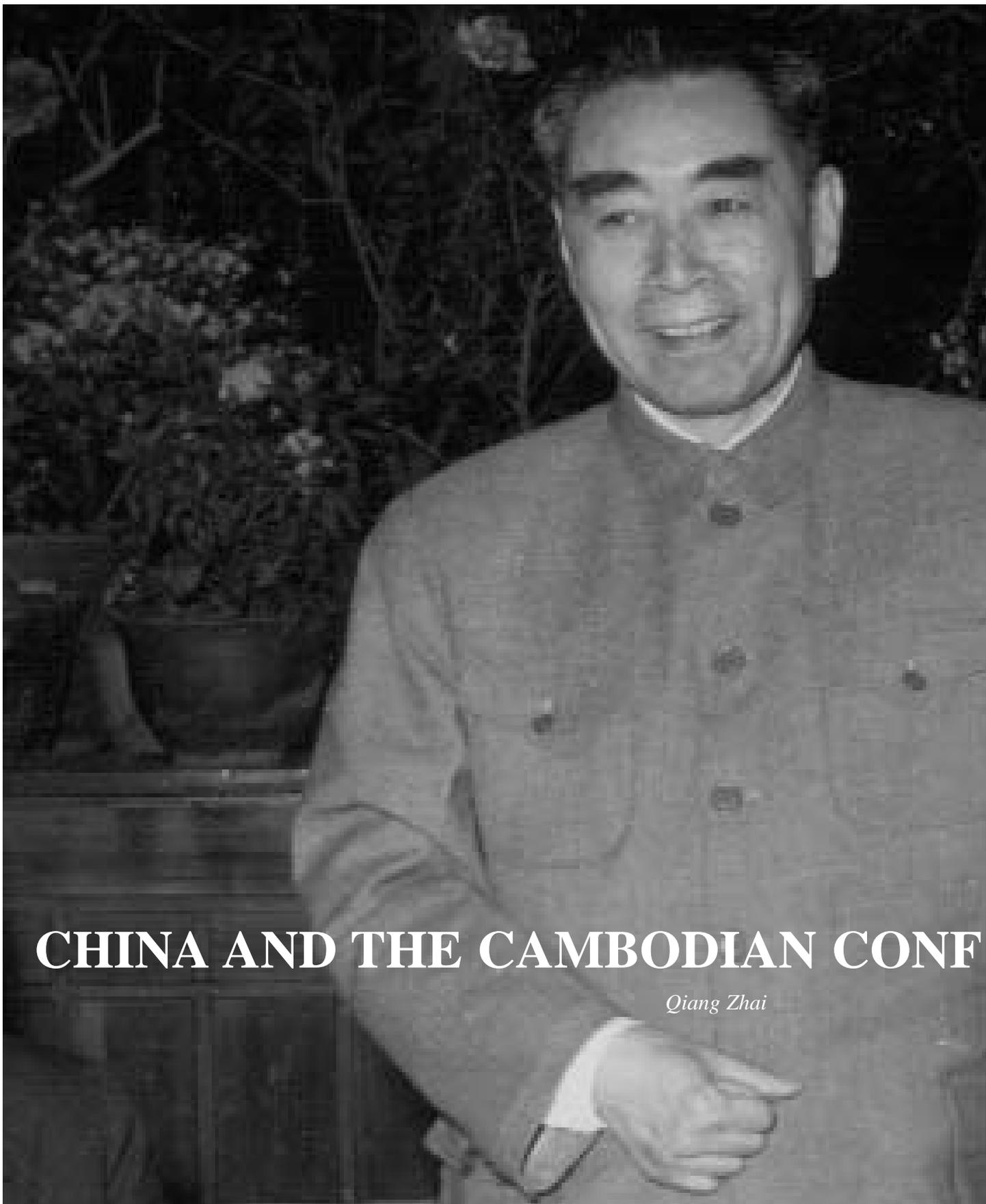
All regions are spreading early-season rice seed. Stung Trang, Chamkar Leu and Baray districts are transplanting the seedlings. The seedlings and transplanted rice are growing well this year. People are struggling to build dikes. We have not counted all of the dikes yet, and more are being built. 30% of them will be completed [soon]. People are directing water from channels into the fields and collecting fertilizer according to the plan set by the party. They are also plowing fields along the rivers. According to my personal view, the cultivation in the zone is going according to the party's plan. Difficulties in cultivation that we currently have are: Cattle have cholera and dengue fever. They are dying, especially in the fields along the rivers. This significantly affects the cultivation of the area. We are working to obtain enough cholera medicine to cure them and stop the spread of the disease. At the same time, we are tallying up the number of cattle in the region in order to make the process run smoother and easier. We have established agricultural committees centrally led by the zone chief, who is responsible for the politics, ideology and assignments of all committees. The zone chief also monitors agricultural works and convenes a meeting every 8 days. We have also created the same kind of committee at the regional level. Districts also have the same committees. People devise detailed plans for their agricultural work. Today the zone chief sets off to the regions and districts to inspect the work of the committees, which I will report on later. Please give advice.

Best Wishes, Comrade Pauk, April 2, 1976

Copied to: ♦ Brother Nuon ♦ Brother Khieu ♦ Documentation







# CHINA AND THE CAMBODIAN CONF

*Qiang Zhai*

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This has been a tragic century for many countries, but it is hard to think of any other place on earth that has suffered as long, as much and as needlessly as Cambodia. Ever since North Vietnam resumed armed struggle to unify the South in 1959, Cambodia had lived in the shadow of the Vietnam War. Hanoi used Cambodian territory to send men and supplies to South Vietnam to carry out revolutionary war. To stop North Vietnamese penetration into the South, the Nixon administration initiated secret bombings of Vietnamese sanctuaries in Cambodia in 1969. The right-wing coup against Prince Norodom Sihanouk in 1970 and U.S. support for the Lon Nol regime drove Sihanouk into the arms of the Khmer Rouge led by Pol Pot. In 1975, Pol Pot assumed power in Phnom Penh, beginning a long national nightmare for Cambodia.

Much scholarly attention has been paid to the role of the United States in destabilizing Cambodia in 1969-1970 and paving the way for the rise of Pol Pot. China's response to the Cambodian crisis, however, has not received much study. Drawing upon recently released Chinese and American sources, this article examines the complex relationship between China, Sihanouk, and the Khmer Rouge during 1970-1975, focusing on how Beijing's competition with the Soviet Union and North Vietnam affected its policy toward Cambodia.

#### **China's Relations with Sihanouk Before 1970**

From the mid-1950s to the eve of the Cultural Revolution in 1966, Beijing maintained cordial relations with Cambodia. Chinese leaders befriended Prince Norodom Sihanouk to advance two goals. First, by encouraging Cambodia to stay out of alliance with the United States, they sought to frustrate the American policy of containment against China. This consideration constituted the primary motive in China's policymaking. Second, Mao undoubtedly intended to use Sihanouk, a proud and ardent nationalist, as an instrument to limit Vietnamese influence in Cambodia.

China's friendship with Sihanouk began at the 1955 Bandung Conference, where Premier Zhou Enlai pledged support for Cambodian neutralism. He warned Sihanouk against the dangers of U.S. policy and urged him to employ French military advisers to train his troops instead of using American advisers. He invited Sihanouk to visit China. The Cambodian leader assured Zhou Enlai that he would not join any military bloc and would not provide military bases to the United States.

During Sihanouk's visit to China between February 13-21, 1956, Mao praised his policy of peace and neutrality, declaring that such a policy had a great impact on the world. Zhou Enlai stressed the principle of equality between states in international affairs, regardless of their size. In the joint declaration issued at the end of Sihanouk's



hoped that all countries in the East would have a steel making capability. On August 21, Zhou led Sihanouk to a rice-producing village in Wuqing County, Hebei Province. It is not clear what Sihanouk made of Mao's grand enterprise of the Great Leap Forward. He was certainly impressed by the warm welcome he received in China.

U.S. officials were very apprehensive about Sihanouk's visit to China. They feared that he might accept Beijing's military aid. It was a relief to U.S. Ambassador Carl Strom that although China had offered both economic and military assistance to Cambodia, Sihanouk had turned down the military aid on the ground that he was content with the aid he received from the United States and France. Sihanouk told Strom that no changes in Cambodian policy would result from his visit to China. Strom said, however, that Cambodia's announcement of support for admission of the PRC to the United Nations represented a change. Sihanouk also informed Strom that he talked with Zhou Enlai about relations with the United States. Zhou remarked that the real problem between China and the United States was Taiwan. Sihanouk's refusal to accept China's military assistance reflected his continuing policy of delicate balancing and carefully orchestrated maneuvers. After drawing close to China, Sihanouk was anxious not to overstep the mark and alienate the United States.

Chinese-Cambodian cooperation continued into the 1960s. In 1960, Sihanouk sent three sons to study in China, created a Cambodia-China Friendship Association, and endorsed Zhou Enlai's proposal for a "zone of peace" in Indochina. Toward the end of that year, Sihanouk visited Beijing, and the two countries signed a Treaty of Friendship and Non-Aggression. The treaty stipulated that both countries would follow a policy of non-aggression against each other and neither side would join a military bloc that was designed against the other side. China succeeded in preventing Cambodia from accepting the "protection" of the Southeast Asian Treaty Organization (SEATO).

In 1962 both Cambodia and China developed border disputes with their neighbors, and both sought support from the other side. When tensions between Cambodia and Thailand increased as a result of their border conflict, Sihanouk called for an international conference to guarantee his country's sovereignty and keep its borders inviolate.

China supported Sihanouk's proposal. As Sino-Indian relations deteriorated following the escalation of tensions along their border, Beijing sought sympathy and support for its position among Asian nations, including Cambodia. On June 4, Zhou Enlai explained China's position on the Sino-Indian border dispute to Penn Nouth, first minister of the Royal Government of Cambodia during his visit to China. Zhou said that China adhered to two principles in settling the dispute: first, to maintain the status quo at the border; second, to resolve the problem through negotiations. Since China had settled its border problems with Burma and Nepal through negotiations and since its had begun border talks with Pakistan, Zhou asked, why could not China and India resolve their border differences in a similar way?

In May 1963, Liu Shaoqi, chairman of the People's Republic of China, toured Cambodia. He stressed the principle of equality between nations in international affairs and endorsed Sihanouk's call for an expanded Geneva conference to guarantee Cambodia's neutrality. Sihanouk commemorated Liu's visit by naming a Cambodian street after him. Liu Shaoqi visited Cambodia at a time when Sihanouk was tightening up his persecution of the members of the Khmer Rouge (the Cambodian Communists), who were now forced to retreat to the countryside. With the growing American involvement in South Vietnam, both Beijing and Hanoi courted Sihanouk to check American expansion of the war through Cambodia. North Vietnam recognized Cambodia's rights over islands claimed by the Saigon government in the Gulf of Thailand. The Communist states of China and North Vietnam were more interested in keeping Sihanouk a friend than backing a Cambodian Communist revolt against his rule.

China continued to support Sihanouk's call for a Geneva conference to guarantee Cambodia's neutrality in 1964. In a meeting with the Cambodian ambassador to China on February 7, Vice Premier Deng Xiaoping complimented Sihanouk for adopting an independent foreign policy and praised him for resisting American pressure. He reiterated China's endorsement of Sihanouk's call for an international conference on Cambodia.

Sihanouk reciprocated China's good will and support by echoing Beijing on a number of international



Western sources, in the summer of 1965 Pol Pot visited Hanoi to meet with Vietnamese Communist leaders, but the latter turned down his request to carry out military struggle in Cambodia. After his visit to Hanoi, Pol Pot traveled to China and spent several months there, including a period when Deng Xiaoping, secretary general of the Chinese Communist Party (CCP), worked with him. According to David Chandler, Pol Pot was in China during the early phase of the Cultural Revolution and was befriended by Kang Sheng, a senior Chinese official in charge of Mao's secret police. No Chinese evidence has surfaced to confirm the report of Pol Pot's 1966 visit to China. And it is unlikely that Chinese leaders endorsed his plans for conducting armed struggle in Cambodia.

