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Son Sen, Democratic Kampuchea Minister of Defense, posted along the border of Thailand. He was assassinated in 1997.

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The Delegation from East Timor to the Democratic Kampuchea (1975-79)

after the regime fell in 1979, none of the regime's leaders has been brought to trial.

During the quarter-century since the Khmer Rouge regime was overthrown, some of its leaders have died, including "Brother Number One" Pol Pot, who succumbed to malaria in the jungle in 1998 and Central Committee member Ke Pauk, who died peacefully in his sleep in 1992. Only two cadres are languishing in jail. The first is Duch, the former head of the notorious Tuol Sleng Prison, where an estimated 14,000 enemies of the state died and only about 12 inmates survived. The second is Southwest Zone commander and Central Committee member Ta Mok, who basically was jailed for refusing to join the government in the early 1990s. The regime's remaining leaders have thus far enjoyed lives of relative ease, but are ageing rapidly. Most are now in their 70s.

### Expectations for the Trials

In June 1997, co-Prime Ministers Norodom Ranariddh and Hun Sen requested assistance from the United Nations and international community "in bringing to justice those persons responsible for the genocide and crimes against humanity" during Democratic Kampuchea. And after seven years of negotiations, in October 2004, the Royal Cambodian Government and the United Nations ratified an agreement on the prosecution of crimes committed during Democratic Kampuchea and amendments to the law that establishes Extraordinary Chambers for a tribunal of the regime's senior leaders. With these

actions, the prospects for a tribunal for the regime's senior leaders finally came within reach.

Cambodia and the United Nations have nearly completed the next phase of preparations for the tribunal: raising a budget of \$56 million. The UN has received pledges for a little over \$41 million of the international community's slated contribution of \$43 million. The Cambodian government was to pay \$13 million in cash and kind, but belatedly stated that it could only contribute \$1.5 million. It appealed to Japan (which is the co-sponsor of the UN resolution to establish the Khmer Rouge Tribunal) to make up the shortfall, and Japan has given the government permission to use monies from a yen-denominated bank account it set up several years ago for Cambodia. Barring other delays, the Extraordinary Chambers for the trials could be set up in early 2006.

No one knows for certain how many of the regime's former leaders will be brought to trial. Compared to other international tribunals, the budget for Cambodia's trials is small. With such a modest budget, only a dozen or less people are likely to be prosecuted.

No one can predict the tribunal's outcome, and expectations among the public vary widely. In principle, the former Khmer Rouge leaders can be prosecuted for a variety of crimes under international law – including genocide, crimes against humanity, and war crimes – as well as for crimes under Cambodian law, and under the laws of other states.



Ta Mok and his Chinese friends (1980's)



Rouge trials, there are other equally valuable ways in which they can support Cambodia's quest for justice. Because of their cultural and historical similarities, ASEAN members have a good understanding of how to approach problems in other Asian countries. They will be in an excellent position to assist Cambodia in making both the trials and the public's experience of them a positive one.

Some of the ways other ASEAN countries can help are simple and inexpensive. They include:

**1. Technical assistance.** Countries like Singapore, for example, have highly trained technicians who could help identify and exhume the over 19,000 mass graves that are spread throughout Cambodia. Compared to bringing in Western experts, Singapore could provide efficient and cost-effective expertise to the tribunals that would yield critical forensic evidence.

**2. Documentation.** DC-Cam recently sent letters to representatives of ASEAN and other nations in the hopes that governments, diplomats, universities, and private citizens would send relevant official documents, photographs, and other materials to Cambodia, which could serve as evidence at the tribunals or help Cambodians to better understand their history.

**3. Counseling.** At present, Cambodia has only 12 trained psychiatrists, while it is estimated that about a third of the survivors of Democratic Kampuchea – some 2 million people – still suffer from what is called post-traumatic stress disorder or PTSD. In a project with the Transcultural Psychosocial



Ieng Sary at the Phnom Penh International Airport-Malaysia Airlines (1975-79)

Organization, DC-Cam has found that simple treatments, such as breathing exercises or sleeping medication, can go a long way toward helping those who are experiencing anger, insomnia, and other debilitating symptoms of PTSD. We have also found that the traditional Western ways of treating this syndrome, such as group therapy, are not well accepted or effective in Cambodia. Because they have an innate understanding of the Asian psyche, counselors from ASEAN could be of invaluable assistance to the Cambodian community by providing counseling to both former victims and perpetrators.

**4. Hardware.** At least some portion of Cambodia's contribution to the tribunals can be in-kind. Donations of new computers for the tribunal's administrative staff or for university history and political science classes would be very valuable.

**5. Transportation.** Travel can be a time-consuming and expensive undertaking for most rural Cambodians. For those who would travel to Phnom Penh to attend a portion of a trial, the costs can be prohibitive. Thus, the donation of large vans or small buses would be a much-needed means of bringing people to the capital from the countryside.

**6. Volunteers.** DC-Cam is working with a group of nearly 200 student volunteers from throughout Cambodia, who will go door to door before the trials begin, distribute information, and help people learn what to expect from them. Not only will this help average citizens to gain a clearer



Khieu Samphan and Ieng Sary with a Laotian Delegation (1975-79)

understanding of the trials, but it will also assist in building a future core of citizens who are involved in their communities. The Cambodian students would benefit from their association with students from throughout ASEAN, who will help them broaden their knowledge of regional history and politics, and learn different approaches to problem solving.

**7. Radios.** While this does not seem like a very important donation, it is critical. In a country where the average income is about a dollar a day, few villagers have access to newspapers or television.

However, radio is the main medium Cambodians use for learning; they often hook up a radio to an old car battery, with villagers gathering around to listen and discuss the news. Thus, donations of new or used transistor or other radios would be invaluable in helping Cambodians stay abreast of developments in the tribunal.

It is Cambodians' hope that other members of the ASEAN community will show their support for human rights in Asia by providing much-needed assistance for the Khmer Rouge tribunal.

## HOW DID I SURVIVE THE KHMER ROUGE?

In the ten years that I've been working at the Documentation Center of Cambodia, reporters have asked me this question more than any other. I have been thinking a lot about the answer as the 30th anniversary of the Khmer Rouge takeover of Cambodia approaches.

On April 17, 1975, I was a boy of 14. My father was an architect and was later drafted into the Lon Nol Army. Although we were better off than many people during the early 1970s, prices were going up every day and we had to be careful with my father's small salary. Plus, many of our relatives had moved into our house in Phnom Penh to avoid the fighting in the countryside. Every banana, every grain of rice was rationed in our home. My parents were also constantly worried that bad things would happen to my sisters, and devoted much of their attention to protecting them. And my school closed down almost every week. As a result of all these things, I learned to do a lot for myself (like making my own kites from newspaper) and to be by myself. In some ways, becoming independent helped prepare me for life under the Khmer Rouge.

When the Khmer Rouge began evacuating Phnom Penh, I was home alone; my mother and another family member had left for a safer location the day before, telling me they would come back for me. But the road was blocked and on April 18th, the

Khmer Rouge told me that I had to leave. I went outside, but I had no idea of where to go because our neighborhood was completely deserted. So I started walking. Along the way, I heard people saying they were going to their home villages, so I decided to go to my mother's home in Takeo province. Because I had no food with me, I asked the Khmer Rouge soldiers for some, and they gave me round palm sugar cakes. After some weeks of walking I arrived at the village. In the meantime, my mother had tried to cross the border into Vietnam, but was blocked. About four months later, she too, came to her village and we were reunited.

My family was evacuated to Battambang province next. After we were there for a few months, I was separated from them and put in a teenagers' mobile unit to dig canals. For about a year, I was able to sneak home at night to visit my family, but later our unit began working too far away. I was alone more and more, and grew more lonely than ever.

As a city kid, I didn't have many survival skills, but hunger can make you learn a lot of things. I taught myself how to swim, for example, so that I could dive down and cut the sweet sugarcane growing in the flooded rice fields. And I learned how to steal food, how to kill and eat snakes and rats, and how to find edible leaves in the jungle.

Food became my god during the regime. I dreamed about all kinds of food all the time. It would

help me fall asleep and gave me the strength I needed to return to the fields to work each day. Even today, when I see hungry children in the streets, it upsets me. I wonder why they cannot have enough to eat now that we no longer live under the Khmer Rouge. I see myself in their hungry faces.

I was angry, too, and this got me into trouble with the village and unit chiefs. But I was saved from being killed by many people and their small acts of kindness. Once the Khmer Rouge put me in the subdistrict security office, where I was beaten and tortured. A man who had grown up in my mother's village went to the subdistrict chief, telling him that I was still very young and begging him to have me released. Two weeks later, I was let out of this prison. This man was later accused of having relatives in enemy areas and has not been seen again. And another base person named Touk gave our family food when we needed it most.

Trapeang Veng, the village where we stayed in Battambang, had a chief who came from the West Zone; her name was Comrade Aun and she was only 12 years old. My mother begged her not to send me out to the fields to work, and gave Aun her shiny scissors from China as a favor. My mother treasured these scissors because they had been a gift from her youngest brother, but she sacrificed them for me. The scissors saved me for a few days until Angkar ordered Aun to send me away with the mobile unit.

At the end of 1978, rumors started flying around Cambodia about the large numbers of people dying (Trapeang Veng once had 1,200 families, but only 12 survived Democratic Kampuchea), and people began stealing and taking many other chances. A base person told my uncle at that time that he should run away to Thailand because he had worked for the National Bank of Cambodia and would be certainly be killed if he stayed. My brother-in-law left a little later. After he walked for a few days, my brother-in-law turned back because he missed his wife. And I was told not to escape. I agreed, which may have prevented me from meeting the fate of

my uncle. He continued walking to Thailand, but was never seen again. I suspect that he stepped on a mine.

These acts by members of my family and even total strangers may have saved my life more than one time. These were people who saw the value of life and did their best to assert their humanity during a time when it was difficult to do so. They gave me a reason to hope.

Reporters and others also ask me if I still have any nightmares about the Khmer Rouge. My life then was a living nightmare, but I do not dream about the regime today. My mother had a dream about me, though. I was sitting on the Buddha's Eye Mountain, looking far away. She said this was a sign that I would survive, and it gave me hope.

So I never thought of dying, even once, during Democratic Kampuchea. Instead, I hoped that I would have a good night's sleep and enough to eat one day. This hope was always with me and encouraged me to fight for life.

The Khmer Rouge changed my life forever. The need to find answers to why I endured so much pain and lost so many members of my family during the regime brought me to my profession of researching Democratic Kampuchea. I wanted to know why my sister was murdered, why I was jailed and tortured when I tried to find vegetables for one of my sisters who was pregnant and starving, and why my mother could not help me when I was being tortured. And I wanted revenge, too.

Although I am still seeking answers to these and other questions, I no longer have a strong desire for revenge. Visiting the home where I grew up has been a comfort to me; it renews the hopes I had for education as a child, and it keeps the memories of my friends and loved ones alive. I grew flowers at my house when I was young: orchids, and thunderstorm, fingernail, and winter Tuesday plants. I grow the same flowers today at DC-Cam. They remind me of where I've been and where I'm going now.

***Youk Chhang***  
**Editor-in-Chief and Publisher**



**KINGDOM OF CAMBODIA**  
**Nation Religion King**

Royal Government of Cambodia  
No.13 S.R.N.N

**CIRCULAR ON PRESERVATION OF REMAINS OF THE VICTIMS OF THE GENOCIDE COMMITTED DURING THE REGIME OF DEMOCRATIC KAMPUCHEA (1975-1978), AND PREPARATION OF ANLONG VENG TO BECOME A REGION FOR HISTORICAL TOURISM**

Following the liberation of 7 January 1979, numerous graves were left behind throughout the entire territory of Cambodia as physical testimony of the crimes committed against the innocent Cambodian people by the genocidal Pol Pot regime. Right away, the authorities and citizens made efforts to take the remains of the victims and to preserve them carefully, some in stupas, and some in other forms of appropriate memorials. However, the government has observed that since that time these memorials have not been properly maintained.

In order to preserve the remains as evidence of these historic crimes and as the basis for remembrance and education by the Cambodian people as a whole, especially future generations, of the painful and terrible history brought about by the Democratic Kampuchea regime against the people and territory of Cambodia during the period 1975-1978, lasting 3 years, 8 months and 20 days, and especially to preserve and prepare the Anlong Veng region to become a historical museum for national and international tourists in the future, the government issues the following directives:

1. All local authorities at the province and municipal levels shall cooperate with relevant expert institutions in their areas to examine, restore and maintain existing memorials, and to examine and research other remaining grave sites, so that all such places may be transformed into memorials, with fences, trees and informative plaques for both citizens and tourists; the Ministry of Culture and Fine Arts and the Ministry of Tourism shall issue further technical guidelines, and shall appoint expert officials to work together with the local authorities on this issue.