The tensions in Cambodia exploded in early 1967 with the outbreak of an anti-government uprising in the vicinity of Samlaut in western Battambang. The upheaval greatly disturbed Chinese leaders, who found themselves in a dilemma on the Cambodian issue. On the one hand, they preferred Sihanouk's neutral policy because it had served their purposes of preventing the expansion of the war in Indochina and keeping Hanoi's influence limited. The overthrow of Sihanouk threatened to escalate the war and increase Hanoi's profile within the Cambodian revolutionary movement. And given the DRV's heavy dependence on sophisticated Soviet weapons, Moscow's influence in the region would also increase. On the other hand, the Chinese leaders found it difficult and embarrassing to oppose the Samlaut rebellion because they believed that it was organized by the Communist Party of Kampuchea (CPK). (In 1966 Pol Pot adopted this new name for his party.) A failure to endorse the revolt would compromise China's revolutionary image.

To solve this dilemma, Zhou Enlai devised the theory of "revolution through stages" in attempting to persuade the Cambodian Communists not to carry out revolution against Sihanouk. According to Zhou's formula, the anti-Nguyen Van Thieu struggle in South Vietnam should have the priority over the development of revolutionary forces in Cambodia. The Chinese premier explained this theory to Pham Van Dong and Vo Nguyen Giap during their conversations in Beijing between April 7-12, 1967.

In the April 10 discussion, Zhou brought up the

question of Cambodia, emphasizing the importance of "winning Sihanouk's sympathy" because he had been helpful in transporting materials to the NLF. When Pham Van Dong asked the Chinese for their opinions about Lon Nol, Zhou replied that the Cambodian general was "not trustworthy" while Chen Yi claimed that he was "pro-American." Zhou, nevertheless, believed that Lon Nol could be used in support of the war in South Vietnam: "Lon Nol once visited China, and he made some impression. If we spend money on him, he can be exploited for some time."

Zhou Enlai continued to stress the necessity of working with Sihanouk and Lon Nol in the meeting with Pham Van Dong the next day. Expressing his disapproval of the Samlaut revolt, Zhou reaffirmed China's preference for concentrating on the war in South Vietnam and seeking a united front with the Cambodian government. "At this moment," Zhou asserted, "Vietnam's victory is the first priority. If the Vietnam-Cambodian border areas are blockaded, armed forces in South Vietnam will be facing difficulties, [and] then the Cambodian revolutionary forces will not proceed. The struggle of Vietnam is in the common interest of the Indochinese and Southeast Asian peoples, and the victory of this struggle is of a decisive nature. In this situation, the Cambodian struggle... has limited objectives.... one has to know how to place the overall interest above the limited ones." Zhou urged the North Vietnamese to explain this "logic" to the Cambodian Communists. Dong admitted that Hanoi had instructed its Central Office for South Vietnam (COSVN) to contact the "people's faction" in Cambodia. Zhou's remarks indicated that Beijing did not have direct contacts with the CPK at this time. His assumption that the CPK controlled the situation in Battambang suggests his ignorance about the actual situation in rural Cambodia.

Hanoi had also attached great strategic importance to Cambodia when the revolutionary war in South Vietnam intensified. Appreciating Sihanouk's acquiescence in the presence of the sanctuaries and the shipments of weapons across Cambodia from Sihanoukville, the Vietnamese Workers' Party (VWP) leadership had pressed the Cambodian Communists not to conduct armed resistance against the government. From 1967 on, the fear of a U.S. invasion of the North Vietnamese bases in Cambodia



Enlai expressed a pessimistic assessment of the Cambodian situation. Noting the Nixon administration's recognition of Cambodia's borders, the Chinese premier said that Nixon's Cambodian policy "is more intelligent than" Johnson's. Displaying distrust in Sihanouk, Zhou referred to the Cambodian leader's policy as "double-dealing" and "tilting to the right."

In late 1969, Pol Pot led a delegation to Hanoi to hold discussions with Vietnamese leaders. Predicting that Lon Nol would take over power in Cambodia with American backing, the CPK leader contended that this would create a favorable condition for the Cambodian revolution because Sihanouk would then join with the Communists against the right and the United States. Not ready to concede that Sihanouk would be overthrown, the Vietnamese continued to subordinate the interests of the Cambodian revolution to those of the Vietnamese revolution. Le Duan asked the CPK delegation to avoid armed struggle and "wait until Vietnam wins victory. At that moment, we will strike one single blow and we will liberate Phnom Penh."

Pol Pot's determination to press on with armed struggle in Cambodia demonstrated that he was not the tool of either Hanoi or Beijing. The local view and priorities of the Khmer Rouge contradicted the regional perspective and concerns of North Vietnam and China. The CPK's parochial outlook and localized interests made it better tuned to the threats and opportunities in its immediate environment than the Chinese and Vietnamese Communists, whose regional range of interests impeded full and lasting attention to specific local issues. To Pol Pot and his cohorts, local events were an absolute, whereas to policymakers in Beijing and Hanoi, they constituted one of many problems competing for attention and resources. The Khmer Rouge took advantage of the presence of the Vietnamese Communists in their country to advance their cause.

### China's Reaction to the 1970 Coup

In early January 1970, Sihanouk traveled to Paris, ostensibly for his annual medical examination but actually to use his absence from Cambodia to outmaneuver his domestic opponent Sirik Matak and to employ his diplomatic skills with Moscow and Beijing, which he expected to visit on the way home, to ease the Vietnamese

pressure on his country. While the prince was abroad, Prime Minister Lon Nol stepped up anti-Vietnamese activities, including attacking North Vietnamese and NLF positions inside Cambodia. On March 11, massive protests took place outside the Democratic Republic of Vietnam (DRV) and NLF diplomatic missions in Phnom Penh. Demonstrators broke into the two installations, burning their contents and manhandling Vietnamese diplomats.

Chinese leaders watched with great apprehension the sharp turn to the right in Cambodia. Zhou Enlai told the Cambodian ambassador to China, Nay Valentin, on March 14 that "the Chinese government is disturbed by the recent events in Phnom Penh." After expressing regret at the sacking of the DRV and NLF diplomatic buildings in Phnom Penh, the Chinese premier called the ambassador's attention to the appearance of anti-Chinese slogans among the rioters and the rumors of similar actions to be taken against the Chinese embassy. Zhou also voiced concern over Sihanouk's safety: "It is reported that Prince Sihanouk plans to leave Moscow on the 16th and arrive in Beijing on the 17th. Therefore, it is all the more necessary for us to take measures to protect the prince's safety. We support the prince's policy of peace, neutrality, and independence."

In anticipation of possible anti-Chinese riots in Cambodia, Zhou Enlai told the North Korean ambassador to China on March 16 that if the Chinese embassy in Cambodia was destroyed and telegram communications were disrupted, Beijing wanted to maintain contacts with Cambodia through Pyongyang via the North Korean embassy in Phnom Penh.

Sihanouk prolonged his stay in the Soviet Union for more discussions with Russia leaders. In his memoirs, Sihanouk reveals that the Kremlin was prepared to provide military assistance to Cambodia. On March 18, when the prince was still in Moscow, Lon Nol staged a coup, deposing him as head of state. The new regime demanded the withdrawal of all Vietnamese revolutionary forces from Cambodia. On the way to the Moscow airport, Soviet Premier Kosygin informed Sihanouk that he had been voted out of office by the National Assembly. The prince called the move unconstitutional and immoral, claiming that he would fight imperialism with all his strength.

To sow discord between Sihanouk and China,









issued a declaration condemning the United States and granting Hanoi and the NLF formal permission to use Cambodian territory.

Zhou Enlai hosted a banquet in honor of the four Indochinese delegations. Congratulating them on the success of the meeting, the Chinese premier announced the successful launching of China's first satellite the previous day. Clearly, Zhou wanted to impress his listeners with China's latest achievement. By sheltering Sihanouk and sponsoring the Summit Meeting, Beijing had stolen a diplomatic show from the Soviet Union. China's influence in Indochina had been reasserted for the moment.

Nixon's decision to invade Cambodia in early May prompted a strong reaction from China. On May 11, Mao met with Le Duan in Beijing. According to Lu Huixiang, who served as a note-taker in the Mao-Duan conversation, the CCP chairman said that the main tendency in the world was revolution and that small countries should not be afraid of U.S. imperialism. On May 18, the Chinese government announced the cancellation of the Warsaw talks scheduled to open two days later. At a mass rally in Tiananmen Square on May 20, Mao issued a statement expressing support for Sihanouk and denouncing U.S. aggression. It is important to note that Mao's statement, despite its rhetorical shrillness, lacked substance. It did not make any concrete commitments to the struggle in Indochina. The address was primarily a propaganda gesture designed to serve three purposes: (1) to remind Third World countries that China remained their friend; (2) to embarrass the Russians by highlighting that nearly twenty countries had recongnized the Royal Government of National Union of Kampuchea (RGNUK) led by Sihanouk, which the Soviet Union had not done; (3) to send a message to Nixon that Sino-U.S. rapprochement must be based on a reduction of American involvement in Indochina.

When Mao was delivering his speech, Chai Chengwen, deputy head of the Chinese delegation to the Sino-Soviet negotiations, and Vasilu V. Kuznetsov, head of the Soviet delegation to the negotiations, were also on the reviewing stand. Chai quipped at the Soviet diplomat: "You are always talking about 'united action.' Don't you think that the Soviet Union is lagging too far behind" in supporting Sihanouk. Chai was referring to the past Soviet

request for joint action in support of North Vietnam. Clearly, Chai felt that China had scored diplomatically over the Soviet Union on the Cambodian issue.

The Cambodian crisis had presented both danger and opportunity to Beijing. On the one hand, the American invasion of Cambodia seemed to suggest to Chinese leaders a reversal of the Nixon doctrine. For the first time in the Vietnam conflict, Washington employed ground combat forces outside South Vietnam. The hesitant moves toward Sino-American accommodation came to an abrupt end after the invasion. On the other hand, by hosting the Summit Meeting of Indochinese Peoples and facilitating the formation of the RGNUK, Beijing increased its influence in Indochina.

Chinese leaders saw Sihanouk as the major instrument for establishing China's influence in Cambodia. They did their utmost to accommodate his stay in China and to facilitate his travels abroad. They wanted to preserve and enhance his position as the legitimate leader of Cambodia. After the Cambodian coup, the Chinese Foreign Ministry established the Cambodian Office to coordinate Sihanouk's activities in China. After his return to Beijing in May 1970, Kang Maozhao became the director of this office, which had a staff of about twelve people. The Chinese government gave Sihanouk the former French embassy as his residence and constructed a heated swimming pool for him. His table was one of the fanciest in town, often laden with gooseberries and guinea fowl provided by Kim Il Sung of North Korea.

Between May-July, 1970, Sihanouk visited North Vietnam and North Korea. On both occasions, Zhou Enlai went to the Beijing airport and railway station to see him off and welcome him back. On July 5, Zhou hosted a state banquet at the Great Hall of the People to celebrate the success of Sihanouk's trips. Representatives from the DRV, the NLF, the Pathet Lao, and North Korea attended the banquet. Zhou wanted to underscore a regional solidarity behind Sihanouk and to elevate his international prestige. In addition to his international journeys, the Chinese government also arranged frequent tours for Sihanouk to visit various parts of China. It used its media to provide extensive coverage of these trips to project the image that Sihanouk was always treated warmly as head of state.

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During their meetings with Sihanouk, Chinese leaders attempted to influence his thinking with their views on international affairs. In a conversation with the prince on October 7, 1970, Zhou Enlai explained Mao's theory of the two intermediate zones. According to Mao's concept, two intermediate zones existed between the two superpowers. The first zone included developing countries in Asia, Africa, and Latin America and the second zone referred to developed states in Europe, Canada and Japan. Mao believed that countries in these two zones had conflicts with the United States and the Soviet Union and that people who opposed superpower hegemony should unite with these countries to form an international united front. It is not clear whether Sihanouk was persuaded by Mao's theory. But what is certain is that he was puzzled and unhappy with the change in China's policy toward the United States in 1971-1972.

In July 1971, Kissinger made a secret trip to Beijing to arrange for President Nixon's visit to China. He conducted extended discussions with Zhou Enlai on a broad range of international issues. The Chinese premier blamed America for expanding the Vietnam War to Cambodia and Laos. Kissinger assured Zhou that the United States "did not produce, cause, or encourage" the coup against Sihanouk. The United States was negotiating with North Vietnam at the time of Sihanouk's overthrow, Kissinger explained, and the coup "ruined negotiations that we were conducting and that we wanted to succeed." When Zhou asked whether the French were behind the coup, Kissinger replied: "That is conceivable, but it certainly was not done by us."

During his historical meetings with Nixon in Beijing in February 1972, Zhou Enlai highly praised Sihanouk. He told the American president that although the Cambodian prince was a Buddhist, not a communist, China respected him. Sihanouk was different from Lon Nol, Sirik Matak, and Son Ngoc Thanh, Zhou asserted. China supported him because he was a patriot. Zhou informed Nixon that his government had allowed Sihanouk to publish his messages for his people in the People's Daily.

Sihanouk, however, could not understand why Beijing decided to invite President Nixon to visit China when American troops were still stationed on Taiwan. Unwilling to stay in the same city with Nixon, Sihanouk

left Beijing for Hanoi before the American president's arrival on February 21, 1972, and he did not return to China until after Nixon's departure.

### **The Emergence of Chinese-Khmer Rouge Solidarity**

Beijing-Hanoi competition in Cambodia unfolded chiefly within the resistance movement. Geographical separation handicapped China's ability to maneuver within the NUFK. As a result, Beijing concentrated its efforts on Sihanouk and the RGNUK. Through cooperation with Sihanouk, China hoped to maintain some leverage over Hanoi on the Cambodia issue. Beijing did not establish contacts with the resistance on the ground in Cambodia until Ieng Sary came to the Chinese capital as a special liaison in late 1971. The DRV relied on its military presence in Cambodia to maintain closer ties with the NUFK, hoping that the Hanoi-trained Khmer returnees would establish domination over the resistance movement. Between 1970-1972, Hanoi's forces bore the main burden of fighting Lon Nol's troops.

China's concern over Hanoi's tendency to influence events in Cambodia was clearly indicated by its reaction to the 1973 Paris Peace Agreement. During the American-North Vietnamese negotiations in Paris, both sides had agreed that a settlement should include corresponding cease-fire arrangements in Cambodia and Laos. Confident of Hanoi's sway over the Pathet Lao, Le Duc Tho, the North Vietnamese negotiators, promised to bring about a cease-fire in Laos within thirty days of the Vietnam cease-fire. As to Cambodia, the Hanoi diplomat was less certain, claiming that North Vietnam had less influence over the Khmer Rouge.

On January 27, 1973, the United States and North Vietnam signed the Paris Peace Agreement. Beijing had reservations about the Paris Agreement, particularly regarding its treatment of Cambodia and Laos. Chinese leaders had insisted that in the Paris Agreement only the Vietnam issue should be discussed and the problems of Cambodia and Laos should not be included. But to their disappointment, the final agreement still mentioned the problems of Cambodia and Laos. In an internal speech in March 1973, Zhou Enlai complained that the reference to the problems of Cambodia and Laos in the Paris Agreement "was not good because we cannot impose the Vietnam issue on these two countries." Clearly Chinese







to Phnom Penh. Zhou Enlai, the prince's long-time patron, also pressured the Khmer Rouge to treat Sihanouk properly and to allow him to return to Cambodia. On August 16, Zhou met with Khieu Samphan and Ieng Sary in the Beijing hospital where he was undergoing medical treatment, evidently to discuss the issue of Sihanouk.

Under China's pressure, the Khmer Rouge finally relented. Pol Pot sent Khieu Samphan to North Korea to invite Sihanouk to return to Cambodia. Sihanouk traveled back to Beijing in August. Before his departure for Cambodia, he and Penn Nouth met with Zhou Enlai in the hospital on August 26. The Chinese premier congratulated the Cambodians on their victory over the Americans, declaring that their triumph had validated Mao's theory that "small countries can defeat big countries and weak states can vanquish strong states." He asked his Cambodian listeners to consolidate their victory and build their country independently. Accompanied by Khieu Samphan, Sihanouk also bid farewell to Mao on August 27. Expressing satisfaction with the Cambodian liberation, Mao said that he had not expected that the victory could arrive so quickly. Turning to Khieu Samphan, Mao prodded the Khmer Rouge to put unity over bickering in treating Sihanouk. He concluded by saying half-jokingly to Sihanouk that if the Khmer Rouge mistreated him again, he would receive "a warm welcome" in China.

Sihanouk remained the figurehead chief of state until April 1976 when he resigned. He spent the following thirty-three months under house arrest in the Royal Palace in Phnom Penh. Zhou Enlai's death in January 1976 clearly had removed a major restraint on the Khmer Rouge against Sihanouk.

### Conclusion

China's handling of the Cambodian conflict between 1970-1975 was conditioned primarily by its competition with the Soviet Union and North Vietnam in Indochina. Since the Soviet invasion of Czechoslovakia in 1968 and the Sino-Soviet border clash in 1969, Chinese leaders had begun to see Soviet Union as the most dangerous threat to China. Hanoi's increasing cooperation with Moscow in its war against the United States deepened their worry about a Soviet encirclement of China. In 1970, they provided shelter and assistance to Sihanouk in order to maintain their influence in Cambodia.

They were instrumental in the formation of the united front between Sihanouk and the Khmer Rouge. Uncertain about the relationship between the Khmer Rouge and North Vietnam, however, they initially placed their bet on Sihanouk. When Pol Pot's break with Hanoi became clear in early 1974, they began to show more enthusiasm in supporting his movement.

China and the United States shared a strategic interest in limiting Soviet influence in Indochina. In early 1973, Zhou Enlai and Kissinger reached an intelligence-sharing agreement: they would keep each other informed of Soviet activities in Cambodia. While agreeing on the general objective of minimizing the Soviet presence in Cambodia, the Chinese and the Americans diverged on which Cambodia group to support to realize that objective. The Chinese relied first on Sihanouk and later on the Khmer Rouge. The Americans first supported Lon Nol and rejected Sihanouk and the Khmer Rouge; later they modified their position by agreeing to restore Sihanouk to an enlarged coalition government, which would also incorporate Lon Nol's supporters.

In early 1973 and during the summer of 1975, China twice exerted pressure on the Khmer Rouge to treat Sihanouk in a friendly manner. In the first instance, Beijing insisted that the Khmer Rouge allow the prince to tour the liberated area in Cambodia. Chinese leaders wanted to enhance Sihanouk's position because they saw him as the major instrument for maintaining China's influence in Cambodia at the time. In the second instance, Beijing officials urged the Khmer Rouge government to permit Sihanouk to return to Cambodia on the ground that he could serve a useful united-front purpose. On both occasions, the Khmer Rouge yielded to China's demands, thus demonstrating Beijing's clout in shaping developments in Cambodia. The Khmer Rouge's need for China's political and material support first against the Americans and Lon Nol and later against the Vietnamese explained their willingness to accept China's requests. Beijing's assistance helped the Khmer Rouge seize power in Cambodia in 1975 and resist Vietnamese pressure until 1978.

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new People’s Republic of Kampuchea government in the early 1980s. While some of them were allowed to return home after a short period of questioning and “reeducation,” most of the former S-21 and Prey Sar cadres were sent to provincial prisons or the T-3 prison in Phnom Penh as a result of their involvement with the Khmer Rouge regime.

**About the Author:**

Huy Vannak was born in a Khmer Rouge hospital on February 1, 1978 in Pring village, Ang Kanh subdistrict, Prey Kabass district, Takeo province. His father is Huy Phon and his mother is Yit Kim Leng. In early 1979, one of his seven siblings, Huy Vannath, disappeared at the age

of 28 in Pursat province when the Khmer Rouge were forcing people into northwestern Cambodia.

Mr. Huy graduated from the Royal Phnom Penh University in 2000 with a degree in Khmer literature. From 2000-2002, he received training in journalism under a USAID-funded project at Royal Phnom Penh University. He conducted research on this monograph from August 2000 to December 2002. The project is funded by The United States Department of State, Bureau of Democracy, Human Rights and Labor (DRL).

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*Sayana Ser is a staff-writer of Searching for the truth.*



# WOULD GO TO HELL TOGETHER

*Keo Kanitha Kim*



**Chhay Kim**

Every year, when the rainy season rice starts to take the color of a parrot, rural Cambodians make Ambok (pounded crispy rice). The Ambok ceremony is ritually held on the 15th of Kadoek (November) to celebrate the Water Festival. However, during Democratic Kampuchea, there was neither pounding of Ambok nor an Ambok festival. The Ambok season in 1977 marked the round-up and execution of the villagers of Khnar Torting sub-district, Bakan district, Pursat province.

More than forty years ago, Chhay Kim, now 65, lived in Kandal province and married a man named Saran, who was from Khmer Krom. After their marriage, they moved to the Bakan district of Pursat. Chhay Kim was widowed in 1977 when the Khmer Rouge executed her husband. When asked about her story, Chhay Kim sobbed

and said, “I knew very well that the Khmer Rouge were searching for Khmer Krom [Lower Khmers] to execute. But I told them that I was from Khmer Krom, since I wanted to die together with my family—my husband and seven children.”

After the Lon Nol administration came to power in 1970, many people were mobilized to join the army to fight the Khmer Rouge. Some villagers of Rumlich sub-district were afraid and tried to hide in the jungle. Meanwhile, the Khmer Rouge, some of whom were Khmer Krom who lived in the sub-district, came to this sub-district and enticed the remaining villagers to join their revolution. One of the Khmer Krom was Ta Phan. He was appointed Chief of Rumlich sub-district working with three elderly assistants, namely Ta Khev, Ta Yan, and Ta Thim. Many Khmer Krom joined the revolution and were appointed militiamen and soldiers.

During the attacks, the Khmer Republic and Khmer Rouge forces tried to evacuate villagers to their respective controlled areas. One day, soldiers of the Khmer Republic entered a village where Chhay Kim lived. She then was evacuated to O Ta Paong sub-district, Bakan district, Pursat province. In 1974, Chhay Kim was told by a spokesperson in the liberated zone that if she came to her village, the village chief would return the water buffaloes to her. Unfortunately, when she reached Pralay Rumdeng village, her old homestead, the Khmer Rouge treated her as a reactionary capitalist.

Chhay Kim described a meeting in early 1977 where Ta Phan, the sub-district chief, announced that there would be a biography screening. After the meeting, Ta Mien asked Chhay Kim several times, “Are you Khmer or Khmer Krom? How many children do you have?” Ta Mien told her that the screening aimed to relocate the Khmer Krom to live in one place. The screening was normally made by every unit chief, no matter who the group members were.

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Those who were recognized by their unit chief as Khmer Krom were registered automatically on the Khmer Krom list without questioning.

In early 1977, the Khmer Rouge rounded up the Khmer Krom and sent them to live in Khnar Torting sub-district. Saran, Chay Kim’s husband, was assigned to cut woods in the mountain, while Chay Kim was made to grind rice and work as a cook. In Khnar Torting, Chay Kim was asked about her biography several times by her female unit chief, known as elderly Pum.