2. With particular reference to the Anlong Veng region, in the district of Along Veng, Otdar Meanchey Province, which was of historic importance in the final stage of the political life of the leaders and military organization of Pol Pot's Khmer Rouge, the Ministry of Tourism shall continue to make efforts, as previously directed by the government, to cooperate with the local authorities and with all relevant ministries and institutions, especially with the Ministry of Land Management, Construction, and Urbanization, Military Region 4, the Cambodian Mine Action Center and the Documentation Center of Cambodia to eradicate mines, to prepare a sound master plan, to research documents, to establish a historical museum, and to search for sources of grants in order to preserve all historical evidence and to transform Anlong Veng into a national region of historical tourism. It is absolutely prohibited to encroach on or subdivide land in an anarchic manner, or to undertake any form of construction in Anlong Veng that has an impact on this historic region without government permission, except for construction of housing for residents of villages and communes, in accordance with the regulations of the Ministry of Land Management, Construction and Urbanization.

3. Efforts shall be made to implement the above provisions before 7 January 2002, the 23rd anniversary of the overthrow of Democratic Kampuchea. On receiving this directive, all relevant ministries and institutions and local authorities shall implement it effectively.

CC: ♦ Ministry of the Royal Palace ♦ General Secretariat of the Senate ♦  
♦ General Secretariat of the National Assembly ♦ Ministries, Secretariats of  
State and Institutions ♦ Office of the Prime Minister ♦ Offices of the  
Deputy Prime Ministers ♦ Offices of Provinces and Municipalities ♦  
Archives and Records ♦

Phnom Penh, 14 December 2001  
Prime Minister  
[Signed and sealed]

Hun Sen



mid-1972 Toeun recruited two more forces: Phann Nuon and Ly Born.

In 1972 he convinced three others, and sent them for additional instruction from Khuy Sean. Toeun managed to acquaint himself with three other secret agents, Luot, Ngoy and Vatt Voeut via another agent named Oak. Van Cham Ratt, a teacher in Mongkul Bory, was also induced by Toeun.

In 1974 Toeun came to Phnom Penh to report to Khuy Sean on the forces he had been gathering in Battambang over the past year. Khuy Sean told him about two new plans that were to be reported to local members in Battambang. The plans were: "1<sup>st</sup> plan: top secret agents had to hide themselves within the revolutionary authorities; forces outside the authorities of the revolution had to be ready for the battle too. By pretending to lose, all these secret forces would be able to take the chance to fight the revolution when the winners were overwhelmed with joy. If this failed, the 2<sup>nd</sup> plan would be implemented – fight the revolution in various regions. If possible, forces of secret agents had to take the opportunity to strike the revolution's key leadership."

Toeun's plan was as follows: "Immediately after the war ended, all forces were to be ready and wait for orders from first lieutenant Dam Chhuob to attack the revolution from behind when the liberation army was too elated to protect themselves. Everybody had to follow Dam Chhuob's command. If that failed, all forces had to join with CIA forces from all over the country in order to implement the 2<sup>nd</sup> plan, which was to strike diverse targets of the revolution. If both plans failed, reasons would be sought afterwards."

In late 1974 Phnom Penh was in trouble because the Khmer Rouge shelled Pohchentong airport almost every day. On April 17, 1975 Toeun went to meet the secretary of Region 4, Khek Pin aka Sou, who was a teacher in Kampong Speu. The secretary showed him different places such as storehouses for salt, fish sauce, and rice. Toeun was

assigned to work among the intellectuals of Region 4. Khek Pin invited Toeun to join the victory meeting, where Saom Sam Un reminded Toeun about Cambodia's loss of territory to Thailand.

Later Toeun and Ing Lai Hieng, a former teacher, persuaded people in District 41 of Region 4 to not follow local cadres. Not long after that, Ing Lai Hieng, the cooperative chief of Subdistrict 30, Maong district, discovered their activities, and Ing Lai Hieng was transferred to work in O-Muny subdistrict. Toeun and Sin Lum destroyed dikes at the rice fields, fishing instruments, bird traps and crops.

Angkar transferred Toeun out of Roang Kroal village after he had clashes with the village cadres over calling people to a meeting without permission. Despite this conflict, Toeun and Yauve Chhom continued resisting the revolution. In late 1975 Angkar completely dissolved the intellectual group of Region 4 because it was suspected of launching actions against the revolutionary Angkar. Some intellectuals were put to work with ordinary people in cooperatives under the close watch of Angkar.

After learning that some intellectuals were arrested by Angkar, Saom Sam Un got Toeun to work as a cadre's assistant in District 43 (Daun Teave district, Battambang). After a week of working there, Toeun got into a disagreement with village cadres. Saom Sam Un then assigned him to raise pigs in Kdol village. While there, Toeun convinced five former secret agents to ruin many crops and animals.

In 1977 Toeun, Saom Sam Un and Sou secretly arranged a plan to further resist Angkar. Toeun was later transferred to harvest rice for one month and dig dams for six weeks. Four days after returning to his house, Angkar arrested him on April 19, 1977. He was interrogated by Khan at Tuol Sleng prison. In his confession, Toeun revealed the names of 61 people he claimed were linked to his activities.

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*Sophal Ly is a DC-Cam staff writer.*

# CONFESSION SUMMARY: TY SRIN

*Farina So*

*Ty Srin aka Mut was the secretary of Region 22 in 1975 and a chief of protocol at the Ministry of Foreign Affairs of Democratic Kampuchea in 1977. On June 1, 1977 he was arrested and sent to Tuol Sleng prison (S-21).*

Srin had been ordained a monk for 2 years when he was 15 and 16. He later left the monkhood to help his parents fish at Chak village, Mean subdistrict, O-Reang Ov district, Region 22, East Zone.

In 1957 a man named Sieng Hy urged Srin to encourage people in his village to join a protest demanding land from the Sihanouk government. He later cut off his connection with Sieng Hy when he learned that Sieng Hy was a Khmer Rouge soldier.

In 1960 he got to know Kol through Sieng Hy. At first Kol taught Srin about the ideas of revolution, such as the establishment of mutual aid groups that helped one another with agricultural work, but he later came to appreciate the free regime (democracy) and tried to downgrade communism. Taking China as an example, Kol suggested that Srin launch a democratic campaign among the people.

In late 1960 he was accepted as a member of the Free Khmer and was introduced to Yaun and Say by Kol. Yaun often pushed Srin to persuade villagers to demand a free regime. In 1964 Yaun quit his job so he could live a normal life with his family, while Kol moved to Kampong Cham province. Srin continued to work to expand the concept of democracy among people.

In 1965 Mut made Chao Soeung secretary of Preah Theat subdistrict so as to grasp the development of revolutionary movements within the local population. In early 1966 when he was returning to his village from Kampong Cham, Kol tried to explain to Srin about the tremendous development of the free world, and decided to take Srin in as a member of the CIA. A man named Tum instructed Srin to work

hard to mobilize more forces to destroy the revolution. Srin was able to recruit two people in Mes Bra-Chann village to join his cause.

In 1968 Srin was sent to farm at Peam Chaing Mountain so he could strengthen his stance of expanding democracy. Tum later ordered Srin to transport weapons from a place near Olympic market to Peam Chaing.

After the coup in 1970 Tum appointed Srin as secretary of Koh Sotin district. Srin traded fiber and all kinds of beans and peas with regions under Lon Nol's administration. Srin was able to recruit eight people who liked the fashionable lifestyle. To block the growth of the Khmer Rouge revolution, Srin, who controlled the army of Region 22, assigned feeble soldiers to fight, leaving many soldiers dead and injured. When fighting on a battlefield in Vihea Suor, Srin destroyed many weapons and foodstuffs.

In 1973 Tum and Srin commanded soldiers to fight in a battle at Ro-Ka Kaong subdistrict, Mukh Kampoul district, Kandal province, even though they did not fully know the situation there. The result was the same: many soldiers were injured or killed.

In 1974 Srin ordered his forces to make threats against the revolutionary soldiers of Angkar so they would easily surrender. Srin was later removed from the front.

Srin called his forces for a meeting to develop a plan to sow political conflict between people and the revolution. The plan called for creating more checkpoints and causing people to distrust Angkar.

In 1975 when Angkar evacuated Phnom Penh, Srin incited people to resist Angkar's policy of evacuation. He slowed down the pace of transporting people and materials from the city to the countryside, and even starved people. In June of the same year, in a meeting to remove Soa Yann, secretary of the East Zone, Srin was made secretary of Region 22 and



Sambok deputy secretary.

In August, Srin arranged a meeting of 12 people at Prek Ta Meak to stage a coup d'état to overthrow the revolution. The coup was set to take place in October 1975 at Mukh Kampoul district, Kandal province. Those attending the meeting agreed to strengthen forces within the base people, new people (people evacuated on 17 April 1975 from the cities) and cadres of all ministries. Srin's troops converged on Mukh Kampoul and were ready to take action.

The coup was cancelled because the cadres involved were assigned by Angkar to pursue political studies. Srin and his aids then began to arrange another plan – a demonstration that would take place in November 1975. The second plan was again cancelled when differences emerged between Srin and Sambok.

In 1976 Angkar demoted Srin to deputy secretary of Region 22, and appointed Chhean to take Srin's earlier position. Srin then told Chhean about the number of forces he had mobilized and the tasks he had completed. Chhean ordered Srin to deliver materials and food to people in order to generate disappointment with Angkar.

When Angkar ordered people to be moved from the districts of Mukh Kampoul and Koh Sotin to perform agricultural work at O-Reang Ov and Sithar Kandal districts, Srin, Chhean, Chao Soeung (secretary of O-Reang Ov district) and Than (secretary of Sithar Kandal district) and their forces damaged the rice, so that yields would not reach Angkar's policy goal of 3 tons per hectare.

Angkar assigned Srin to work in the Ministry of Foreign Affairs in 1977. Before Srin left for his new position, Chhean, Srin's former boss, advised him to try to mobilize forces within the ministry. In January 1977, Srin was promoted to chief of protocol affairs. But by the time he came to work at the ministry, Srin had lost touch with his connections and was accused of betraying the revolution. He was arrested on June 1, 1977 and transferred to Tuol Sleng prison, where he was interrogated by On Ly. His confession was found at S-21 after 1979. It contained a list of 64 people who Srin stated were linked to his treacherous actions against Angkar.

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*Farina So is a DC-Cam staff writer.*

## ANNOUNCEMENT

### KHMER ROUGE HISTORY PRESERVATION FORUM ESSAY CONTEST

On April 2, 2004 DC-Cam and the Khmer Writers' Association (KWA) announced the four winners of an essay competition for survivors of Democratic Kampuchea. Contestants submitted narrative essays on their lives during the regime or their thoughts on issues related to the Khmer Rouge.

Because of the important role this contest can play in preserving the history of the Khmer Rouge period for future generations and in giving a voice to its survivors, DC-Cam and KWA are holding another essay contest. It is open to students, survivors of Democratic Kampuchea, and other Cambodians, both those living in Cambodia and abroad. The winning essays will be announced in April 2006. The winners will be given cash awards. The winning essays will be published in *Searching for the Truth*.

Those who are interested in submitting an essay are required to write at least ten pages. Your essays can talk about your own experiences during the regime, the stories you have heard about others, and/or your own thoughts about Democratic Kampuchea.

Please submit your narrative essays by mail to KWA's office at Botum Vatey Pagoda in Phnom Penh or to DC-Cam at P.O. Box 1110, Phnom Penh, Cambodia or email: [dccam@online.com.kh](mailto:dccam@online.com.kh). The deadline for submissions is February 28, 2005. For details please contact Mr. Sophearith Chuong at (855) 23 211 875 or by email: [truthsophearith@dccam.org](mailto:truthsophearith@dccam.org). Thanks!

# BUDDHIST CREMATION TRADITIONS AND THE NEED TO PRESERVE FORENSIC EVIDENCE IN CAMBODIA

*Wynne Cougill*

When Vietnamese-led forces invaded Cambodia in late December 1978 and toppled the Khmer Rouge, they discovered ample evidence of the mass death brought about by Pol Pot's Democratic Kampuchea regime. The death toll during the nearly four years that the Khmer Rouge held power was relatively small compared to those of many modern genocides (an estimated 1.7 million people perished from execution or as the result of starvation, disease, or forced labor), but no other genocide has approached Cambodia's as a percentage of the population. The Khmer Rouge were responsible for the loss of about a quarter of the country's people.

In the wake of the devastation the Khmer Rouge visited on Cambodia, there was little public outcry over the disposition of the bones found in the mass graves that dotted the country, most of which were left untouched and exposed to the elements. Nearly all Cambodia's infrastructure had been destroyed during the regime (schools, banks, post offices, and telecommunications were shut down, and religious structures were converted into prisons) and most of its educated people had died, leaving survivors more concerned with the struggle to live than attending to the dead.