Four or five months later, when the rice “took the color of a parrot,” Khmer Rouge cadres gathered all Khmer Krom to be killed, claiming that they were being assigned to work in the deep jungle. Saran thought he would resist and try to escape when his turn came. When Angkar told him to work in the deeper jungle, Saran was allowed to go down from the top of the mountain to his home and at 5 pm, the unit chief told him to prepare his luggage to go to a meeting the following morning at 9, which would focus on changing work duties from harvesting corn to cutting wood in the deeper jungle.

Chay Kim says that the Khmer Krom summoned to the meeting could not escape death. She told the Khmer Rouge cadres that she was Khmer Krom, so that she and her family would go to hell together. Chay Kim was determined to die with her husband and the seven children, even though her husband begged her to inform the unit chief that she was not a Khmer Krom. But Chay Kim held firm.

Saran didn’t want his wife and children to die unjustly. He stood up and told the unit chief, “My wife is not a Khmer Krom. May I leave her here in your care? If she survives, please look after her.” Many witnesses claimed that Chay Kim was not a Khmer Krom.

The meeting ended at 10 am. Saran and other Khmer Krom were asked to depart. The militiamen put all of the luggage into the car, telling the targeted persons that the luggage would be brought later. But when the people were taken away, the luggage was taken back to the warehouse in the village. The Khmer Rouge did kill Saran, but Chay Kim says that he is with her in spirit. Before he was taken away, Saran told his wife, “Take care of the children and stay alive.”

Now Chay Kim lives in Pralay Rumdeng Village, Pursat province. During the reign of Preahbat Monivong [1927-1941], a number of Khmer Krom came to clear the a former Chheu Teal [*Dipterocarpus alatus*] hardwood forests in Bakan district of Pursat province to build their homes and lay out rice fields and farm plots to make a living. After learning that there was fertile and unoccupied land available, many more Khmer Krom flowed into the area, and a Khmer Krom village was created. The majority of these Khmer Krom came from Preah Trapeang province. Rumlech subdistrict had more Khmer Krom residents than did the other subdistricts of Bakan district.

Prior to 1975, there were approximately 4,000 Khmer Krom families residing in Rumlech subdistrict. By 1979, only about 40 people remained. Those that did survive generally escaped to other villages. The rest had been taken away and killed by the Khmer Rouge militia during 1975-1979.

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## KHMER ROUGE SLOGANS

◆ Maintaining the spirit of alertness in order to absolutely overcome all kinds of enemy tricks, defend the country and protect the revolution, the people and the party.

**(Revolutionary Flag, 1976)**

◆ In history, the fight between classes resulted the victory to some and annihilation to others.

◆ Weapon is an important factor, but not a war-winning one; the decisive factor is human, not just materials.

◆ Revolution is people’s war and only through provocation can we wage war.

**(Study note of comrade Nhok Sarun)**

◆ It is the party that liberated the people of Cambodia from oppression and is ensuring the reconstruction of a new Cambodia. **(Notebook 115)**



genocide and treason and appointed him a defense lawyer, Ka Savuth.

Duch's mother and sister first learned of his arrest from a fellow villager who read about it in the news media. "We were absolutely shocked by his arrest," said Kim Hiev. The elderly Kim Siev nodded in agreement. "Duch had made many visits between 1996 and 1999, but he never spoke about his work in the Khmer Rouge era. We didn't know anything about his job in Democratic Kampuchea. When he came, he only asked about the wellbeing of the family. We were shocked when he was arrested. We just hoped they wouldn't kill or torture him."

In Phnom Penh, Ka Savuth sought a speedy trial for his client. He asserted that Duch wanted to talk and to testify against senior leaders of the Khmer Rouge regime, whom he accused of ordering him to perform the killing. Cambodian law normally limits pre-trial detention to a six-month period. However, in August 1999, the Cambodian National Assembly passed a law authorizing three years of detention for suspects charged with genocide, war crimes, and crimes against humanity. Human rights advocates from the United Nations and other organizations attacked the law as a violation of the rights of the accused. Nevertheless, the measure stood. In May 2002, when Duch's three-year detention period was set to expire, Investigating Judge Ngin Sam charged him with crimes against humanity, extending his detention by another three years.

Ka Savuth reports that Duch seldom complains about prison conditions. In late 2001, military physician Tout Nara revealed that Duch was suffering from ailments in his eyes and ears, but Ngin Sam An later reported that he was healthy and fitter than he was before his imprisonment. Duch's mother and sister hear few details about the possible case against him. They know little about the intricate principles of domestic and international law and politics that will govern Duch's fate. They merely express fear for his condition in prison and for his future. "Will they kill him?" Kim Siev asked again and again, unsure of the punishment her son could face. "Does he have a lawyer?" his sister added. Both women were painfully unaware of the laws and procedures governing Duch's fate.

In late 1999, Kim Hiev went to Phnom Penh in an effort to see him. "I spent three days and nights before I

found out where he was detained. Then I waited outside the prison for hours, asking every official that I could if I could speak to him. I told them that I am Duch's sister, but they all refused," she recalls. Although prison officials accepted her care package to Duch, no one gave her an intelligible explanation for her inability to visit him. This year, requests by the Documentation Center of Cambodia to visit and interview Duch have been similarly denied.

There is little doubt that Duch is an appropriate target for prosecution before the Khmer Rouge tribunal. A mass of evidence links him to serious abuses, and under applicable law, superior orders are no defense. However, his relatively open-ended detention is problematic from a legal standpoint. The Khmer Rouge trials must ultimately be designed to exact justice, not revenge. An integral principle of justice is the right to be presumed innocent until proven guilty in a court of law. In Tuol Sleng Prison and elsewhere, the Khmer Rouge perverted that principle and asserted that "it is better for ten innocent men to be condemned than for one guilty man to go free." Victory over that horrific legacy means destroying the practice of procedural injustice, even when the evidence against a defendant appears overwhelming.

The Cambodian government must ensure that its treatment of even the most notorious detainees meets generally accepted standards of justice. Some of those rights, such as the access to counsel, medical attention, and nourishment, appear to be met. Others merit improvement. The length of Duch's detention has already become excessive. The Khmer Rouge tribunal is finally approaching, but should further delays occur, justice requires that officials give good-faith consideration to Duch's release. In addition, a just detention should permit Duch at least modest visitation rights. Granting access to his family members would comport with basic human rights standards. Allowing his family to visit will satisfy the most basic rights of the accused. Allowing outside organizations to visit the facility and observe Duch's just treatment will reflect well on the development of a rule of law in Cambodia.

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# RETHINKING THE GENEVA CONVENTIONS

*Anthony Dworkin*

The Geneva Convention of 1949 and the two Additional Protocols of 1977 are the definitive written sources of international humanitarian law. They codify the standards that the countries of the world have set for humane conduct in war—and represent an assertion that even in wartime there are limits to what is acceptable behavior. The Conventions are a moment to global revulsion against the worst atrocities of the twentieth century—but they are also, in some people’s eyes, showing their age.

Like all international treaties, the Geneva Conventions and the Additional Protocols were products of their times. They reflect the views of their period about the nature of war, and the concerns and alignments of contemporary international politics. Since the laws of war were last updated in 1977, there have been significant changes in the nature of armed conflict. Most recently, there has been the U.S. campaign against global terrorism, which has overturned many of the assumptions on which international humanitarian law has traditionally rested.

The government of Switzerland has now launched an initiative to review the way that international humanitarian law applies to armed conflict in today’s world. Between 27 and 29 January 2003, an informal meeting of experts from the governments of several countries, the International Committee of the Red Cross, and a number of scholars was held at Harvard University, aiming to set an agenda for further discussion and research. As this process gets underway, the Crimes of War Project has asked two leading experts on the laws of war to debate whether the Geneva Conventions need to be updated.

In the aftermath of the Second World War, the legislators who drew up the four Geneva Conventions of 1949 were principally concerned with war between states (though in Common Article 3, they set important minimum standards for internal armed conflicts). The bulk of the Conventions relate to the treatment of enemy forces who

are wounded or taken prisoner, and of civilians who fall into the hands of the enemy or are living in occupied territory.

When government delegates began the lengthy negotiating process that led to the Additional Protocols in the 1970’s, they aimed to fill the gaps left by the Convention, and to reflect the growing attention being paid to civil wars and wars of national liberation. The first Additional Protocol includes a series of measures to limit the harm done to civilians during the course of fighting between states: for instance, it seeks to restrict attacks to definable military objectives, and says the incidental damage to civilians must not be excessive in relation to the military advantage expected. The second Additional Protocol is addressed to armed conflict occurring within the territory of a member state. It seeks to extend to them many of the principles already established for inter-state wars: against attacks on civilian targets, attempts to terrorize a civilian population, collective punishments or attacks on medical personnel, and in favor of the humane treatment of captives.

According to Professor Michael Schmitt of the George Marshall Center in Germany, it is now time to review the workings of international humanitarian law again. In his words, “the Conventions and Protocols contain significant fault lines” that limit their effectiveness in restraining the excesses of contemporary war. At the heart of Schmitt’s critique is the argument that the shifting nature of armed conflict means that the Geneva Conventions cannot address much of the organized violence in today’s world—and that where they do address it, some of their own inherent weaknesses are particularly exposed.

The United States may talk of a “war against terrorism”, but Schmitt argues that the U.S. campaign against al-Qaeda does not fit comfortably into the framework of the Geneva Conventions. The United States is justified in using military force against the terrorist threat, he believes, but as the law stands there are no solid

criteria for determining how that force should be exercised, or how long suspected terrorists detained during the course of operations should be held. In conflicts like this, Schmitt concludes, “the lines between international armed conflict, internal armed conflict, terrorism and criminality are becoming increasingly blurred.”

Schmitt also argues that the key principle of “proportionality” needs further definition. This is the concept—central to the first Additional Protocol—that requires attackers to balance the concrete and direct military advantage of an attack against the risk of harm to civilians: an especially tricky judgement call, when the line between military forces and civilian groups is increasingly blurred.

Schmitt adds that the notion of a military objective itself needs to be made more precise. Decisions about what constitutes a legitimate military objective are particularly difficult in many contemporary conflicts, where the objective is often not the complete military defeat of an enemy state, but rather the attempt to force a particular regime to comply with certain specified requirements. Schmitt refers to the example of NATO’s bombing campaign against Serbia in 1999. During this campaign, there was particular controversy over NATO’s strike against the Radio-Television of Serbia studio; should this have been considered a military objective?

Professor Steven Ratner of the University of Texas would agree with some of these observations, but he argues that the way to address them is not by coming up with a new document or treaty. Regarding the war on terrorism, Ratner argues that although the Geneva Conventions may not apply, the war is governed by customary international law—whose principles are “derived from established custom, from the principles of humanity and from the dictates of public conscience,” in the words of Additional Protocol I. In other words, the United States is bound to observe basic principles such as not targeting civilians, not harming enemy fighters who are hors de combat, and not using weapons that cause unnecessary suffering.

Of course, Ratner acknowledges, there are questions raised by the military campaign against al-Qaeda that customary law cannot resolve—but he is sceptical that such ambiguities can be resolved by drawing up another treaty or protocol. He warns of the danger that bringing

terrorist groups like al-Qaeda inside the protection of international humanitarian law would give their cause legitimacy. Terrorists should receive no more than the protection of “the fundamental principles of humanity,” he argues: “To expand the laws of war to apply to any situation where an organization...initiates force is to blur the distinction between situations where the law allows individuals to kill each other, and those where the law prohibits it.”

Ratner recognizes the difficulties caused by a conflict where the United States operates under the rules of military engagement—shooting to kill the enemy anywhere in the world, or detaining them until the end of “hostilities”—while denying any of the rights of combatants to the enemy. He argues that the solution is not a new protocol, but rather the development of a clear international standard that sets limits on what counts as a battlefield and what counts as an armed conflict.