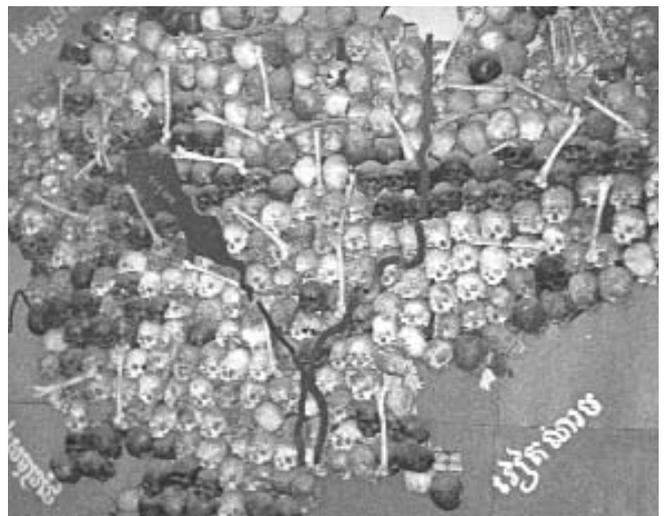
After seven years of negotiations, in October 2004, the Royal Cambodian Government and the United Nations ratified an agreement on the prosecution of crimes committed during Democratic Kampuchea and amendments to the law that establishes Extraordinary Chambers for a tribunal of the regime's senior leaders. In addition to their historical importance, the bones in Cambodia's mass graves will provide physical evidence of mass murders at the trials. But more recently, a debate has surfaced

over their treatment and preservation.

## Early Efforts to Preserve the Bones

The Vietnamese-installed government of Cambodia (the People's Republic of Kampuchea, PRK) sought to preserve the skeletal remains in Cambodia, at first to prove that their ideological and political enemy China had been behind the mass murders in Cambodia. Later, they viewed the bones as evidence of genocide and thus a justification for the PRK's control of the country. (At this time, the United Nations and several Western governments still recognized the Khmer Rouge as the country's legitimate government.) Two important sites in the Phnom Penh area were the focus of their attention, and have become symbolic of the horrors of Democratic Kampuchea today.

The first is Tuol Sleng, a former Phnom Penh high school that served as a secret, state-level prison during Democratic Kampuchea (it was known to the Khmer Rouge by its code name S-21). According to documents found in and around the prison, at least



The skull map at Tuol Sleng Genocide Museum

14,000 enemies of the state were detained here, and when the Vietnamese entered Phnom Penh on January 7, 1979, they found less than a dozen survivors.

At Tuol Sleng (which was made into a national museum in 1980 using the massive documentation that survived at the site), the PRK created a 12 meter -square map containing 300 exhumed skulls, with Cambodia's many rivers painted in blood red. They remained on public display until 2002, when the map was dismantled. Today, the skulls from the map are housed in a wooden case enclosed by glass.

The second is the "killing field" of Choeung Ek, which was discovered about a year after the invasion. Most of Tuol Sleng's inmates, in addition to many other Cambodians – at least 20,000 people – were executed at this site, which is about 15 km from the prison. Victims were usually forced to kneel at the edge of the mass graves while guards clubbed them on the back of the neck or head with a hoe or spade.

Large-scale excavations took place at Choeung Ek in 1980: about 89 mass graves were disinterred out of the approximately 130 in the vicinity. Nearly 9,000 individual skeletons were removed from the site with the assistance of Vietnamese forensic specialists. The remains were treated with chemical preservatives and placed in a wooden memorial



Choeung Ek Genocide Memorial Stupa

pavilion with open walls. To the dismay of many, PRK officials also "arranged" bones in a decorative manner for photographs.

In the decade immediately following the toppling of the Khmer Rouge, many national and local-level memorials were constructed throughout Cambodia. A new memorial was built at Choeung Ek in June 1988. Its 62 meter tall concrete *stupa* contains a sealed glass display housing about 8,000 skulls. Vietnamese General Mai Lam, the archivist of Tuol Sleng Museum and designer of the skull map, characterized the preservation of human remains as "very important for the Cambodian people – it's the proof." (Hughes, Rachel. *Memory and sovereignty in post-1979 Cambodia: Choeung Ek and local genocide memorials*, in S. Cook (ed.) *New perspectives on genocide: Cambodia and Rwanda*. Yale Center for International and Area Studies: New Haven, 2004, p. 271.)



Skull arrangement at Choeung Ek

### Buddhism and the Preservation of Remains

About 95% of Cambodians practice Hinayana Buddhism, which does not prescribe cremation. But cremating the dead has been a tradition in Cambodia and other Buddhist societies in Asia for centuries. Many Cambodians believe that cremation and other rituals for the dead help ease the deceased's transition to rebirth. After cremation, Cambodians store their family members' ashes in a *stupa* so their souls can be liberated for reincarnation.

Overlaying this tradition is the syncretistic practice of Buddhism in Cambodia, which combines elements of Hinduism and animism. Among the many spirits present in the animistic world are those of the dead. The spirits of people who died unnatural deaths are considered to be the most malevolent of these; because their spirits cannot rest, they haunt the living and cause them misfortune.

In the case of especially inauspicious deaths, such as by violence or accident, it is widely believed that the dead person's spirit or ghost remains in the place where he or she died, and does not move on to rebirth. Scholar Rachel Hughes has noted that "many Cambodians consider Choeng Ek a highly dangerous place and refuse to visit the Memorial. In addition, to have uncremated remains *on display* is considered by some to be a great offence, and tantamount to a second violence being done to the victims."

A few caveats are in order regarding these observations. First, Cambodian Buddhists do not bury their dead, and thus do not visit grave sites as such (those of Chinese descent do bury their dead and honor them by grave visits, however). Thus, most Cambodians view Choeng Ek as a *stupa*, not as a memorial. Second, the offense taken is a natural human reaction: the bones may be those of one's relatives, which makes many people reluctant to visit the memorial. Last, some Cambodians do view Choeng Ek as a dangerous place because of the ghosts present, not because they fear physical

violence by robbers, etc. Those who have visited this site do so to share their sorrow; thus, Choeng Ek can be viewed as a place of healing for survivors.

### The Controversy over the Remains

Most Cambodians – the general population, the religious community, and the government – seem to support the preservation of skulls and other human remains of Democratic Kampuchea. (This support is reinforced by an underlying belief in Buddhist tradition that people can cremate only the remains of their family members. Because virtually no individuals in the country's killing fields have been identified from their remains, cremation could pose some obstacles in Cambodia.)

The Cambodian Government has long supported the preservation of the bones as evidence. Prime Minister Hun Sen, for example, issued instructions for the remains in late 2001:

In order to preserve the remains as evidence of these historic crimes and as the basis for remembrance and education by the Cambodian people as a whole, especially future generations, of the painful and terrible history brought about by the Democratic Kampuchea regime...the government issues the following directives:

All local authorities at the province and municipal level shall cooperate with relevant expert institutions in their areas to examine, restore and maintain all existing memorials, and to examine and research other remaining grave sites, so that all such places may be transformed into memorials.

Neither has there been an outcry from the Buddhist clergy. In fact, many monks seem to welcome the preservation of remains *in situ*. A local patriarch monk, who had initiated the construction of a memorial for the remains from Sa-ang prison in Cambodia's Kandal province in late 1999, told staff from the Documentation Center of Cambodia:

One reason I got the idea to construct this memorial is that one member of my family



was killed at Sa-ang Prison. Another reason is that I observed the remains in a sad state, just sitting there exposed to the sun, wind, and rain. The remains have decayed and have even been eaten by cows. That inspired me to think that if the remains continued to lie in the state they were in they would certainly vanish and no evidence would be left for younger generations to see. In addition, if Buddhist followers wanted to come to light incense and pay homage to commemorate the souls of the dead, there was not a place for them to do so. So this idea of building a memorial for the remains came to my mind.

But the loss of the remains is what I have worried about the most. Because if people say “many died there,” but there are no remains there, how can we believe? So preserving the remains is the most important reason. I am not conceited. Many people have contributed their money. I did not build this on my own. I do not want to lose the evidence, so that people from various places can come to pray and pay homage to the dead. And I will request the district governor that this memorial for the remains should exist forever. And I am thinking of having monks stay there and for people to come and pay homage because some souls of the dead have made their parents or children dream of them, and told them that they are wandering around and have not reincarnated in another world. I want to have monks meditating there so that the souls of the dead will rest in peace. In Buddhism, when someone dies and their mind is still with this world, then their souls wander around. The remains are a legacy for the younger generation so that they may know how vicious the Khmer Rouge regime was, because the young did not experience the regime. I experienced this regime. Some lived through this regime as

children but they still do not believe; how can those who did not live through believe? What can they base belief on?

[Speaking of the possibility that authorities would require that the bones be moved] I would not dare to oppose them at all. I could only request that they do not burn them, but give them to me. Please do not touch the remains because I have a stupa for them already. If they do not want that, I can bring them to my pagoda here. But if they still insist that the remains be burnt, I dare not oppose them. In my opinion, if they do not want us to keep the remains there, I would like to keep them in my pagoda so that people can come and hold religious ceremonies for their dead relatives.

Instead, opposition has come mainly from former King Norodom Sihanouk and some members of Cambodia’s royalist party, FUNCINPEC. On February 23, 2001, Sihanouk wrote to Hun Sen asking that the skulls be removed from the map at Tuol Sleng and “cremated in the Buddhist way” so their souls could find rest. Hun Sen later indicated his willingness to hold a national referendum on the issue after any trials of former Khmer Rouge.

Sihanouk also posted a letter on his website in February 2004, decrying the way the bones of Khmer Rouge victims have been left out and exposed around the country. He wrote that those killed by the Khmer Rouge will “never have peace and serenity” and that their remains should be cremated in nationwide religious ceremonies.

On April 17, 2004, Sihanouk marked the 29<sup>th</sup> anniversary of Phnom Penh’s fall to the Khmer Rouge by calling for the cremation of victims of the killing fields. The April 19 edition of *The Cambodia Daily* quoted him as saying: “We are Buddhists whose belief and customs since ancient times have always been to cremate the corpses and then bring the remains to be placed in the *stupa* at the pagoda.”

### An Effort to Resolve the Controversy

The Documentation Center of Cambodia (DC-Cam) has made a number of efforts to reconcile the views of the king and respect for Buddhist beliefs with the needs for public education and forensic evidence from the genocide. For example, in 2002, it replaced the skull map with a satellite map of Cambodia identifying the locations of prisons and mass graves from Democratic Kampuchea. The King subsequently wrote to DC-Cam, "I would like to express my profound gratitude and warm appreciation of your unique state-of-the-art initiative in zooming the map of Cambodia with genocide sites to replace the existing skull map being displayed at the Tuol Sleng Genocide Museum."

In 2003, the Center provided a large number of skulls from Choeung Ek and other parts of Cambodia to a team of North American forensics specialists. The experts chose ten skulls for analysis. In February 2004, DC-Cam mounted an exhibition of the skulls at Tuol Sleng Genocide Museum. Entitled "The Bones Cannot Find Peace until the Truth they Hold in Themselves has been Revealed," the exhibit sought to demonstrate the value of forensics in documenting the Khmer Rouge's crimes against humanity and to educate the public about the types of information that can be scientifically gathered from victims' remains.

Originally, DC-Cam wished to display the skulls for public viewing. However, out of respect for King Sihanouk and other Cambodians who are uncomfortable with the idea of boxing human remains, the Center looked for another solution. It thus housed the skulls in a separate room at Tuol Sleng, which is open only to officials (e.g., prosecutors at the Khmer Rouge tribunal).

Their final disposition will be determined once the tribunal is over.

The skulls rest on identical pedestals built from slightly overlapping wooden slats. Spaces have been left between slats so that air can reach the skulls, thus allowing the spirits to come and go as they wish. To protect the skulls, the Center placed them in clear, five-sided Plexiglas cases secured with soft silicone caulk. The cases can be removed by cutting the caulk with a razor blade, allowing the skulls to be cleaned or moved. For the exhibition itself, the Center chose to photograph the skulls, which were accompanied by text explaining the type of trauma to each skull.

King Sihanouk has proposed building a *stupa* at the old royal capital of Udong to house the ashes from the cremated skeletons. Once the Khmer Rouge tribunal is over, it may finally be possible to lay the victims to rest more than a quarter of a century after the genocide.

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*Wynne Cougill is a member of DC-Cam's advisory board.*



**Photograph from the DC-Cam Tuol Sleng Forensics Exhibition**

1) Cranium of a man, 25 to 45 years old. Gunshot wound of entrance in the left frontal convexity with the bullet passing into the brain from right to left and downward on a 45-degree angle (as indicated by the "keyhole" effect). [Catalogue No. TSL13, 2A50700]

# A CAMBODIAN-VIETNAMESE COUPLE UNDER THE KHMER ROUGE

*Sorya Sim*

Anlung Trea village is a natural home for many Vietnamese. It is situated on the banks of the Mekong River, which runs south to Vietnam. In the rainy season, much of village is flooded and villagers travel on boats for a few kilometers to reach the provincial town of Prey Veng, where fish, vegetables, and crops are traded. These factors help explain how young Khun Mon first saw the beautiful Seng Huor from Anlung Trea village. “Mon, while he was a temple boy went to Prey Veng [town], where he saw his would-be wife coming from Anlung Trea...by boat to buy goods.”



Khun Mon

Born in 1940, Khun Mon is a Khmer native of Svay Antor village, Svay Antor subdistrict, Prey Veng district, Prey Veng province (the village is about 10 km north of Anlung Trea). He is the fourth son in a farmer family of four sons and four

daughters. In 1957, Mon left the fifth grade to serve the monks at Svay Botum Pagoda in Svay Antor subdistrict, expecting that he would be able to learn both Buddhist teachings and lay education, so he could become a teacher. In Sangkum Reastr Niyum, both monks and those in other schools could take the exams to become teachers. But in 1968-1969, teachers were no longer recruited, so Mon left the pagoda and came home to help his parents sell groceries, raise pigs, and farm rice.

As the Cambodians say, Seng Huor was a hybrid beauty. She was born in 1950 to a Chinese father (named Seng) and a Vietnamese mother (Le

Thi Hai). They and their six children lived in Anlung Trea village, Preak Chrey subdistrict, Peam Ro district, Prey Veng province (all of Seng Huor’s siblings but one were killed during the Khmer Rouge). During her school years, she lived in the house of her cousin Hok Chhorn, who was then district governor of Peam Ro. Before getting married, she finished fourth grade and gained skills as a tailor.

When Khun Mon’s parents proposed that she become engaged to Huor, Mon was both surprised and happy. He did not expect that his parents would introduce him to the same girl he fell in love with at first glance. In fact, Khun Mon’s parents had frequently visited Anlung Trea village and had become friends with Seng Huor’s family. Mon said that his future bride’s parents requested a dowry (*bangkuop*) of 8,500 riels (at that time, equal to 2½ *damloeng* of gold). A wedding was therefore joyfully organized in the bride’s home village three months after Mon left the pagoda. The date was set for the 13<sup>th</sup> *Roca Khe Kadek* (13 days after the full moon in the 11<sup>th</sup> month of the Khmer lunar system) in 1969, as Mon proudly remembers. A 20-table reception was to follow at the groom’s village.

Vietnamese-Khmer intermarriage was common in Cambodia and there was little discrimination against such unions until the Lon Nol regime (1970-1975). As Mon’s older sister observed, “no one criticized Mon for marrying a Vietnamese woman. Villagers treated him like others.”

Two months after they were married, Mon and his wife moved to live in a new house near his parents in Svay Antor village. Unlike their parents,



did not agree.”

About two weeks later, Mon was arrested by district security chief Tho and detained in Thlav pagoda in Thlav village until 1979. Under a sort of “house arrest,” he was never shackled, was told to grow vegetables, and ate like other people. Mon was not interrogated. At night he slept in a house in which older men steamed herbs to make medicine. He met several new people he knew who had Vietnamese wives, including Prunch, who tried to escape, but was caught and killed.

After the Khmer Rouge took his family, Mon said that “I never slept at night. When I did, I often dreamt of my wife, children, and mother-in-law living together. When I saw the daily clothes of my wife and children, I thought of them right away.”

It was only later that Khun Mon came to understand the reasons for his wife’s arrest: if a person was related by blood to a Vietnamese, they would be killed. He mentioned his brother-in-law Seng Vann as an example. All of his family members were killed except a son (named Mao) who hid in a corn field and survived. Khun Mon’s relatives and neighbors report that they knew of no mistakes anyone had made, but that Vietnamese wives and children were killed. Mon’s mother-in-law (Le Thi Hai), sister-in-law (Seng Tieng), and brother-in-law (Seng Ke) were also killed.

Neighbor Pak Sokhom said, “In late 1977, Vietnamese – young, old, women, and men – were killed. My cousin had a Vietnamese wife who was killed along with their children. In those days, the Vietnamese were targets to be destroyed. I saw no reasons for the killings. The Khmer Rouge had to kill the nationals of their enemy.” In Sokhom’s opinion, this killing was only a part of the war against Vietnam, which began in early 1977. “The goal of leading people to dig canals and build rice field dam systems was to wage war against Vietnam,” he added.

Also, many of the area’s residents were Khmer Rouge cadres who were accused of being traitors and supporting the Vietnamese enemy; they were soon purged. According to Pek Pach who lived in Svay Antor village in the Khmer Rouge time, “Svay Antor village was in Region 20 of the East Zone. The Southwest Zone Khmer Rouge accused the Eastern cadres of being traitors. But the Eastern cadres said it was the other way round. The Southwest cadres came in 1978 saying we sided with Vietnamese. Nobody sided with Vietnam.”

The cadres purged included those who ordered the execution of Mon’s family: Loek Chhem (subdistrict chief), Tho (district security chief), and Phea (district chief). Of those who actually took the family members away, militiaman Chhoeun died from an illness after 1979 and village chief Lim is still alive.

As a Buddhist, Khun Mon seems to have forgiven his former tormenter Lim. He stated that although he was angry, he did not do any harm to Lim for fear of producing bad *karma*. “If [you] ask me to kill someone in revenge, I simply can’t do it.” He explained that Lim was only following the chiefs of the subdistrict and district. As neighbors, Mon and Lim often met and never talked about the past. In Mon’s mind, however, he would like to see a Khmer Rouge tribunal seeking justice.

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***Sorya Sim is a deputy director of DC-Cam.***

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# FROM A SOLDIER TO A PRISONER OF THE KHMER ROUGE

*Savina Sirik*

Although the tragic events in his past occurred 30 years ago, the painful experiences inflicted on Keo Mao still haunt him. His memories of imprisonment by the Khmer Rouge dominate his present happiness and pride at having been a Khmer Rouge soldier during the country's war of liberation in the 1970s.



Keo Mao

Keo Mao lives with his wife and three children in Trapaing Ta Sok village, Kus subdistrict, Tram Kak district, Takeo province. He joined the liberation forces in 1971 as a youth, and was sent to the front lines in Kampong Speu near the Takeo River, and to various other battles afterwards. In 1974 he was seriously wounded, requiring the amputation of one of his legs. Not long after, Mao's battalion chief was accused of being a traitor to Angkar and was arrested.

Mao was also accused of being a traitor and imprisoned in late 1974. After his arrest, Mao walked with two soldiers from other battalions for a day until they reached Kraing Ta Chan prison. The three men were put together at first, but later separated. Mao was put in a room with about 20 other prisoners. Those who were serious criminals were shackled, handcuffed and unable to move. Mao was treated in the same manner as the serious criminals. He was also blindfolded and interrogated. Every time the Khmer Rouge guards interrogated him, Mao was tortured to make him confess. He was once suffocated until he became unconscious. "It took me so long before I could manage to speak after the unconsciousness," he said.

Four months of living in hell seemed like years for Mao. He was then moved to another room where only one of his legs was shackled. According to Mao, the number of prisoners decreased or increased depending on the number executed or brought into the prison. Some died in their cells, shackled and handcuffed. Through holes on the wall, he saw guards lay prisoners' dead bodies in a common grave. "One

guard called a prisoner out, while another pointed a gun at him. The poor prisoner was taken to a bush about 20 meters away from the prison," said Mao. The next thing he would hear would be the prisoner's cries. As soon as the sound stopped, the guards would drag the deceased's body to an already-dug pit. When their job was done, the guards returned to the prison and called another prisoner out to repeat the process. The killings took place from 3 p.m. to 6 p.m. Worrying about his own destiny, Mao was constantly fearful. "I was extremely afraid of being called out," said Mao.

After 9 months in Kraing Ta Chan, Mao was sent to Office 204, which was located in the middle of a forest. He spent more than a year there before he was released to the village and allowed to work in a mobile unit. However, he remained under the close watch of Angkar. "I was entitled to more freedom, but still under heavy observation," he confirmed.

Six days after his release from Office 204, Mao was forced to accept a marriage arranged for him by Angkar. He and his wife are still together.

What makes Mao most angry is that he, unaware of any wrongdoing on his part, was accused of being a traitor. And his days in prison still torment him. Time and time again, he has dreamed of being in hell: "I never thought of having a chance to live. I still dream of being a single man with no family and imprisoned. It is only when I awake that I realize I have been released, and am a man with a wife and children," said Mao.

Mao feels that a tribunal to bring those responsible for the brutal regime is vital because he wants to know why he was persecuted under the Khmer Rouge. He remains furious with those who inflicted pain and suffering on him, but he does not seek personal vengeance. Instead, he is waiting to see justice done. "At first I was a Khmer Rouge soldier, and I was a prisoner at last," said Mao.

***Savina Sirik is a DC-Cam staff member who works for the Victims of Torture Project.***

# A LOOK BACK TO THE HORRIBLE PAST

*Socheat Nhean*



Thirty years ago, Mary was a Khmer Rouge soldier in Division 703, who was sent to battle during the US bombing of Cambodia. At the time, she risked her life to fight without knowing that her situation was perilous. "I regret...I shouldn't...

Now, I no longer touch [guns]... I am so scared," she said.

Mary recalled, "I pitied the soldiers... No one helped them... I cried... They did not betray [Angkar]." She was speaking about the alleged betrayals by soldiers who were captured by Angkar and later tortured at S-21 and then executed at Choeung Ek.

Mary feels she survived the killing because she was too skinny. She never wants to think about Democratic Kampuchea, but cannot erase it from her memory.

Mary joined the revolution in 1973 after she was persuaded by an official who was collaborating with the Khmer Rouge. She said that after the coup in 1970, a number of officials arrived in her village. One of them was Khieu Samphan's man. The officials came to teach Khmer Rouge revolutionary songs to villagers, particularly juveniles. They then induced the village youths to join the revolution so as to liberate people from poverty and lead the nation to become a pure society. Since the village had no teachers, most of its youths joined the revolution. "We were so poor at the time. We wanted to liberate ourselves from poverty, and voluntarily served the revolution," said Mary.

After joining the Khmer Rouge, Mary was assigned to deliver food to soldiers from Division 12 at the battlefield. This required that she constantly dodge bullets and bombs. Every time bombers

approached, she said, those who did not take cover in the trenches were killed. Some of the dead bodies were cut half. In 1974 Mary learned to use a gun in Prek Daung. Angkar later assigned her to hold a B-40 gun at the battlefield. She fought her way into Phnom Penh along National Road N<sup>o</sup> 1, crossing Prek Pao and Ta Kmao, until Lon Nol's government was defeated. At Prek Pao, she saw many Khmer Rouge soldiers lying dead, but no one bothered to bury them.

When the Khmer Rouge evacuated people from the city, Mary guarded Monivong Bridge. At that time the soldiers, she said, were barbarous. Old people or those unable to walk were shot dead on the spot.

After the city was emptied, Mary and other soldiers were ordered to collect people's goods and store them in a warehouse behind the Royal Palace. A large meeting was convened at the Olympic Stadium on July 22, 1975. At that meeting Division 12 was made part of Division 703 and placed under the control of the general staff of the revolutionary army.

At any grand events celebrated at the stadium, soldiers from Division 703 (including Mary) were responsible for inspecting participants at the gate. She said that security was strictly protected, not even a knife was allowed inside. At that point in time, there were no ordinary people in the city, and, in order to give visiting foreigners a different picture of reality in Democratic Kampuchea, Angkar distributed white shirts and blue pants or skirts to soldiers to wear when welcoming them. Mary confirmed that many places were cleaned up before visitors arrived. She saw many foreign delegations coming to visit Cambodia during Democratic Kampuchea, and she also welcomed King Sihanouk when he returned to the country in September 1975. Her other work included ensuring security in the city, taking a



carry out a tribunal that is bureaucratically streamlined and judicially expedient. Cambodia's Extraordinary Chambers (EC) will not have the same luxury of time and resources that were allocated to its predecessor, the ICTR.

The tribunal for Cambodia is equipped to live up to the United Nations' lofty requisites. The well documented deficiencies that plagued the criminal tribunal for Rwanda will serve as valuable lessons for the Extraordinary Chambers. By heeding the mistakes of the ICTR in Arusha, the EC will be better equipped to produce justice in Cambodia, and provide a blueprint for the world.

While the ICTR has more recently experienced measurable success, the accomplishments of the now 11-year-old tribunal are still in large part overshadowed by its initial difficulties. Several problems besieged the ICTR which the EC must avoid if it is to effectively carry out its mandate. *First*, the ICTR was initially plagued by a poor relationship between the national government and international community. *Second*, excessive costs and fiscal irresponsibility hampered the tribunal's ability to effectively administer justice. *Third*, procedural delays hindered the ICTR's efficiency in handing down decisions and verdicts. *Fourth*, the remoteness of tribunal (it was held outside Rwanda) magnified delays and diminished the impact of the proceedings on daily life.