No one expects that the process begun at the meeting at Harvard will lead to any rapid decisions. The issues raised by the application of the laws of war to modern conflicts are complex. In any discussion of this subject, there is a balance to be struck between idealism and practicality, and between precision and flexibility. What is likely is that there will now be a long period of dialogue and argument about how best to sustain the values of international humanitarian law in today’s world.

*This article was first published by the Crimes of War Project. [www.crimesofwar.org](http://www.crimesofwar.org)*



# PERFECTION IS THE ENEMY OF JUSTICE: A RESPONSE TO AMNESTY INTERNATIONAL’S CRITIQUE OF THE DRAFT AGREEMENT BETWEEN THE U.N. AND CAMBODIA

*Gregory H. Stanton*

On March 17, in Phnom Penh, Hans Corell of the U.N. Office of Legal Affairs and Sok An, Senior Minister of the Royal Government of Cambodia, signed an Agreement to establish a tribunal to try the surviving leaders of the Khmer Rouge. 1.7 million Cambodians died during Khmer Rouge rule.

The Khmer Rouge were driven out of power in 1979, but for years after that the U.S. and other nations voted to seat them in the United Nations, and opposed all efforts to bring them to justice. Since 1981, the Cambodian Genocide Project, Yale University’s Cambodian Genocide Program, and the Documentation Center of Cambodia have gathered evidence from eyewitnesses, collected hundreds of thousands of pages of documents, and mapped thousands of mass graves. In 1991, a Cambodian peace agreement was signed and in 1994 the Cambodian Genocide Justice Act, sponsored by Senator Charles Robb, made it U.S. policy to press for an international tribunal to try the Khmer Rouge. In 1997 the Cambodian government requested help from the U.N. to set up a tribunal. The UN appointed a Group of Experts to study the legal case, and in 1999 these jurists recommended establishing a tribunal.

Years of negotiations followed. The U.N. tried to impose a U.N.-run tribunal. Cambodia insisted that the tribunal be majority Cambodian, under Cambodian law. Agreement was reached in 2001 on a mixed tribunal with a Cambodian majority, but requiring super-majority agreement by international judges for all decisions. Administration will be shared by Cambodian and U.N. officials, prosecutors, and investigating judges. The maximum penalty will be life in prison. The Cambodian National Assembly passed a law to establish the tribunal on these terms.



H.E. Mr. Hans Corell

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Convention on the Law of Treaties prohibits invocation of national law to escape international treaty obligations.

Amnesty International (AI) and Human Right Watch are superb human rights organizations. But for Cambodia, they have insisted on another international tribunal, not a court that Cambodians will accept as their own. One of the shortcomings of the Yugoslav and Rwandan tribunals has been their lack of relationship with national legal systems.

Throughout its critique, AI ignores the fact that the U.N.-Cambodian Agreement is supplementary to the 2001 Cambodian law. AI fails to even append the text of the Cambodian law to its Report, which appends the Agreement and the Secretary-General's Report to the U.N. General Assembly.

AI complains that the Agreement does not mention Article 9 of the ICCPR, concerning arrest and speedy trial. But Cambodia is already bound as a party to the entire ICCPR, and repeats these rights in Article 35 of its tribunal law.

AI says that “the proposed mixture of Cambodian and international judges and complicated decision making process has no precedent in any domestic or international court,” ignoring the Sierra Leone tribunal and courts in East Timor and Kosovo, which are also mixed courts.

AI says that “nothing in the Agreement prevents the accused from successfully claiming superior orders as a defense,” ignoring Article 29 of the Cambodian law, which says, “The fact that a Suspect acted pursuant to an order of the Government of Democratic Kampuchea or of a superior shall not relieve the Suspect of individual criminal responsibility.”

AI goes on to complain that there “is scant provision for victim and witness protection,” ignoring Article 23 of the Agreement and Article 33 of the Cambodian law, which both say that the court “shall provide for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the identity of a victim or witness.” AI recommends that these “deficiencies” should be remedied by a subsequent document, a complete answer to its own criticism.

AI criticizes the Agreement because it does not

include provisions for reparations, calling this a “major retreat from the Rome Statute,” even though such provisions are not part of most common law systems of justice. The Cambodian tribunal will try only a few top leaders of the Khmer Rouge. Ten old men will not have the means to give restitution or compensation to 1.7 million victims. UN Trust Funds connected to tribunals have been notably unsuccessful at raising funds for such purposes. AI wants “rehabilitation, satisfaction, and guarantees of non-repetition” as well. Surely the only satisfaction and guarantees of non-repetition of mass murder that the tribunal can offer are trial and punishment of the perpetrators.

Finally, AI expects the tribunal to help rebuild the entire Cambodian system of justice. By setting an example of fair trials in a well-managed court, it will do so. It is also a reason for making the tribunal a special part of the Cambodian court system and locating it in Phnom Penh. But to reject the Agreement because the court cannot do everything is equivalent to saying that because all law-breakers cannot be captured and tried, none should be.

This all-or-none approach to justice for Cambodia has been characteristic of some human rights groups from the beginning. In 1981, when asked the International Commission of Jurists to undertake investigations of the atrocities of the Khmer Rouge, the Chairman of the Board refused with the reason that if they could not investigate violations by the Vietnamese-backed government that drove the Khmer Rouge from power, they would not investigate the Khmer Rouge mass murders. All-or-none standards are self-defeating. Perfection is the enemy of justice.

The Cambodian people have waited 24 years for justice. AI's Report recommends yet more negotiations. The surviving Khmer Rouge leaders are old men, living in comfortable retirement. The U.N. General Assembly should approve the U.N.-Cambodian Agreement to bring them to trial.

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***Dr. Gregory H. Stanton is Founder and Director of The Cambodian Genocide Project; President of Genocide Watch; and Coordinator of The International Campaign to End Genocide.***

# MY REFLECTIONS ON THE ISSUE OF THE KHMER ROUGE TRIBUNAL

*Gotaro OGAWA*

## **Agreement with the UN; a Brief Background**

On May 1st the Third Committee of the United Nations General Assembly adopted the resolution approving the Agreement between the Royal Government of Cambodia and the United Nations concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea. Cambodia, Japan, France and some other countries co-sponsored the resolution. It is expected that the Plenary session will also adopt the resolution soon. This means that the long and difficult negotiations started in 1999 between Cambodia and UN are now almost concluded. If the Cambodian Government takes the necessary measures to modify the Khmer Rouge Law and ratify the Agreement, the next step would be to establish the Tribunal.

Congratulations! I would like to highly commend Prime Minister Hun Sen for his leadership and HE Senior Minister Sok An for his great patience and excellent capability as chief negotiator.

The negotiations have been indeed very difficult and have faced a number of serious crises. At the early stages there were opposing views about the type of tribunal. The UN wanted to create an international tribunal whereas Cambodia insisted on the Cambodian national court. In July 2000, both sides reached an agreement to establish extraordinary chambers under Cambodian law with the assistance of international judges and prosecutors. However, arguments continued and in February 2002 the UN side suddenly and unilaterally decided to withdraw from the negotiations. It was extremely difficult to bring the UN back to the negotiating table. At the heart of the difficulties there was and still is, unfortunately, deep mutual mistrust between the two negotiating sides. The UN side does not hide its doubt on the credibility of Cambodia's legal and judicial system, the Cambodia Government seems offended by such an attitude from the UN side. The international community exerted patient

efforts to encourage both the Cambodian Government and the UN to keep the process going.

Thus through its resolution 57/228 of 18 December 2002, the General Assembly requested Secretary General Kofi Annan to resume negotiations with the Cambodian Government. The UN and the RGC resumed negotiations in January in New York and continued them in March in Phnom Penh and arrived at the agreement.

## **A Golden Opportunity for Cambodia to Demonstrate its Ability to Conduct a Credible Tribunal**

Although the world body approved the text of the agreement and recommends the two sides to work for its implementation, Secretary General Annan still said in his report to the General Assembly dated March 31 that he remained concerned that established international standards of justice, fairness and due process might not be ensured in the Cambodian national court (paragraph 28). Unfortunately some member countries share the anxiety of the Secretary General over the perceived problems of the Cambodian judiciary.

It is my feeling that despite the current deficiencies of the Cambodian judicial system, Cambodia has been trying to improve the situation and with the help of international legal experts, the prescribed mechanism will manage to fairly conduct the trials of former senior leaders of the Khmer Rouge most of whom are accused of genocide and committing atrocities. The world is watching what will happen. In a way it is a golden opportunity for Cambodia to demonstrate to the world that with the cooperation of the international community it can manage to carry out a tribunal of an international standard to judge former Khmer Rouge leaders. This experience would certainly help improve the quality of Cambodia's judiciary. The international community stands behind Cambodia's endeavor.

## **The Khmer Rouge Tribunal and Japan**

I know that for many Cambodian people the Khmer

Rouge issue is very sensitive and complex. Most of the people I meet here have bitter experiences themselves and/or their families and friends from the Pol Pot time. There also exist people or their families who were involved in one way or another in the KR side. Psychological nightmares and trauma still remain deep in the heart of the people. Nevertheless I believe that the majority of Cambodian people wish that justice be provided to the victims of the KR atrocities. Past opinion surveys testify to this fact. It is also my understanding that the Royal Government of Cambodia, after having paid careful attention to the complexities and sensitivity of the issue, prepared the ground in preparation for the implementation of the tribunal in the spirit of national reconciliation.

The basic position of my Government on this particular issue is to respect the will of the Government and the people of Cambodia and act accordingly. Hence we have supported the RGC's efforts and tried to facilitate the difficult negotiations it has struggled through.

At this stage I humbly admit that Japan has played an important role in the issue in close partnership with the Royal Government of Cambodia and a number of like-minded countries such as France and Australia. In fact I was pleased to see that there were quite a few countries which tried to save the negotiations from collapse.

What did Japan do? And why did she do so? When the UN announced its withdrawal from the negotiations, Japan and some other countries tried to persuade the UN to go back to the negotiating table. Naturally there were arguments of justification for withdrawal on the UN side, which were supported by not a small number of countries. The Japanese Government then designated a prominent senior diplomat who is well versed in both Cambodian and UN affairs and has close personal relationships both with Prime Minister Hun Sen and Secretary General Kofi Annan to support this process. This person's shuttle diplomacy was successfully in obtaining a resumption of the talks between the two sides. The UN demanded a new mandate to continue the talks. Under the circumstances this meant that the General Assembly must adopt a new resolution urging Secretary General Annan to resume negotiations. The adoption of the resolution was no easy task because there always remained skepticism on the part

of a number of member countries about the capability and sincerity of the RGC to provide credible justice. Japan played a vital role together with France as the two co-sponsors of the resolution. In the whole process we always tried hard to explain about the sincerity of the Cambodian government to the UN and its member countries and at the same time attempted to request the RGC to show flexibility vis-à-vis the concerns of the international community. There have been intensive consultations between Japan and Cambodia both in Phnom Penh and New York. The Cambodian Government demonstrated the necessary flexibility. At long last the resolution was adopted on December 18, 2002 with 150 countries in favor and no country against, but with 30 countries abstaining.

#### **International Significance; Cambodia's Integration into the World Community**

Japan worked hard to facilitate the process with a belief that it is the will of Cambodia to realize justice on the problem of the Khmer Rouge. We also believe that the successful implementation of the tribunal has a far reaching significance which goes beyond national boundaries. Needless to say the Khmer Rouge period is part of the history of humanity. The international community has been and is interested to see how this problem is dealt with by the Cambodian people. It is also an important human rights issue. An adequate performance by the tribunal under Cambodian law and a successful implementation of justice will constitute an important step towards the departure from culture of impunity which sometimes influences world opinion about Cambodia.

In the past there have been tribunals which deal with genocide cases. The Cambodian case is a unique model of a national court supported by international participation. Its success could set a good precedent for the future. More importantly, the successful completion of the tribunals will push Cambodia further along the path of integration into the world community, an essential element of Prince Hun Sen's triangular strategy. I wish all my best to the Cambodian people and its Government.