By acknowledging the weaknesses of the ICTR, the EC will be better prepared to handle the daunting task that lies ahead. The likelihood of bringing about justice and producing accountability rests upon the tribunal's ability to operate effectively and efficiently.

**Strained Relations between the Government and International Community**

**Rwanda:** The relationship between the Rwandan Government and the ICTR has been a tenuous affair. Although the government supported the creation of the ICTR, it disagreed with several aspects of the tribunal. The UN failed to address the Government's concerns with regard to physical

location, temporal jurisdiction, and ban on capital punishment. In addition to not working with the Rwandan Government over the aforementioned concerns, as an exclusively run international tribunal, the ICTR does not directly impact the Rwandan legal profession. When the ICTR completes its objective, the Rwandan legal system will not greatly benefit from the proceedings.

**Cambodia:** In contrast, the Extraordinary Chambers is a product of negotiations between the UN and Cambodian Government. The UN originally sought an internationally run tribunal held in a neighboring country. While a compromise from what the UN originally sought, the hybrid model (a mixed panel of Cambodian and international judges, with the tribunal held in Phnom Penh) will implement a level of domestic involvement absent from the ICTR. In the long run, the participation of Cambodian judges and lawyers in the domestic tribunal will help instill a level of professionalism and impartiality traditionally lacking in the Cambodian legal system.

#### **Excessive Costs and Fiscal Mismanagement**

**Rwanda:** The criticism of the ICTR's outlandish cost serves as a valuable lesson for the EC. In Arusha, the UN was responsible for the construction of suitable courts, offices jails, and housing. The sunken cost of building the necessary infrastructure coupled with general mismanagement resulted in a depletion of the tribunal's budget within the first two years. UN audits of the ICTR revealed that the tribunal had no accounting system and consequently could not produce financial records or expenditure information. The international community will not be as tolerant if money begins to slip through the cracks in Phnom Penh.

**Cambodia:** High standards of efficiency will be required of the Cambodian tribunal in order to stay within its estimated operational budget. Two key factors will help the EC better manage its financial resources. First, little financing for the EC will have to go to construction costs. Unlike the ICTR, where

infrastructure was built from the ground up, the majority of accommodations needed for the Cambodian tribunal already exist. Second, while inaction and fiscal misconduct maligned the ICTR, the EC will be governed by a fixed budget and operational timeframe. The EC's self-imposed restrictions on capital and time will enable the Cambodian tribunal to be more efficient than its Rwandan counterpart.

#### **Judicial Inefficiency and Procedural Delays:**

**Rwanda:** Initially, the ICTR had great difficulty administering justice. Due to the novelty of the international tribunal, the ICTR had to judicially develop a body of law as procedural issues arose. A gap in procedural rules would often lead to mini-trials held within the criminal trial itself. Without precedent to fall back on, the ICTR had to create a new code of criminal procedure as it went along. To make matters worse, the tribunal had difficulty subpoenaing witnesses who must travel great distances from Rwanda. Once arriving in Arusha, things do not get any easier as linguistic barriers among witnesses, judges and lawyers only compound problems in administering justice.

**Cambodia:** Several measures will enable the Cambodian tribunal to avoid many of the procedural delays experience by the ICTR. First, the EC will rely largely on the existing Cambodian legal system to implement procedural rules. Where gaps exist, international precedents will be followed. In effect, the EC will be able to rely on law created by the ICTR. Second, the Chambers will have three official languages: Khmer, English and French. While translations will inevitably have to be made, with Cambodian judges serving on the tribunal, the language barrier will be less burdensome than experienced by the ICTR.

#### **The Remoteness of the Administration of Justice**

**Rwanda:** An additional criticism of the ICTR has been the logistical difficulty of holding the tribunal in a foreign country. In an effort to ensure

impartiality, the Rwandan tribunal was stationed in Arusha. However, the remote location compounded logistical and economic problems. Travel expenses and delays in getting to Arusha added to the tribunal's growing bill. Perhaps even more significant is the fact that Rwandan citizens are not directly exposed to the proceedings. With the tribunal held in a neighboring land, the vast majority of Rwandans must rely on media coverage or less reliable sources for news from the tribunal.

**Cambodia:** Conversely, the EC will be held in Phnom Penh. The tribunal's location within Cambodia will further reduce the potential for the complications experienced by the ICTR. Travel expenses and delays in getting to the proceedings will not hinder the tribunal to the extent seen in Arusha. Perhaps even more importantly, the public will be exposed to the proceedings on a daily basis. Victims, perpetrators, and citizens alike will witness the tribunal's affairs as they unfold. The transparency of the EC and broad public involvement will help ensure the integrity of the tribunal.

#### **What Lies Ahead**

The terms of the EC are a compromise between the conflicting interests of the Cambodian Government and United Nations, which must now coexist. And while the accord to establish the EC is not a direct response to the shortcomings of the ICTR, a number of the EC's provisions will help ensure an easier inception than experienced in Arusha. The citizens of Cambodia have waited long enough. For many, justice will have come too late. But what once seemed a distant hope is finally within reach. Time is of the essence, as the window of opportunity is closing. The remaining Khmer Rouge leadership are only growing older. If justice is to be served, Cambodia can ill afford to wait any longer.

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***Simon O'Connell is a third-year law student at Santa Clara University School of Law.***

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# RWANDA: IS THERE A HOPE FOR THAT PLACE?

*Ah-Jung Lee*

From April to July 1994, Rwanda underwent the most grievous form of violence against humanity: genocide. In less than a hundred days, over 800,000 moderate Hutus and Tutsis perished under the machetes and bullets of the Hutu extremist militias, the government army, as well as their Hutu neighbors. Looking at the case of Rwanda, one often encounters a sense of being overwhelmed: how can we understand how and why such tragedy could occur? Where do we even begin to talk about peace and reconciliation for people with such a dark past? Indeed, we cannot help but ask the ultimate question, “Is there hope for that place?”

This paper explores the ways in which we can begin to answer this ultimate question. In order to prevent this question from becoming a mere expression of intellectual, moral, and emotional resignation, it undertakes an integrative approach: acquiring an analytical understanding of the conflict and, at the same time, struggling with difficult moral, ethnical, and philosophical questions pertaining to justice, forgiveness, and reconciliation. It attempts to identify the causal factors and dynamics of the genocide, so as to articulate what exactly constitutes the past that needs to be buried in Rwanda. This will allow us to conceptualize Rwanda’s past, present, and future in a more concrete way. In addition, by dealing with the gray zones of psychological, moral, and philosophical issues of the genocide and its aftermath, I will demonstrate how conflict resolution and peace-building are not a quick-fix technical operation.

Unfortunately, conventional studies on Rwanda have been largely inadequate in undertaking such an integrative approach and have produced many (dangerous) misconceptions about the Rwandan conflict. First, in examining the causes of the genocide, most of the existing literature has focused on the failure of the international community and has largely

ignored important historical, local, and regional factors and dynamics of the conflict. In this way, the full context of the genocide has not been appreciated. As a result, many have come to believe that Tutsis are the only victims of violence and/or that European colonization is the original source of the ethnic conflict. As well, many questions remain inadequately addressed: How could the genocide be systematically planned within a government supposedly in a “democratic transition”? How and why did hundreds of thousands of ordinary Hutus participate in the killings of their neighbors? What are the linkages, if any, between the conflicts in Rwanda, Uganda, Burundi, and Congo-Zaire, involving ethnic Hutus and Tutsis? Second, the performance of the RPF (Rwandan Patriotic Front)-led government in post-genocide Rwanda has not been adequately scrutinized. Except for several human rights organizations, the international community has largely accepted the new government as morally righteous and has refrained from a more critical and vigorous reporting on the internal politics of Rwanda. Finally, with regards to peace-building, most of the discussions have focused on the judicial aspects of justice and the development of infrastructures, while largely ignoring the psychological, moral, and philosophical dimensions of justice, forgiveness, and reconciliation.

With these problems in mind, this study will examine the question, “Is there hope for Rwanda?” in three sections: In the first section, “Understanding the Past,” I will scrutinize the historical development of ethnic grievances. By examining the context and dynamics of the genocide, I will argue: 1) while colonialism certainly played a crucial role in instituting the seeds of ethnic violence in Rwanda, the RPF version of Rwandan history which romanticizes pre-colonial Rwanda disregards the pre-colonial oppression of the Hutu and also ignores the historical and

moral responsibility of the Tutsi who capitalized on colonial favoritism; 2) the Hutu political leadership merely turned around the agents of privilege and exclusion between the Hutu and the Tutsi and perpetuated a racialized society in post-colonial Rwanda; 3) the civil war with the RPF provided a dynamic context for the genocide through its complex interplay with the economic, social, and political opportunity structures for Hutu extremism in Rwanda; 4) the genocide was neither an exclusively state project nor a spontaneous outburst of ancient ethnic hatred; the designs from above could be implemented only to the extent that they had the resonance and co-operation from below; and 5) the underlying motivation for the perpetrators of the genocide was the desire for power and a profound fear.

The second section, "Understanding the Present (Post-1994)," begins by examining the causes and dynamics of the regional war in eastern Congo-Zaire in order to situate Rwanda's present in a regional context. I will argue that this conflict is the result of a complex interplay between the internal ethnic grievances in Congo-Zaire and the external security threats from and to Rwanda. I will thereby demonstrate that we cannot talk about the "hope for Rwanda" without considering the hope for the entire Great Lake region. Then, I will scrutinize the peace-building efforts in Rwanda since the genocide with particular attention to the question of justice, truth, forgiveness, and reconciliation. I conclude that what the Rwandan government and international community have been doing in the name of peace-building is not only inadequate but also in many respects dangerous for the future of Rwanda.

The final section, "Towards a Hopeful Future," builds on the analytical foundation from the previous sections and will propose what should be done for a hopeful future for Rwanda at the domestic, regional, and international levels, incorporating the moral and philosophical dimensions of peace-building. I will argue that, for better or worse, the greatest responsibility for creating a hopeful future for Rwanda lies in the hands of the current Tutsi-led government.

Though indeed challenging, the government must endeavor to build a common history, to uphold human rights, and to create a common citizenship, so as to break the cycle of violence in Rwanda. Finally, all of these peace-building efforts must be based on a mutual recognition and acceptance of: 1) the need to forgive and to be forgiven, 2) a common destiny, and 3) the long process and limits of peace-building itself.

## UNDERSTANDING THE PAST

### Why is Historical Truth Necessary?

In our quest to find hope for Rwanda, the first imperative is to establish a truthful account of what constitutes its past. As will be shown throughout the paper, the problem of contested history has been at the heart of conflict in Rwanda. Competing versions of history and the historical memories of Tutsis and Hutus have played a crucial role in instigating and legitimizing violence. Suffering from a victim's psychology, both sides have justified their use of violence as a means of ensuring the "never-again," and each round of violence has led to yet another set of victims turning into killers. The popular wisdom tells us that if people don't know their history, they are doomed to repeat it. In the case of Rwanda, however, the reverse is also true: it is those who know their history (or, more specifically, their versions of history) too well who are doomed to repeat it. Thus, before trying to bury the past, we must first resurrect the dead by scrutinizing both versions of history. Without a consensus on why and how the genocide occurred, "burying the past" would not allow Rwanda to move on for a hopeful future. Without truth, there can be no justice; without justice, there can be no reconciliation. In the following section, I will critically examine the history of ethnic conflict so as to contextualize the causes of the genocide in Rwanda. The aim is to show both the legitimacy and falsity of the contesting versions of history and thereby establish a common ground for understanding the past of Rwanda.

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## The Origin and Development of Ethnic Cleavages in Pre-colonial and Colonial Rwanda

According to the Hutu version of Rwandan history, Hutus' fear and hatred of the Tutsi have their roots in centuries of abuse. Indeed, the Hutu Power extremists and perpetrators of the 1994 genocide argued and truly believed – and in many cases still believe – that RPF rule would mean nothing but the return of Tutsi domination comprising “forced labor and feudal servitude.” On the other hand, the post-genocide RPF regime in Kigali has portrayed Rwanda's pre-colonial past as a golden era where the two groups lived in perfect harmony and has presented ethnic divisions as a colonial “invention.” Thus, it is important to scrutinize the origin and development of ethnic cleavages in Rwanda.

The Tutsi, pastoralists, are said to have come to Rwanda around the 15th century. The Tutsi used their cattle and warring skills to consolidate power and prestige. The Hutu worked for the Tutsi as payment for using their cattle, and, over time, a feudal-type class system emerged. The Tutsi claimed that they had the divine ordination to rule over the Hutu and established a Tutsi monarch in central Rwanda. However, as the RPF version notes, the two groups in the pre-colonial era created a single cultural community of Kinyarwanda-speaking people through centuries of cohabitation, intermarriage, and cultural exchange. As well, there existed some social mobility across the occupational categories through a system called *kwihutura*. In this system, Hutus who accumulated more than ten cows were declared to have achieved the political status of a Tutsi and vice versa.