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*H.E. Gotaro OGAWA is Ambassador of Japan to Cambodia.*





implementation of the agreement. The Secretary-General in his report (A/57/769) also suggested this, and referred to problems experienced with voluntary contribution in the case of the Special Court for Sierra Leone. No that the model of voluntary contribution is chosen, we call on all Member States to contribute without delay so the Extraordinary Chambers can start exercising its functions as soon as possible.

*Mr. Chairman,*

The Nordic countries would like to emphasize that, despite the fact that the Extraordinary Chambers is now a national court, the trials must be conducted in an impartial, efficient and independent way and in accordance with international standards of justice, fairness and due process

of law. The agreement must, to ensure this, be implemented in its entirety. In this context we also note the provision on withdrawal of assistance by the United Nations should the agreement not be implemented and respected.

*Finally and in this context, Mr. Chairman,*

We stress the importance of reporting by the Secretary-General to the General Assembly on the implementation of the resolution as set out in Operative paragraph 4. Such reporting should be on a continued basis and not only address the setting up of the Extraordinary Chambers but also any problems faced by the United Nations that could invoke article 28 of the Agreement on withdrawal of cooperation.

*Thank you, Mr. Chairman*

## REMARKS BY HIS EXCELLENCY SOK AN AND HIS EXCELLENCY HANS CORELL

*June 6, 2003*

*The remarks by their excellencies were made at the Signing Ceremony of the Agreement Between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea at Chaktomuk Theater, Phnom Penh.*

**REMARKS BY HIS EXCELLENCY SOK AN SENIOR MINISTER, MINISTER IN CHARGE OF THE OFFICE OF THE COUNCIL OF MINISTERS. CHAIRMAN OF THE TASK FORCE FOR COOPERATION WITH FOREIGN LEGAL EXPERTS AND PREPARATION OF THE PROCEEDINGS FOR THE TRIAL OF SENIOR KHMER ROUGE LEADERS.**

This is indeed a historic day for Cambodia and for all humanity. I stand here today humbled by the task ahead of us as we move forward in partnership with the United Nations to bring to account the perpetrators of one of the greatest crimes of the 20th century, in which more than one third of the population of Cambodia lost their lives.

I recall clearly the hushed atmosphere in August 1979, as witness after witness gave moving testimony, speaking graphically for their own personal experiences or

presenting reports of field investigations on the common graves found throughout the country and on the social problems faced by all sectors of the surviving population.

In this very room we held the world's first genocide trial. At the time President Heng Samrin expressed the confidence that "the tribunal of history, the tribunal of mankind's conscience...will joint with the Kampuchean people in pronouncing its verdict".

We have waited a long time for this prediction to come true. Almost a quarter of a century—a whole generation—has passed, during which geopolitical complications stood in the way of a proper international recognition of the crimes committed. Now at last we have emerged from that period.

Six years ago this month, Cambodia requested assistance from the United Nations Security General. I was honored by my appointment by Samdech Hun Sen, the Prime Minister in August 1999 to lead the Cambodian Task Force and to head the Cambodian delegation through the five rounds of talks. For most of that time my co-signatory here today, His Excellency Hans Corell has been my partner, leading the team from the United Nations Secretariat.





responsibility of meeting justice for the most serious crimes against international humanitarian law and Cambodian domestic law.

We appeal to all who have encouraged us along the way now to translate such expressions of support into material terms, including making pledges to the United Nations Trust Fund, nominating judges and other personnel of the highest caliber, and making other contributions in kind. We want to make sure that the Extraordinary Chambers are established as soon as possible, and that they are at a level that meets international standards.

It is likely that this historic Chaktomuk Theater—a pride of our architectural achievement, and a showplace for Cambodian culture—may once again play the role of silent witness to our people's suffering, as sessions of the Extraordinary Chambers may be held in this room. This time we earnestly hope that the outcome will be recognized and respected throughout the world.

On behalf of the Royal Government of Cambodia, *I pledged to the souls of those who perished, to their surviving relatives and friends, and to all our people who suffered during the terrible period of three years, eight months and twenty days to continue our efforts to reach a satisfactory legal and historical accounting of the period of Democratic Kampuchea.* Thank you for your attention.

#### **REMARKS BY HIS EXCELLENCY HANS CORELL UNITED NATIONS**

It's an honor for me to sign for the United Nations the agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under the Cambodian law of crimes Committed during the period of Democratic Kampuchea.

With this step, the quest of the Cambodian people for justice, national reconciliation, stability, peace and security is brought closer to realization. Yet, if the signature for the present agreement marks the end of one phase in the efforts to bring leaders of the Khmer Rouge to justice, it also marks the beginning of another.

There is still much remained to be done before the extraordinary chambers and their related institutions can be established and investigations, prosecutions and trials can begin.

But if the political will is there, these steps can be

taken quickly.

The negotiations have not been easy, but the two delegations have always worked well together and with mutual respect. It is my hope that this cooperation will continue as we enter a new phase of this endeavor.

...There is also much work that they (Cambodia and the United Nations) that they will have to undertake together. In particular, the agreement that senior minister Sok An and I will soon sign provides for the conclusion of supplementary agreement between the United Nations and Royal Government of Cambodia on safety and security arrangements and on utilities, facilities and services...for the operation of the extraordinary chambers and their related institutions. The United Nations and the Royal Government of Cambodia will need to negotiate and finalize those supplementary agreements before the extraordinary chambers and their related institutions can start functioning. The United Nations will also need to discuss with the Royal Government of Cambodia the personnel requirements for the extraordinary chambers and their related institutions, as well as their requirements in terms of equipment, furniture, supplies, materials and other operating needs.

The Secretary-General is fully conscious of the need to act quickly, otherwise, as the general assembly has emphasized the opportunity of bringing to justice those responsible for serious violations of Cambodian and International Laws during the period of Democratic Kampuchea might soon be lost. The Secretary-General is absolutely committed to do in all that lies in his power so that the agreements may enter into force as soon as possible.

For some this moment may bring back painful memories of the past and cause deep sorrow.

For others it may be the question: did we not know? Could we not have prevented what happened? *What did we do to stop the atrocities?* For all of us, however, this moment should serve as a reminder of our duty to act and deal resolutely with impunity that has caused and still causes so much suffering among human beings.

The people of Cambodia have waited a long time to see the leaders of Democratic Kampuchea and those who are most responsible for the atrocities of that terrible period in their nation's history brought to justice. Their wait is not over yet but hopefully it is fast nearing and end.

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# THE COLLECTIVE VICTIMS OF GENOCIDE IN CAMBODIA

*Sophearith Chuong*

The Cambodian genocide of 1975-1979, in which approximately 1.7 million people lost their lives (12% of the country's population), was one of the human tragedies of the last century. As in Nazi Germany, and more recently in East Timor, Guatemala, Yugoslavia, and Rwanda, the Khmer Rouge regime headed by Pol Pot combined extremist ideology with ethnic animosity and a diabolical disregard for human life to produce repression, misery, and murder on a massive scale. During this genocidal regime, up to half of those people were victims of extra-judicial execution, usually under the most barbarous of circumstances.

In sharing files on the disappeared to contribute to healing from genocide, the Documentation Center of Cambodia (DC-Cam) collects records of the victims of the Cambodian genocide in order to offer families and friends an opportunity to learn the precise fate of the disappeared. DC-Cam was established to keep the memory of the victims of the Cambodian Genocide of April 1975 to January 1979. One way it accomplishes this task is through the Family Tracing File System. Once family and friends have collected this invaluable information, they can feel a sense of closure. This service is provided to encourage Cambodians to address their country's past, with the hope that this will allow them to heal from the trauma of the genocide. At the same time, DC-Cam is also on a quest to find legal evidence that can be used against former Khmer Rouge leaders in a court of law to further bring justice to the people of Cambodia.

My essay, focusing on The Victims of Khmer Rouge: The Collective Victims of Genocide, will consider the victims under the Khmer Rouge regime during 1975-1979 in Cambodian history as the collective victims of genocide in order to share my own personal experiences to the discussion with other students and fellows in the course of

Collective Memory in Divided Societies at University of Cape Town, South Africa.

In addition, this essay will help civil societies, human rights activists, policy makers and scholars to name a few to identify the crimes of the Khmer Rouge for the prosecution of the top Khmer Rouges leaders when the prospective genocide tribunal will occur in Cambodia. Whether this tribunal will meet international standards of justice or not, my essay will also clarify the factors and processes that lead to the roles of the victims of the Khmer Rouge in reconciliation in Cambodia.

I choose this topic for my essay because violent conflict creates all sorts of victims: those killed and tortured, those bereaved and maimed, those assaulted and raped, those injured in the battle by mines, those abducted and detained, the banned and the homeless, those intimidated and humiliated.

In my essay I will discuss the three points. Firstly, I am going to identify the term of the victim and classify the victim. Secondly, I am going to review the opposing view points on whether the Khmer Rouge leaders will be prosecuted for genocide or crimes against humanity and clarify this point of view based fundamentally on the Genocide Convention and prove some important results of research on this issue. And finally, I am going to analyze the positive roles of the victims in reconciliation with or without the international standard of justice of the perspective genocide Khmer Rouge tribunal.

## **Identifications of "Victim"**

Socially, becoming a victim is a process that involves a number of mechanisms. The simple fact of having been physically, psychologically or economically harmed is a necessary but not sufficient element. Other factors play important roles. Social norms and customs, developed in politics, law and culture, partly shape the



population, for example, an ethnic, ideological or religious group. In such cases, individuals are targeted because of their connection to identifiable collectives. Overall, the effect is always victimized the society at large.

### **Direct and Indirect Victims**

Direct victims are those who have suffered the direct effects of violence. They have been killed, or physically and psychologically abused, detained, discriminated against and so on. Indirect victims are those who are linked to direct victims in such a way that they too suffered because of that link.

According to the Declaration of the UN Commission on Human Rights, indirect victims are the family members of a direct victim. Relatives often experience extreme hardship and pain because of the suffering of a family member or by being punished because of their connection to that person—through serious socio-economic deprivation, bereavement, the loss of a breadwinner, missed educational opportunities, family breakdown, police intimidation or humiliation.

The Declaration also speaks of people who suffer as a result of intervening to assist a victim or to prevent further violations. Some observers work with an even wider definition of indirect victim that includes neighbors, friends and bystanders of direct victims—all who may have been traumatized because of what they witnessed. Others even query the usefulness of the distinction between direct and indirect victims in reality: one finding of the South African Truth and Reconciliation Commission (TRC) was that it is difficult to distinguish meaningfully between the physical harm and psychological grief experienced by the direct victim and the pain of those to whom this person is or was precious. Including a wider constituency of victims in this way is very significant. It extends the scope of victimhood, and consequently increases the number of people rightly claiming recognition and compensation for their suffering.

### **Opposing Point of Views: The Victims of Genocide or Crimes against Humanity?**

Answering the question “Did the crime committed by the Khmer Rouge between 1975 and 1979 constitute genocide?” William A. Schabas, Professor of Human Rights Law, National University of Ireland, Galway and Director

of Center of Human Rights, confirmed that “With the realistic prospect of criminal prosecution of certain Khmer Rouge leaders finally in sight, it became important to determine whether in a strictly legal sense it is appropriate to use the word ‘genocide’”. He also mentioned the definition defined in Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and suggested the conclusion that “...the Khmer Rouge atrocities were not genocide”.