However, such social mobility that *kwihutura* offered affected only a very few number of Hutu elites and, during the 19th century, diminished due to changes in clientship and the nature of land tenure. Before the 19th century, lineages controlled the land over which they had cleared. Thus in early Rwanda, many land chiefs were actually Hutu. However, in the first half of the 19th century, control over the land was transferred to the Tutsi king, who then assigned the land to his closet subjects. In this process,

numerous Hutu cultivators lost their land rights to those who were identified as “Tutsi.”

The social degradation of the Hutu worsened during the reign of King Rwabugiri (1860-95). Rwabugiri labeled all cattle-owning lineages as Tutsi and broke the power of local landowning Hutu lineages. He also instituted a labor service called *uburetwa*, in which the Hutu were forced to do manual labor for the local Tutsi hill-chiefs as “payment” for regaining access to the lands they had lost. As a result, the Hutu – especially the poor ones – were bound by the labor due which, by the time of the Belgian administration, constituted two or even three days out of six. By the late 19th century, as much as half of the Hutu peasants in parts of south-central Rwanda were forced to sell their labor regularly. In the end, *Uburetwa* undermined the livelihood security of Hutu commons and created a serf-like status for the Hutu population. As Mamdani describes, “To be a Tutsi was thus to be in power, near power, or simply to be identified with power – just as to be a Hutu was more and more to be a subject.” Therefore, the Hutu version of Rwandan history and their fears about returning to the age of servitude under the Tutsi are not completely without historical basis.

Of course, the critical role of European colonialism in solidifying the ethnic cleavages in Rwanda cannot be underestimated. Although of little quantitative value, the very existence of social mobility in the pre-colonial era had much social, ideological, and political significance. As well, the lower levels of administration apparatus continued to have a Hutu representation. However, under the German and Belgian colonial administration, even this little social flexibility vanished. Based on their ideology of racial superiority, both Germans and Belgians classified the Tutsi as “superior Africans,” whose tall height, fair complexion, and finer features reminded them of themselves. They even required college applicants to pass a minimum height test. The Belgian administration (1916-1962) also introduced a system of racial identity cards and thereby institutionalized Tutsi dominance. With this favor, the Tutsi aristocracy

monopolized political power, judicial authority, education, and job opportunities. As a result, the colonial role cemented the identity of the Tutsi as colonizers and provided a structural and ideological legitimacy for Hutu to build up their hatred and anger towards the Tutsi. Indeed, the ultimate legacy of colonialism in Rwanda was the construction of two distinctive political identities based on race – Hutu as the indigenous majority and Tutsi as the alien minority.

Nevertheless, it must be emphasized that colonial rule did not create, but rather built upon, the existing structures of racialized society. Moreover, we must recognize the active involvement of the Tutsi elites in the colonial project. For instance, when the Germans decided to rule Rwanda through the Tutsi king, so as to make their administration easier, the Tutsi monarchy took advantage of the German forces to reinforce their own position. They even used guns supplied by Germans to squash the Hutu rebellion. Indeed, to say that the Tutsi were innocent beneficiaries of the colonial rule is to disregard the crucial role of human agency. In conclusion, while colonialism certainly played a crucial role in instituting the seeds of ethnic hatred and violence in Rwanda, the RPF version of Rwandan history, which romanticizes the Rwandan society under the Tutsi domination, not only disregards the pre-colonial oppression of the Hutu but also ignores the historical and moral responsibility of the Tutsi for capitalizing on their favorable positions during the colonial period.

### **The Legacy of the 1959 Revolution and the First Republic**

Acknowledging the legitimacy of the historical memories of the Hutu about the racial discrimination in both pre-colonial and colonial society leads us to the question of the legitimacy of the 1959 Hutu Revolution. The 1959 Revolution is a crucial time in Rwandan history around which the Hutu and Tutsi middle class have opposite and adversarial historical memories. While the Tutsi remember the colonial period as the time of their climb to the middle-class, the Hutu remember the Revolution as the period of

emancipation from the colonial frustration and servitude. Thus, articulating the meaning of the Revolution for Rwandans – both Hutu and Tutsi – is crucial for establishing a common history.

Although the current RPF-led government of Rwanda condemns the Revolution as “anti-Tutsi,” we must recognize the historical legitimacy of the Revolution for giving the majority freedom of labor and control over the allocation of land. In a sense, the Revolution was almost an inevitable response from the Hutu. When independence became plausible, the Tutsi-dominated High Council did not hide its intention to perpetuate Tutsi dominance; it called for an urgent training of the Tutsi elite in preparation for self-government. As a counter measure, the Hutu leaders drew up the Manifesto of the Bahutu and sought to end the Tutsi monopoly of political power in independent Rwanda. When the Hutu rose up in 1959, the Tutsi initially scrambled to hold onto power by killing any Hutu that posed a threat to them. However, the Hutu majority prevailed in the end: the Hutu extremist party, PARMEHUTU, seized political power, and hundreds of thousands of Tutsi refugees fled into neighboring countries.

According to such sources as Human Rights Watch, the Revolution resulted in the massacre of as many as 20,000 Tutsis and thereby planted the seed for genocidal violence in Rwanda. However, what shaped the grim political future for Rwanda was not the revolution itself but rather the brutal response of the First Republic to the subsequent Tutsi attempt to regain political power. In order to legitimize its political power, the PARMEHUTU, the Republic’s governing party, adopted ethnocentric policies and placed a severe repression on its Tutsi population. To be sure, such policies were not completely without grounds. Between 1961 and 1966, the Tutsi militants launched 10 major attacks from Uganda, Tanzania, Burundi, and Zaire. After each attack, the PARMEHUTU intensified its Tutsi witch-hunt. Furthermore, the Tutsi atrocities in neighboring Burundi exacerbated the Tutsi paranoia in Rwanda.

As in Rwanda, the Tutsi in Burundi had long

monopolized the political power over the Hutu majority. In the late 60s and 70s, however, their position seemed less and less secure against the growing Hutu resistance. To eliminate such a threat, the Burundian Tutsi killed over 250,000 Hutu elites and school children over a period of three months in 1972. In response to this “selective genocide,” the anti-Tutsi violence in Rwanda reached new heights. The ensuing social instability was so great that the PARMEHUTU government fell after a military coup initiated by Habyarimana.

However, even if we acknowledge the plight of the Hutu in both pre-colonial and colonial Rwanda, the historical legitimacy of the 1959 Revolution, and the security threats that the First Republic faced, we must not conceptualize the ethnic violence during the First Republic as an *inevitable* outcome of historical grievances. In retrospect, the 1959 Revolution and the institution of the First Republic of Rwanda in 1962 could have been a positive turning point in Rwandan history, had it ended Tutsi privilege and constructed a common citizenship for independent Rwanda. However, instead of dismantling the legacy of colonialism, the First Republic built upon and reinforced exclusive, racialized political identities in the name of justice. For example, the declaration of Hutu independence in 1959 was called “the Bahutu Manifesto,” not “The Rwandan Manifesto.” The document declared that the heart of the problem in Rwanda was “the conflict between Hutu and Hamitic – i.e., foreign – Tutsi” and called for a double liberation of the Hutu from both the “Hamites” (aliens) and “Bazungu” (whites) colonization. As well, the First Republic turned the search for justice into revenge. In post-1959 Rwanda, Tutsis were prohibited from participating in politics as Rwandans, and those who tried, regardless of their motivations, were repressed or killed. As well, the PARMEHUTU nurtured and exacerbated the exclusive identities as a means to strengthen and legitimize their political power. In the end, the Hutu political leadership merely turned around the agents of privilege and exclusion, and perpetuated a racialized society in post-colonial

Rwanda.

Like so many other regimes in the immediate aftermath of decolonization, the First Republic of Rwanda largely failed to deliver its promises to its citizens. Along with continuing economic problems, the paranoid repression of the Tutsi produced massive social unrest. Thus, when Habyarimana established the Second Republic in 1972, he initially attempted to incorporate the need for reconciliation into the question of justice; he understood the detrimental impact of ethnic violence on political stability in Rwanda. As a first step, the Habyariman regime changed the definition of the Tutsi from a non-indigenous (or “alien”) *race* to an indigenous *ethnic group* and began to discuss Tutsi rights as “minority rights.” Such a change in political language had enormous significance since it signified recognition of the Tutsi as legitimate members of Rwandan society. In other words, it acknowledged the existence of a common political past, present, and future for the Tutsi and the Hutu. However, such hope for national reconciliation was short-lived. In the end, Habyarimana’s regime played the very ethnic card to the point where its extremist elements *chose* genocide as a “rational” means to achieve its political objectives. To make sense of this dramatic – and tragic – political development of the Second Republic, we must now examine the causes and dynamics of the civil war, which started with the invasion of the RPF in October 1990.

As the following sections demonstrate, without situating the genocide in the context of the civil war, we can never fully appreciate how the unthinkable – the genocide – became thinkable in Rwanda. To account for the outbreak of the civil war, we must now go beyond the borders of Rwanda and look at internal developments in Uganda with particular attention to the conflict over citizenship and rights. As will become clear, without examining the regional factors and their complex interplay with the internal dynamics of Rwanda, we can neither understand the causes of the genocide nor formulate the strategies of conflict resolution.



Then, how did the RPF come to the conclusion that its only salvation lay in the armed return to Rwanda? The trigger came from the squatter-rancher struggle in Southern Uganda in which indigenous squatters organized an uprising against the government, which they viewed as favoring the nonindigenous Banyarwanda squatters. To undermine Museveni, the opposition then used this issue to place the question of ethnicity and indigeneity at the center of the political debate. Cornered, Museveni then revoked common citizenship for the Banyarwanda people and thereby made them into vulnerable foreigners once again. As Mamdani explains, the “immediate consequence of the squatter uprising was to swing the balance of opinion, among both refugee commoners and refugee leaders, decisively against naturalization in the countries of their residence and tilt it in favor of an armed return to Rwanda.”

This armed return was the RPF invasion of October 1990, which marked the beginning of the civil war in Rwanda. Museveni supported the RPF invasion, but on the condition that there be no return, so as to eliminate political complications for himself. Once the war began, Ugandans resented the RPF for using Uganda as a base for attacking their home country, and the anti-Rwandan sentiment became even stronger in Uganda. As a result, the RPF was left with no option but to continue to push into Rwanda with a grim determination to find their political future.

### Opportunity Structures for Political Extremism in Rwanda

The civil war with the RPF, however, could become a *dynamic context* for the genocide only through a complex interplay with the internal dynamics in Rwanda. In order to understand these internal dynamics, let us first examine the opportunity structures for political extremism in Rwanda at the time of and during the civil war. As will become clear, opportunistic Hutu elites transformed the social, economic, and political crisis in Rwanda into a systematic scapegoating of the Tutsi and used the

civil war with the RPF as a tool to strengthen and legitimize their manipulation.

***Resource scarcity and the role of “institutionalized confusion” about identity, rights, and legitimacy.*** Between 1940 and 1991, the population of Rwanda grew from 2 million to 7.15 million. By the early 1990s, there was no more arable land to claim, and the population density per square kilometer of arable land reached a staggering number of 422. As in Uganda, laws regarding land ownership in Rwanda were largely open to interpretation. The combination of land scarcity and ambiguous laws created an “institutionalized confusion” over people’s past, their identities and rights in Rwanda: People began to question, “Where do my neighbors come from? Who are they and what rights do they have, really? Aren’t they cultivating the land my ancestors once owned?” As a result, disputes over land ownership increased, and the list of social categories barred from land holdings rapidly grew.

Opportunistic Hutu elites then used this institutionalized confusion as an instrument to reframe the conflict from class to ethnic/racial struggle, so as to gain the loyalty of the poor. In the early 1990s, the Hutu elites took advantage of the illegal land market boom and bought up much of the arable land from the poor at low prices. Then, they labeled the Tutsi as “aliens” who took over Hutus’ rightful land and thereby redirected resentment of the poor towards the Tutsi. Civil war with the RPF only added legitimacy and momentum to such scapegoating of the Tutsi. Astonishingly enough, landless Hutus began to internalize the Hutu Power doctrine that the Tutsis, who had lived in Rwanda since the 15<sup>th</sup> century, should be sent back to their (imagined) homeland in Ethiopia.

***Economic collapse and the IMF/WB policies.*** Accompanying the land scarcity was the economic collapse and the extremely unpopular structural adjustment programs (SAPs) of the International Monetary Fund (IMF) and World Bank (WB). After a decade of steady economic growth and increased expectations, Rwanda fell into a severe economic

recession in the late 1980s. Poor harvests and the influx of refugees from Burundi in 1988 led to the collapse of the government's price stabilization scheme. In 1989, the collapse of the international coffee price (due to political pressures from Washington on behalf of the large US coffee traders) devastated over 60% of Rwanda's small land holders who grew coffee. Just three months before the RPF invasion in October 1990, the Habyarimana regime, under heavy pressure from the EEC, accepted the SAPs, which immediately induced high inflation rates and massive unemployment. Then, Rwandans condemned the regime for "selling out" Rwanda to the Paris Club of creditor nations, the EC, and the WB.

The civil war with the RPF ruined the already-battered economy by destroying the infrastructure and displacing tens of thousands of people. By the end of 1993, one out of every seven Rwandans was living in camps and was suffering from serious malnutrition and disease. The acute poverty and the economic chaos produced a social layer of poor, restless, and easy-to-manipulate young thugs, and extremist Hutu elites conveniently recruited them for militias. The most famous example was the *Interahamwe*, or "those who attack together," created in early 1992, which later served as a key instrument of the genocide. As well, opportunistic politicians used the civil war as a tool to redirect public hatred from the SAPs (that is, themselves) to the RPF and the Tutsi, the "enemy within," whom they portrayed as aristocratic and privileged. In reality, however, such an image was largely invented: the privileged class was Hutu, especially those from President Habyarimana's Northwestern region, not the Tutsis. Nevertheless, ethnic politics triumphed over reality. As Timothy Longman found, killings during the genocide were more "intimate" in regions where socio-economic disparities were wide and the frustrations of the landless were great.

### **The Decline of the Habyarimana Regime and the Curse of Democracy**

At the national political level, the civil war with

the RPF polarized Rwandan politics and galvanized the Hutu extremist movement. Through the strategy of reducing ethnic tensions and focusing more on economic development, Habyarimana's ruling party, the Mouvement Democratique Republicain (MRND) initially enjoyed much popular and international support. However, surmounting economic problems in the late 1980s and the political reform movement, which began to sweep through the country in the early 1990s, threatened its monopoly of power. The RPF attack on 1 October 1990, therefore, gave the regime a welcome opportunity to regain their legitimacy as the defender of the nation in the face of a Tutsi threat.

As discussed earlier, President Habyarimana initially spoke of the Tutsi as an ethnic minority rather than an alien race, and such a change in the political language provided a huge potential for national reconciliation. For instance, during the PARMEHUTU years, much of the Hutu population supported the ideology of Hutu Power, which declared that the Hutu were not just a democratic majority but the Rwanda *nation* itself. However, by the late 1980s, after fifteen years of the Second Republic, only a fraction of the Hutu population supported this ideology. Then, the civil war fostered the resurgence of the Hutu Power and polarized the political class into two hostile camps: the Hutu Power extremists and moderates, who supported power-sharing arrangements with the RPF.

Ironically enough, the democratization process in the early 1990s facilitated the growth of the Hutu Power in Rwanda. At the same time that the Rwandan government adopted SAPs, the international donor community pushed the government into instituting a multi-party democracy. In the midst of civil war, however, multiparty competition put Rwanda in a state of a permanent tension and provided the Hutu Power a *legal* space to organize its own institutions and to develop the capacity for independent political initiative. In other words, imposed democracy in the context of the civil war became a political curse to the moderates in Rwanda.

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### Accounting for the Genocide: Motivations and Dynamics

*The failure of the Arusha Accords and the political crisis in Burundi.* The defining moment for Hutu Power in Rwandan politics was the Arusha Peace Accords, signed by the Rwandan government and the RPF in August 1993. The Accords, however, were doomed from the outset as they failed to incorporate the interests of the growing extremist faction. For example, the provision on merging the two armies allowed the RPF to provide 50% of the new national army. However, given the fact that the Rwandan army had been enlarged by six times since 1990, this essentially meant giving a massive unemployment notice to the Hutu soldiers in the Rwandan army, especially to the youth, in order to make room for the RPF Tutsi soldiers. The Accords also put the RPF in charge of the important Ministry of the Interior, and, most significantly, gave no seats in the parliament for the Hutu extremist party. Such an exclusion from political power only galvanized the extremists' efforts to abrogate the Arusha peace and to eliminate the moderate Hutus and Tutsis who supported the peace. By portraying the opposition parties as sympathetic to the RPF and labeling them as the betrayers of the nation, the Hutu Power succeeded in convincing a large portion of the population to discredit the moderate Hutus. Indeed, the Arusha Accords were tantamount to political suicide for Habyarimana; the Hutu extremists charged him with treason, and thus the fate of his more moderate politics was effectively sealed. To make things worse, without providing any realistic means to implement such an unpopular peace, the international community pressured the already-paralyzed government into implementing the peace right away, threatening that it would otherwise suspend credits to Rwanda. As Pander explains, this made Rwanda "a country with a gun pointed at its head by the RPF, the US, Belgium, Britain, the UN, the WB and the IMF."

The final moment for the extremists came with the assassination of the Hutu president of Burundi, Melchior Ndadaye. In post-1959 era, Rwanda

looked at Burundi as a real-life portrayal of what it would be like to continue to live under Tutsi domination. As previously discussed, the massacre of 200,000 Hutu schoolchildren and intellectuals in 1972 generated a new wave of volcanic ethnic violence against the Tutsi in Rwanda. Thus, when Ndadaye was elected as the first Hutu president in Burundi in 1993, many Rwandans saw it as a promise for the future – a hope for a peaceful co-existence of the Hutu and the Tutsi. However, only two months after the signing of the Arusha Accords, elements from the all-Tutsi army assassinated Ndadaye, generating another wave of political violence, and some 200,000 Hutu refugees fled to Rwanda. In the eyes of Hutu politicians, the message was simple and clear: "History had ruled out political coexistence between Hutu and Tutsi." As a result, the crisis in Burundi led to a full-scale political realignment: a large proportion of the formerly moderate Hutu politicians joined the Hutu Power, and thus the remaining moderates and Tutsi politicians became all the more isolated.

*Political engineering of the genocide.* However, explaining the growth of the genocidal tendency in the context of the Arusha Accords and the crisis in Burundi is not to suggest that the genocide was an inevitable political outcome. To do so would be to disregard the crucial role of human agency and the moral responsibility of the genocidaires. The Hutu Power proponents *chose* genocide as a "rational" means to achieve their political objectives: to eliminate all Tutsis – who were presumed to be supporters of the RPF – and moderate Hutus who supported the power-sharing arrangements of the Arusha Accords as the solution to the civil war. In the words of Mamdani, the "*genocidaires* chose to embrace death itself as an alternative to life without power. Once this decision was made, they systematically planned, organized, and facilitated the killings – they created and expanded the militia, imported firearms and machetes, and trained young men to attack the enemy." According to René Lemarchand, the institutional apparatus of the genocide was already



Nevertheless, the mass scale and the grim nature of the popular participation in Rwandan genocide cannot be dismissed.

**Accounting for popular participation.** Then, how can we explain such active participation of ordinary Hutus in the genocide? Atrocity cannot be its own explanation. Scrutinizing the motivations behind the killings is crucial if we want to find a way to resolve the conflict and to prevent such tragedy from repeating in the future.

Before presenting the viewpoint of this study, let me first scrutinize and refute four main alternative explanations. 1) *Manifestation of a dark human nature.* If we say that human nature was the necessary and sufficient cause of such mass violence as the genocide, there can be little or no hope for Rwanda, or any other place in the world for that matter, since human nature cannot be easily changed. As well, it does not account for the organizational aspect of the genocide. 2) *An outcome of a desperate bid for survival at each other's expense.* As discussed in the previous section, Rwanda since 1984 had indeed suffered from a dramatic population increase, land scarcity, and diminishing food production. If we take this argument, however, the world should see a plethora of the genocidal violence since there are many countries with even more serious problems of resource scarcity. 3) *Self-interest opportunism.* As Alison Des Forges of Human Rights Watch documented, many poor Hutus indeed responded to the material incentives (their neighbors' land and goods) that the authority offered. However, this argument cannot explain why so many perpetrators displayed such extraordinary zeal for the killings even when there was no promise of reward. Moreover, it contradicts the fact that many Hutus risked their own lives to save the Tutsis. 4) *Blind obedience to authority.* For example, Gerard Prunier describes the Rwandan political tradition as the "one of systematic, centralized and unconditional obedience to authority." Supporting this claim, a Hutu lawyer claimed, "people revere power, and there isn't enough education. You take a poor, ignorant population, and give them arms,

and say, 'It's yours. Kill.' They'll obey." However, this notion of an unthinking participant fails to recognize the fundamental role of human agency in any human action: However small it may be, there is always an element of choice in every possible situation.

To be sure, though not a necessary and sufficient explanation, each of these four explanations does provide a partial account for the violence. Violent conflict is almost always an outcome of multiple causal factors, each reinforcing the other. What I am trying to emphasize here, however, is that none of these explanations satisfies our initial and deeply troubling question, "how could a still small number of *genocidaires* convince hundreds of thousands of people to participate in mass slaughter with such conviction and zeal?"

As Mamdani noted, "atrocity cannot be its own explanation...to be made thinkable, it needs to be *historicized*." Indeed, in order to make sense of the popular participation, we must go back to the problem of history/historical memory and identity-making, and examine how it affected the way the genocide perpetrators perceived the nature of the conflict. At the time of the genocide, the Hutu middle class was the proud inheritor of the 1959 Revolution, which they remembered as liberation from the life of servitude under Tutsi domination. Thanks to the paranoid ethnic politics of the First Republic, the historical memory of the hardships under the Tutsi domination remained vibrant in post-colonial Rwanda. Therefore, when the Hutu middle class called for greater democratic rights in the late 1980s, they did so based on the assumption that they had forever secured the gains of the revolution, which meant "a future for the Hutu, synonymous with the existence and the expansion of a Hutu middle class."

Then, the civil war with the RPF destroyed such certainty. For instance, Foreign Minister Caimir Bizimungu in October 1990 declared that the purpose of the RPF invasion was to bring about a "reversal of history" or annulment of the 1959 Revolution. Catharine and David Newbury noted in their interview with Hutu refugees in Tanzania in







context. Indeed, we cannot talk about the “hope for Rwanda” without considering the hope for the entire Great Lake region, particularly the DRC. In the next section, I scrutinize the peace-building efforts in Rwanda since the genocide with particular attention to the questions of justice, truth, forgiveness, and reconciliation.

### **The Legacy of the Genocide and the Challenges to Peace-building**

The genocide had a profound, devastating, and enduring impact on Rwanda. Although more than eight years have passed, its legacy still breathes in every aspect of social, economic, political, and personal lives of eight million Rwandan people. Besides up to one million deaths, the genocide impelled three million people to flee to neighboring countries, resulting in the displacement of over one million people. In refugee camps, thousands of Hutus died of hunger, disease, and violence. As the United States Department of State described, “the 1994 genocide destroyed the country’s social fabric, human resource base, institutional capacity, and economic and social infrastructure.” As a consequence of the large-scale population movement and the systematic use of rape as a weapon, the prevalence of HIV has also dramatically increased, reaching a national infection rate of 11.2% in 2001.

The violence also traumatized the Rwandese people, shattered their confidence in moral order, and deepened the ethnic cleavages, exacerbating the situation of living in distrust, fear, and anger. As *Medicins sans Frontières* noted, “To be a Tutsi or a Hutu means remembering who killed your parents ...and imagining who might kill your own child in ten years time.” Moreover, the children born of the systematic rape during the genocide – according to the UN, the number of rape cases ranges from 250,000 to 500,000 – are living reminders of the genocidal horror and suffer from a life-long challenge of dealing with the problem of evil in their very existence. To make matters worse, many Hutus responsible for the genocide are not sorry for their

crimes and continue to believe that they did their people a service by killing the “cockroaches.”

Indeed, the ultimate effect of the extremist propaganda was to dehumanize the Tutsi and thereby to legitimize violence. The internalized hatred and moral righteousness of the perpetrators did not vanish with the RPF victory but continue to poison Rwandan society. On the part of the victims, the genocide created many “ghost people.” Although some people would say that they are lucky to be alive, survivors of the genocide often express the depth of their agony of not knowing why they are still alive and wish that they had died with their families and friends. Indeed, one can only imagine the challenge of carrying on with life when the skeletons of their loved ones still lay in neighborhood churches.

### **Various Peace-building Efforts in Rwanda**

In order to deal with the horrendous legacy of the genocide, both the Rwandan government and the international community have made various efforts in the last eight years. First, the Rwandan government has achieved a remarkable success in rehabilitating the state and its structures such as the local and national administrative structures, the education system, and the communal police force. Through its Ministry of Rehabilitation of Those Displaced by War and Demobilization, the government also sought to organize and to facilitate the return of refugees. As well, the National Commission on Unity and Reconciliation (NCUR) has been active in conducting civic education, mediating conflicts, organizing community reconciliation initiatives, and operating “solidarity camps,” where citizens receive political reeducation and learn about the government’s vision of the new Rwandan society. The government has also undertaken important legal reforms and trained a significant number of judges, prosecutors, and administrative personnel. Notably, the *Avocats sans Frontières* project has helped to organize and provide both Rwandese and international lawyers to represent those who have been accused of perpetrating the genocide. As well, countless civil

society groups have become involved in various aspects of peace-building. Women's groups in particular have played a critical role in undertaking numerous reconciliation programs. The National University of Rwanda and community organizations have also organized conferences and symposiums on the issue of genocide and peace-building.