Generally, Mr. Schabas recognized that the definition of crimes against humanity was derived from VI of the Charter of the Nuremberg Tribunal: “murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or prosecutions on political or religious grounds”. Due to this definition, he suggested that “if the term of ‘crimes against humanity’ is more accurate, why have we tended to describe the atrocities [of Khmer Rouge] as ‘genocide?’”. In addition, he demonstrated two reasons. First, genocide is the most severe of the crimes against humanity. He also mentioned that “Although crimes against humanity involve terrible stigma, probably it is even worse to describe acts as genocide”. Second, the existence of Genocide Convention, to which Cambodia was a party at all relevant times, imposed clear international legal obligations. With this reason, he mentioned, in referring to the Rome Statute of the International Criminal Court in 1998 regarding to the definition of crimes against humanity, that “Genocide does not face the same legal difficulty, article I of the 1948 Genocide Convention specifies the crimes that can be committed ‘in time of peace or in time of war’”.

Mentioning the uncertainty of the United Nations Group of Experts that inquired into the Khmer Rouge prosecution, Mr. Schabas also concluded that “Thus, the fundamental problem with using the term genocide to describe the Cambodian atrocities lies with the group that is the victims of genocide”. As far as destruction of cultural institutions and forced assimilation are concerned, he confirmed problematically that “...these are not acts of genocide with in the scope of article II of the Convention”. “This is the better approach although it will make the convictions for genocide, as opposed to the crimes against



Cambodia’s ethnic minorities, and the large portion of the Cambodian “national group” deemed irremediably tainted by “feudal”, “bourgeois” or “foreign” influences.

As defined by the Genocide Convention, genocide is the intentional destruction, in whole or in part of a national, ethnical, racial, or religious group by means such as killings. Serious bodily or mental harm, the conditions of life to which a group is subjected, the prevention of births within the group, or forcibly transferring children of one group to another group also constitute genocide.

**Roles of the Victims in Reconciliation**

Victims are the heart of all dimensions of the reconciliation process in societies emerging from years of violent conflict. It is crucially important that policy makers and civil society leaders are aware of the many faces of victimhood. This awareness must guide the search for adequate victim programs, even if the means are insufficient to deal with all those who suffer -individually and/or collectively, directly or indirectly, today or in the future. Of necessity, usually only a fraction of those whose fundamental rights have been violated will be accepted as “real” victims, but even so they may fulfill a positive role of representing symbolically the wider constituency of victims in the formal reconciliation process.

In all the modern legal systems, civil action by victims of crime aims, in principle, to claim damages for injury resulting from the infringement. Nevertheless, the cathartic benefits of such participation have been witnessed in places as far a field as France, Israel, South Africa and Ethiopia. Thus, direct popular participation in trials of former Khmer Rouge leaders should help many victims come to terms with the past, and contribute to a process of national reconciliation without which the future stability of Cambodia remains in question. On a more practical level, action by civil parties may also influence the criminal proceedings themselves.

In any case, the Cambodian government is presently planning a special judicial mechanism for the sole purpose of trying the Khmer Rouge. In principle, the decision to prosecute will be left to the special prosecutors, probably including a non-Cambodian. It is thus unlikely that the Government will leave open any role for victims in this context.

One of the main benefits of this procedure is that it provides a direct means for victims to complete the information at the disposal of the prosecution relating to the culpability of the accused, or even introduce evidence during the hearing. This is of no small importance in the case of Cambodia, where a number of NGOs have devoted many years to the search for the truth regarding the Khmer Rouge period [e.g. Cambodian Genocide Program]. Article 27 of the SNC “Provisions” also provides that “Counsel for the intervening party shall have access to the file on the same terms as those of counsel for the accused”, which constitutes an additional guarantee of the proper conduct of the prosecution.

The inclusion of such provisions in the new law being drafted by the Cambodian Government would undoubtedly contribute to the process or National Reconciliation by involving Cambodians in their own trials. At the same time, it would be strong evidence of the Cambodian Government’s determination to provide guarantees of free and equitable trials for the Khmer Rouge, without making further concessions to UN insistence on outside scrutiny of the proceedings.

Most people simply wish to be free of their suffering and return to the family life that was so cruelly interrupted through the refugee experience and policies of forced displacement. For them, real reconciliation will be found when trust returns between individuals: when “they can smile at and trust each other again”.

The answer therefore relies on finding a vehicle for addressing these issues at a personal level, and in a manner consistent with the foundations of Khmer culture. One potential path for finding this reconciliation is that of the national religion, Buddhism, to which at least 90 percent of Cambodians are said to subscribe and which has a powerful influence in daily life. Buddhism has at its heart messages of compassion and reconciliation.

In dealing with the emotional and psychological scars left by so many years of war, many ordinary Cambodians have returned to the faith that had been so brutally attacked under the Democratic Kampuchea regime. Many Westerners perceive Buddhism as a doctrine of acceptance, which effectively hampers social change.

If Buddhism is to prove a useful tool in the process



of national reconciliation, we must therefore ensure that it does not become as politicized as other aspects of reconciliation have. King Sihanouk has suggested holding a cremation ceremony of victims' remains, but opposition to this from Prime Minister Hun Sen, who believes that the remains must serve as a historical legacy, also threatens to become polarized. While the Prime Minister's view is probably more pragmatic, both claim to be devout and manage to use religion to justify opposing positions. To avoid politicization Yos Hut Khemacaro advocates following the "Middle Path", the traditional metaphor for the Buddhist way—neither joining the fight nor hiding from it. The Middle Path of non-violence and compassion provides a model for solving undoubtedly political problems outside the adversarial framework implicit in partisanship. As these ideas arise from traditional Khmer concepts, they can help the Cambodian people to find their own peace instead of feeling that their problems can only be solved by outsiders.

**Conclusion**

This alternation of roles is an important consideration in preparing and implementing reconciliation programs. It is clear that no coexistence or mutual trust will develop if the rotating nature of violence is not recognized and admitted. Many will refuse to accept accountability.

It could also give perpetrators a neat alibi for self-victimization. However, the bridging notion of survivor may be useful in situations where a climate has developed that might enable victims and offenders to develop some cooperative activities towards reconciliation.

The recognition of victims is a crucial issue in the search for reconciliation. The following list of principles to be considered may help domestic and international agencies deal adequately with this matter:

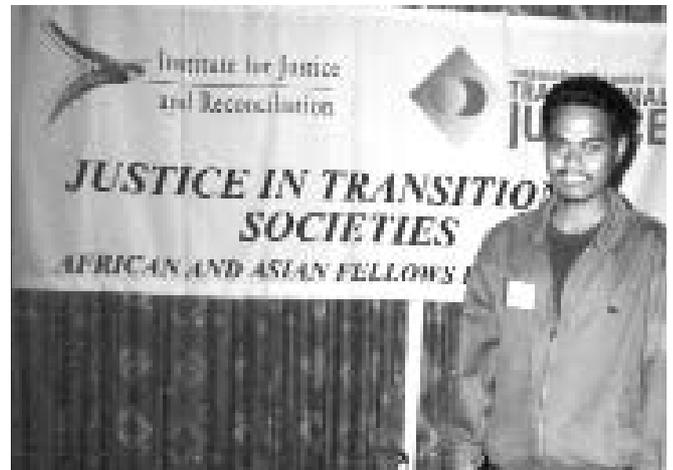
- ◆ Be aware of the many consequences of selecting a particular political and legal definition of a "victim".
- ◆ Respect the victims' very personal perception of what has happened to them. In some cases this means approaching them not as victims but as survivors. At the same time policy makers have to accept that perceptions are flexible and change with time. Trauma is a slow-working virus.
- ◆ Recognize that a victim's recovery proceeds

through several different stages.

- ◆ Provide for collective measures in the areas of health care, education and housing that assist whole communities and thus include the many who fall outside reparation programs.
- ◆ Listen to the needs of victims who stay as refugees in neighboring countries.

I hope that the key issues can be tackled and that the process will regain momentum. A tribunal is important as it will uncover the truth and thus educate people about the past, provide justice for the victims, and promote the return of the rule of law to Cambodia. There must also be a role for ordinary people to play in reaching reconciliation at the level of everyday life, where old wounds are still deeply felt. The forums were a step, as are the other grass-roots programs described here. Above all, these steps should be taken along the Middle Path, in full consultation with the Cambodian people.

*Sophearith Chuong is a fellow of Transitional Justice Program 2003, Cape Town, South Africa.*



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# THE DEPRIVATION OF RIGHTS

*Utara Norng*



This year I turned 18 years old. My 18th birthday was a very joyful moment for me, because I received many presents from my parents, siblings, and friends, who gave me the many delightful experiences during my birthday. I am very proud to become an independent adult who has the

right to speak and vote in my country. I feel very lucky when I think about the period of 3 years, 8 months and 20 days, when the Khmer Rouge took away all the rights of my parents, my relatives and the Cambodian people.

My parents said to me, “Everyday is a happy and meaningful day for you. During the Khmer Rouge regime, your father and I never thought about ceremonial days.” Puzzled by their words, I asked them what happened to them during the Khmer Rouge regime.

My mother described to me that she was born in Kean Svay Krao district, Kandal province, into a rich and noble family. She was the oldest sister of eight siblings in an educated family. My grandfather was a school principal in Koh Thom district, Kandal province, while my grandmother was an excellent housewife. At 20 my mother was married to my father, as arranged by the elders and relatives. The wedding happened on December 29, 1974, warmly participated by parents and relatives on both sides. After the marriage, my parents moved to Phnom Penh, living in an area just north of the Olympic Stadium. My father was a deputy director of World Vision, which was responsible for arranging shelters and supplies for refugees in the provinces and cities. My mother was a skilled housewife. They lived together in happiness.

Unfortunately, on April 17, 1975, the Khmer Rouge took control of Cambodia and began to confiscate property and take away the rights, freedoms and happiness of my parents. A few Khmer Rouge soldiers in black trousers and

long-sleeved shirts, with red scarves wrapped around their waists, broke into my parents’ house armed with guns. During the evacuation from Phnom Penh, the Khmer Rouge clearly showed their capacity to act inhumanely. They ordered people to leave their homes quickly and did not allow them to ask or complain, only to pack their belongings as fast as possible; otherwise, they would be shot without notice. Like my parents, other people were busy packing their own possessions in order to leave as soon as possible to avoid being killed. My parents traveled to their home district of Kean Svay Krao, Kandal province.

In the rainy season of 1975, the Khmer Rouge evacuated my parents from Kean Svay Krao district to Preah Net Preah district, Battambang province. There they were given a wooden house, which they shared with a few other families of Khmer Rouge soldiers. My parents were forced to work hard in the field and received only one can of rice a day. The food was not enough and they were losing weight fast. At night, the Khmer Rouge secret police eavesdropped under their house. People who spoke badly of Angkar would be taken to be killed at once. Thus no one talked at all at night.

After living in Preah Net Preah district for only a month, my parents were sent from district to district. In about November 1975, the Khmer Rouge evacuated my parents to Chub village, Chub Vary sub-district, Preah Net Preah district, Battambang province (now part of Banteay Meanchey province) in order to receive “education” for five days. Although what the Khmer Rouge taught them was against their own views, my parents never showed their disapproval during the educational sessions. In contrast, they expressed their praise and compliments and clapped for Angkar in order to survive.

In mid-1976, my father was sent to work at a place called Kauk Tayou, Banteay Meanchey province. At the same time, my mother was imprisoned for three months, without any explanation of her crimes. At first she was

detained in a prison in Serey Sophorn district, where her legs were shackled so that she was unable to walk. Her health deteriorated rapidly because of the gloomy atmosphere and the lack of hygiene in the prison. During one month, prisoners were allowed to bathe only once. Her food ration was a small bowl of rice and a few grains of salt per day. She was desperately hungry and interrogated many times. The interrogators asked her the same question, “Do you work in politics or with the CIA or the KGB?” Every time she pleaded that she knew nothing about any of those agents and that she was just a simple woman.

In July or August 1976, my mother was sent to another prison which was not as harsh as the previous one. Here her legs were unshackled and she was given enough food. However, she and other prisoners were still apprehensive, because some women who were pro-Lon Nol were interrogated and others killed. A few women committed suicide because they could not bear the punishment. My mother said that her time in prison was full of horror, gloominess and nervousness. Even today, she cannot figure out why she was imprisoned.

In September 1976, my mother was released and reunited with my father in Kauk Ta You. She told me that she was in dismay when she saw my father physically weak and coughing up blood. My parents tried very hard

to serve Angkar, because they thought that by working hard they would have the luck to survive and hoped that the regime would end soon.

In November 1977, my mother gave birth to my sister. She did not know if the birth of her poor daughter would make her happy or sad, since many babies and children died of hunger. Angkar did not allocate additional rice or food to couples with babies. Agricultural goods produced by the people’s hard work were not fairly distributed. Many people died of disease and starvation. My father’s body swelled due to the lack of salt, while my 5-month-old sister had a serous skin disease.

People looked like walking skeletons rather than humans. They ate as many grasshoppers, lizards, caterpillars and mice as they could find. They struggled to pick leaves from thorny plants. Many died of food poisoning. Because he could not bear the hardship, my father tried to persuade my mother many times to escape, but my mother would not agree, because in their village, the Khmer Rouge had killed people who had attempted to escape. My mother thought they were in a situation where “there are crocodiles in the water and tigers on the land.” So she felt she had no choice but to continue living in a prison without walls.

For 3 years, 8 months and 20 days, my parents, as

Utara Norng’s Family in 1994



well as all other people, lived in a time of darkness, when the Khmer Rouge took away all their rights and freedoms, even the right to life. Who could expect her to think of the holidays in such a time of darkness? I am happy to have the freedom to celebrate these holidays today, but this happiness is tempered by the knowledge of what my own parents experienced under the Khmer Rouge regime.

*Utara Norng is a research assistant of the Documentation Center of Cambodia.*

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# Activities of Security Guards at S-21

Painted by Bou Meng

(A former prisoner of S-21)

“My wife and I were blindfolded. The knocking of my wife hurt me.”



“They kicked me from behind when walking me into the prison.”

# PUNISH THEM AS SEVERELY AS THEY DID TO US

*(This petition was forwarded from the UN's Cambodian Office of the High Commissioner for Human Rights)*

**My name is Sok Sunday, male, 34. I reside in Chamkar Luong village, Veang Chass sub-district, Udong district, Kampong Speu province.**

**To: The Director of the UN Office of Human Rights in Cambodia and Embassies in Cambodia with respect.**

Ieng Sary, Khieu Samphan, Nuon Chea, Chann Yourann, Ta Mok, Duch, Mak Ben and other former Khmer Rouge leaders committed injustices against me. They murdered my father, three uncles, a younger sibling and grandparents, totaling 7, and millions of innocent Cambodians during the three-year-eight-month-and-twenty-day period of Khmer Rouge control [in 1975-79].

The stories of their deaths are as follows:

After the Khmer Rouge victory over the Lon Nol government on 17 April 1975, the Khmer Rouge expelled people, including my family, from cities and suburban areas to the countryside. My village in Phnom Penh was Chroy Chanva. My home was situated near the city water pump on the riverbank. On 20 April 1975, my family was forced to leave home on our personal boat from Chroy Chanva village to our first stop at Rokakaong pagoda before moving on to Prek Por. From Prek Por, we traveled by ox-cart days and nights through bamboo swamp, resting at meal times, until we arrived a village the Khmer Rouge allowed us to live in. At first, they told us to stay in the church of Prey Sovann pagoda, called Prey Sva pagoda. One night later, the village chief called us to stay under a villager's house, which had no walls. We were in Prey Sva village, Chrey Khmum sub-district, Seithor sub-district, Prey Veng province.

Five days passed, my younger (three-year-old) sibling drank unclean water, which caused vomiting and diarrhea. My parents brought my sibling to the sub-district hospital, but as the hospital had no medicine, my younger sibling died soon after being brought back home.

Most distressingly, a few days after the death of my younger sibling, the village chief summoned my father

and other new people of about the same age to make biographies. My father told the village chief the truth that he was a former naval captain at Chroy Chanva. Other people also told him exactly about their former occupations.

After being questioned, the village chief told them to return to work as usual. Four or five days later, the village chief arrived at night to invite my father, who was collecting rainwater, and other people he called several days earlier to attend a study session. At that time, my mother put some clothes into a white plastic bag for him, but my father told her the clothes were not needed because they called him to kill him. Despite knowing he was called to die, he did not run, because he was afraid they would hurt our family. On that day, he left with nothing, except the clothes he was wearing. After they killed my father, the Khmer Rouge claimed our property; including motorcycles, crockery, and other belongings; to be shared by the cooperative.

Three months later, my grandfather began to get sick. At first it was minor, but this barbarous regime did not have medical care. He later died. The village chief told us to bury him. We had no coffin to put him in, we had only sleeping mat to wrap his body. In just three months, three people in my family had perished.

Later they evacuated my family to Battambang province by boat. After staying in Ponhea Leu pagoda for two or three days along the way, a few trucks arrived to take evacuees waiting in the pagoda to a train station to Battambang. Because my uncle had paralyzed legs, they said that the journey required some walking after the train journey and no one would be able to carry him a long way. They told us to unload our belongings and stay. We waited many more days for a boat to bring us back to the village we left. In the pagoda, they let us stay in an abandoned, unwallied coffin storehouse with no bed. We slept on the ground and as we looked up we saw scary coffins stored on the attic.

Days passed and we were running out of food. We

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# DO NOT MAKE JUSTICE SIMPLE

On the occasion of the universal New Year and the Chinese New Year, I would like to convey my wishes to your task force and to yourself. 2003 has already proven full of surprises regarding the topics of justice and the struggle against granting impunity. In this regard, I have read each paragraph of J.C. Pomonti's piece published in the January 23th edition of *Le Monde*, in which your speech was quoted.

I agree with you about the effectiveness of the media and public opinion. But it is important to remember the many instances in the world when victims had no recourse to the army, the police, or prosecutors in obtaining justice. Therefore, extreme optimism should be kept in check until the mass graves of those killed by the bullets or sticks of all dictatorships are exhumed.

If the Democratic Kampuchea leaders, including Nuon Chea, Ieng Sary, and Khieu Samphan, are brought before the Khmer Rouge tribunal, they will seek to influence the trial to serve their own interests. Senior Cambodian officials with links to them may assist them through means such as intimidation or retributive violence.

For this reason, I am doubtful about your assertions concerning the proposed tribunal. I believe that a tribunal without a [strong legal] foundation will produce a false judgment. For example, how can a man with one arm water flowers properly or how can a man with one leg join a 100 m running race or how can a man stand on a two or three-legged chair? Concerning the second part of your assertion that "it will not violate the public" and that "the victims would in essence become presiding judges," I agree with you. Victims who survived the regime have already judged the crimes they suffered. The Khmer Rouge punished [their victims] by detaining them or by imposing a death sentence upon them.

One is reminded of the day following the collapse of the Khmer Rouge when victims who had managed to escape (the danger) joined together to kill the Khmer Rouge cadres and their accomplices when the arrival of

the Vietnamese was imminent! Those people punished [the Khmer Rouge] by killing them. The prostrate corpses were scattered along the road.

However I would like to tell you that those actions did not constitute justice. They should have avoided practicing the Law of the Jungle (where the punishment is the same as the crime - an eye for an eye and a tooth for a tooth.) It is important to note that if the victims are the real judges, then the Khmer Rouge has already been judged.

As Pomonti pointed out, justice should not be simple. Every person has his or her own duty to perform in life. The judge must pass judgments. But the judgments made in Cambodia against the Khmer Rouge will not be just. For example, the 1979 trial in Phnom Penh [of Pol Pot and Ieng Sary] was of no legal value nor did it adhere to due process law. This is the reason that they want a new tribunal to try the Khmer Rouge leaders.

As for the victims, they must bring charges in a court of law and participate as witnesses. If only out of respect for the dead, a tribunal without a strong legal basis should not be established. Organizing trials for the Khmer Rouge leaders will not afford justice to their victims.

You also asserted that the trials of the Khmer Rouge leaders would "bring about the People's Party's triumph over the Khmer Rouge." This is correct. In fact, the Royal Government needs the trial for political purposes. I also claim that this is the Royal Government's main concern. In this context, if the government wants the trial, then they should have arrested many Khmer Rouge leaders a long time ago. However, the government has shown no willingness to do so. It is not willing to ensure justice by establishing legal due process.

This letter attempts to protect the truth for those victims who died and whose rights were ignored for 27 years.

*Rambouillet, February 12, 2003*

*Hok Péng Chhay*

*President,*

*LE COMITE DE VICTIMES DES KHMER-ROUGES*

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# FOR NATIONAL RECONCILIATION, AN IMPORTANT STEP TOWARD DEVELOPMENT

Through reading all issues of Searching for the Truth and books relating to Khmer Rouge genocide, I observe that the great leaders of the Khmer Rouge regime avoid responsibility by saying they were not aware of the killings, countrywide starvation and death due to improper treatment of diseases. What kind of leaders are they? They were unable to control the situation and the people under their authority! They asserted they followed democratic principles. What democracy did they show? I would have believed it if I had not went through the regime. But I lived through it myself; I suffered and saw all miseries just like all other people. We should ask, was it democracy or hell? Comrade Duch, the infamous prison chief, also claimed he did not know anything! Then who did it? I wonder if they would keep rejecting responsibility once surviving prisoners and former Khmer Rouge soldiers testify before court.

I read a book called [Cambodian Illness] and I noticed that the nationalists struggled to free people and the country from the yoke of all foreigners, except that those leaders used different strategies. After April 17, 1975, they worked together, but their ambitions were unlike. So I believe that during the regime there had to be some internal friction which would eventually lead to the collapse of the regime. The regime's life was short, but for me it was a very long time. We all suffered from countless abuses, just like living in an eight-level hell. We had no right to talk, to travel, to eat, to defend ourselves, to seek medical assistance and to live together with out families, etc. We could not rest when we were sick and we were weak-willed. All of these comprised a dictatorship.

I want an impartial tribunal in which those responsible accept their false. Pretending to be deaf and dumb is not right. If you dared to do, you must dare to take responsibility, something that an educated person would do. The Khmer Rouge leaders received education from overseas, while I am an ordinary citizen, receiving no higher education I have a conscience. I know what is good for the society. I do not demand a death penalty for those criminals. I just want them to confess and apologize the people. As in Buddhist teaching, the most important thing is accepting one's false and turn to walk on the right way. For example, in a Buddhist tale called [Angulimear], Buddha changed a murderer into a monk when he was willing to.

I have a question to ask Mr. Director of the Documentation Center of Cambodia. What is the UN's opinion about the Khmer Rouge regime? Does the UN have jurisdiction to prosecute the Khmer Rouge? Why didn't the UN take any measures to prevent Cambodian people from being killed during the regime? I have read many documents and learnt that the US and UN knew what was happening through people who escaped from Cambodia or organizations which worked along Cambodian-Thai border, but they did nothing. Why? Now they seem to know everything and are participating in the process. I also wonder why in our society today the leaders are so greedy and selfish. They said they are nationalist, but in truth they take part in politics in order to get power.

Now its time for us to work together to build our country and stop fighting each other, it is so humiliating. It does not matter who has the power as long as that person is a true nationalist.

In the end I admire Mr. Director and all DC-Cam staff for spending great effort to search for Khmer Rouge documents to reveal the truth to the public and for history. I am impressed by the nationalist conviction of Mr. Director.

I wish you all success.

Lim Srey Phalla

Phnom Penh, March 9, 2003

Vann Thang showing the remains of victims who died under Democratic Kampuchea, Kralanh district, Siem Reap province



Documentation Center of Cambodia would like to appeal to governments, foundations and individuals for support for the publication of *Searching for the truth*. For contribution, please contact (855) 23 211 875 or (855) 12 90 55 95 or By Email: [dccam@online.com.kh](mailto:dccam@online.com.kh). Thank you.

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