Furthermore, given its usual apathy towards Africa, the international community has invested a remarkable amount of resources in peace-building in Rwanda. Numerous UN agencies and international non-governmental organizations such as OXFAM helped to rebuild the physical infrastructure, including bridges, roads, and water and electrical systems. They have also provided medical treatment, trauma counseling, housing construction, and children's services, particularly for orphans, rape victims, and widows. The international donor community – especially the WB – has also given quite extensive funding to help to foster economic growth in Rwanda. On the judicial side, the UN Security Council Resolution 955 of 8 November 1994 created the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. The ICTR was given the mandate not only to prosecute the perpetrators of the genocide but also to “contribute to the process of national reconciliation and to the restoration and maintenance of peace.”

### Evaluation

In order to help evaluate the peace-building efforts in Rwanda, the following three questions may be helpful: *First*, how can the people of Rwanda pursue justice in such a way that it enacts both a “just forgiveness” and a “forgiving justice”? This question essentially highlights the challenge of finding a balance between “retributive” and “restorative” justice.” The former is based on vengeance while the latter implicates the restoration of not only victims but also the perpetrators. *Second*, how can the Rwandese remember the past yet avoid burying themselves in the past? How can they prevent the memory of the past from poisoning the present and

future? In the earlier sections of this paper, I discussed how historical memory played a crucial role in instigating the cycle of violence in Rwanda. Thus, it is important to consider the ways of constructive truth-telling and the question of political forgiveness. *Finally*, how can the Tutsis and Hutus restore their common humanity? What kind of political arrangements can be made to foster such recognition? Reflecting on these questions, I will argue in the following that what the Rwandan government and the international community have been doing in the name of peace-building is not only inadequate but also in many respects dangerous for the future of Rwanda.

**Victor's justice.** First, the Rwandan government has overall pursued a retributive or victor's justice in post-genocide Rwanda. After taking over Kigali in August 1994, the RPF-led government initially made impressive efforts to distinguish itself from its genocidal predecessor. It included Hutu in the senior ranks of its ministries, encouraged Hutu refugees to return home, and declared that the new regime would be based on the principles of tolerance, coexistence, and respect for human rights. However, these ideals were short-lived. First of all, despite the government's claim that it represents all Rwandans, it is still ruled by the Tutsi-led RPF. While the more visible high-level leadership includes some Hutus, the Tutsi still dominates the middle and lower levels of government, which have a more direct contact with the population. As well, many Hutu politicians have been either pressured to leave politics or have resigned out of frustrations with the Tutsi domination. Most notably, the Hutu president, Pasteur Bizimungu, resigned in March 2000. The government has also ensured a nominal Hutu presence in civic organizations such as the media and NGOs. As a result, the Tutsi have dominated key positions of the Rwandan civil society, especially in the areas that have political influence. The RPF and Tutsi dominance, in turn, reduced the effectiveness of various peace-building programs, which the Hutu perceive to be biased in favor of the Tutsi.

As well, the government of Rwanda has created



a second-class citizenship for the Hutu through its political language and policies. Although many moderate Hutus were victimized during the genocide, the government has identified only the Tutsi genocide survivors as living victims, thereby suggesting that every living Hutu is morally – if not legally – guilty of the crime of genocide. Based on this moral hierarchy, the government has often denied assistance in home construction to Hutu returnees and favored the Tutsi returnees in land allocations.

Moreover, the post-genocide Rwandan government has perpetuated human rights violations against its Hutu citizens in the name of security. Its security crackdowns in the aftermath of the genocide involved killings of not only Hutu extremists but also tens of thousands of unarmed Hutu civilians. Some of these killings appear to have been motivated by vengeance or by a desire to demonstrate its new political power and thereby to gain obedience from the population. According to UN monitors, government forces killed 8,000 Hutus in 1997 alone. As well, while it dispatched a National Unity and Reconciliation Commission around the countryside with an aim to bring the Hutu and Tutsi together, the government continued to use arbitrary arrests and imprisonment to intimidate and control the Hutu majority. The government has also persecuted journalists and human rights activists who have pushed for the prosecution of those government army officials who are responsible for civilian massacres (e.g., in the refugee camps in Kibeho) after the genocide. For example, when the United Nations High Commission for Human Rights' field operation in Rwanda (HRFOR) began to report on human rights abuses by the current government, the Rwandan government responded by expelling the HRFOR in 1997. Finally, the Rwandan government has well utilized the guilt the international community feels about its failure to intervene in 1994 to its advantage. It has insisted that outsiders have no right to judge what is happening in Rwanda and thereby sought to discourage or dismiss criticisms from abroad.

***Perversion of history.*** As I argued in the first section of the study, the Tutsi have not always been

peace-loving victims; over the years, they have committed a long list of atrocities of their own, both in Rwanda and neighboring countries (i.e., Burundi). Ethnic grievances against the Hutu were already present in pre-colonial Rwanda, and the Tutsi elites bear the historical responsibility for capitalizing on the favor of the European colonizers. However, the RPF-led regime in post-genocide Rwanda has perverted Rwandan history, so as to justify the Tutsi minority rule in contemporary Rwanda. The RPF version of Rwandan history presents ethnic cleavages as a colonial “invention” and portrays Rwanda’s pre-colonial past as a golden era where two groups lived in perfect harmony. In discussing the 1959 Revolution, it does not acknowledge its historical legitimacy and focuses only on the aspect of violence against the Tutsi.

The government has also done a remarkable job in propagating this perverted history. First, taking advantage of the international guilt for failing to intervene in the genocide, the RPF regime has taken an intellectual and moral monopoly on the historical interpretation and propagated its version of history to the world, misleading many journalists and novice academics in the region. Domestically, the government has organized and operated “solidarity camps” or *ingando* since 1996 as an integral part of its peace-building efforts. These camps include “extensive education programs, with presentations on Rwandan history and politics that seek to promote the RPF’s vision of national unity.” The government has made attendance in *ingando* a requirement for all students entering university, government officials, and military personnel. On the surface, such programs seem innocuous – what a great peace-building project, one may conclude. However, the troubling fact is that RPF’s version of history and its vision of national unity based on this particular version may not be conducive to a long-lasting peace in Rwanda. As I have shown throughout the study, conflicting historical memories of the Hutu and the Tutsi have played a crucial role in inciting and legitimizing hatred and violence, as they define victims and perpetrators



of Hutu moderates, who have been ravaged by the genocide in the same way as Tutsi families, are not considered 'true' survivors because they are seen as tainted by the general guilt of the Hutu in post-genocide Rwanda."

Moreover, as Amnesty International argued, the legislation establishing the Gacaca Jurisdictions fails to guarantee minimum fair trial standards that are guaranteed by international treaties ratified by the Rwandese government. In this situation, the top-down measures to impose collective truth-telling, reconciliation, and forgiveness through the *gacaca* are bound to be not only unsuccessful but also potentially dangerous for Rwanda's future.

*The International Criminal Tribunal for Rwanda (ICTR)*. Despite the initial ideals and high hopes, the ICTR has proved to be a disappointment to many Rwandans. The tribunal has been criticized for its *ad hoc* nature, slow proceedings (in seven and a half years, the ICTR tried nine individuals), mismanagement, sloppiness, and legal incompetence. Martin Ngoga, Rwanda's representative to the tribunal, lamented: "the Tribunal is staffed with qualified personnel lacking one essential thing: they have never been to Rwanda." Moreover, the tribunal has been so far from Rwandan realities that it had not made an impression of delivering justice that is truly Rwandan. As journalist Elizabeth Neuffer noted, "Despite regular broadcasts by *Radio Rwanda*, the trials seemed remote and incomprehensible...Rwandans craved a justice as intimate as the genocide." As well, testifying at the tribunal often left people isolated and afraid of reprisals in their communities. Based on the interviews that Neuffer conducted, the local Hutus refused to sell food to the Tutsi testifiers, turned down their sick children at the hospitals, or sent threatening letters. These testifiers were even shunned by their Tutsi neighbors who were afraid of suffering the same consequences by associating with them.

Indeed, without appreciating such social realities, the tribunal has often exacerbated the living situations of the survivors. It has also done little to

address the social and economic side of justice. We must remember that the genocide is not only a crime but also a social and economic condition for Rwandans. With their homes destroyed and family members killed, the genocide survivors, especially women, have very few means of making a living. A Tutsi woman who testified in the court thus exclaimed, "How can a woman who has lost all her family reconcile with those in jail who still have someone to bring them food, to talk with?" Another one declared, "There is no justice because Akayesu [the accused] lives better than us. He doesn't have any problem: He eats, he has his family. But those of us who are survivors have no family and have nothing to eat." To assuage these concerns, the Court in 1999 finally got \$300,000 from the UN and other donor countries to provide medical aid, counseling, and other assistance for its witnesses. However, a majority of the survivors still do not believe that the tribunal has the power to bring healing and reconciliation. As well, many disillusioned staff members of the court have concluded that the tribunal has neither the resources nor the ability to deliver justice.

Of course, I am not arguing here that the tribunal is nothing but useless. In some cases, it has provided a sense of empowerment for some survivors. For example, after testifying at the court, three female Tutsi witnesses told Neuffer that, although the justice delivered by the tribunal was not the kind of justice they wanted or even understood, participating in the trial still made them feel stronger in the knowledge that they had an international court to tell their stories. As well, the ICTR, for the first time in history, recognized rape as a weapon of genocide, and this constitutes a very significant precedent in international law. The point here, however, is that we cannot assume an automatic cause-and-effect relationship between court proceedings and healing.

## TOWARDS A HOPEFUL FUTURE

So far, this study has critically examined what constitutes the past and the present of Rwanda, so as establish an analytical foundation to deal with



corporate identity.

**Upholding human rights.** Justice must be *seen* to be done. Without respecting human rights, the government of Rwanda cannot achieve its laudable objectives of ending impunity and restoring the social fabric. While the government indeed has some legitimate security concerns, it should not take them as a free license to repress human rights activists and to arrest or detain its citizens without evidence. For restoration and reconciliation, people of Rwanda must feel that they own the process of justice, and this requires the government's commitment to protect the fundamental human rights of all of its citizens. As a first step, the government must improve its treatment of prisoners as soon as possible. Even if some or many of the prisoners are guilty of their crimes, treating them like animals is not a way to deliver justice.

**Creating common citizenship through power-sharing.** Leading up to the genocide, the extremist government and hundreds of thousands of its followers imagined that they would somehow make the world a better place by annihilating the Tutsi and moderate Hutus. In the same way, if the current RPF-led government continues to imagine that it can establish a just and peaceful society by excluding the Hutu from political power forever, it may see yet another cycle of violence.

The Rwandan government must try, however difficult it may be, to constitute a truly equal citizenship through which people of Rwanda can identify themselves as simply "Rwandese," once for all. As Mamdani concludes, "without a reform in power, one that recognizes both the importance of a majority in politics and the need for fearful minorities to participate in the exercise of power, there can be no sustained reconciliation between the Hutu and the Tutsi."

### Moral and Philosophical Foundation of Peace-building in Rwanda

Finally, all of these peace-building efforts must be based on mutual acceptance of the need

to forgive and to be forgiven, a common destiny, and limitations of human justice itself.

First of all, in order to get out of the vicious cycle of the victims-turning into-killers, the Tutsis and Hutus need to acknowledge the wrongs perpetrated by both sides and accept the need to forgive and to be forgiven. With vengeance, no one will be righteous or alive in the end. As a Tutsi man whose family lay as skulls in a church in Nyamata explained, "The killers must be punished, or else we will be forced to take justice into our own hands. But, if we do that, there'll be no difference between us and them."

Then, how do we conceptualize forgiveness? In Christian theology, human beings are equal not only in dignity but also in sinfulness. In practice, it implies that in judging others, we must consider the accused as one of our own and refuse to see ourselves as morally righteous. Some people may object to using the notion of forgiveness in politics because of its religious implications. However, one does not need complex theological arguments to see both the wisdom and *utility* of forgiveness. As Robert Frost wrote in his poem "The Star Splitter," "If we started ruling each other out for the least sin, we'd soon have no one to live with, for *to be social is to be forgiving*" (italics added). Forgiveness is not a one-way street; rather, it is about creating a new relationship between the parties involved. Forgiveness does not mean simplistic non-judgmentalness or cheap grace, but rather involves an active recognition of real wrongs, sins, evil deeds, and historic injustices. This recognition, in turn, necessitates a certain amount of what Jean Bethke Elshtain calls "knowing forgetting" or a "relinquishment of the full burden of the past in order to envisage an altered horizon of expectations for the future." In other words, forgiveness entails an active assessment of how much the past should frame, shape, and influence the present along with a conscious decision not to be determined by the past.

One illustrative example of political forgiveness comes from President Vaclav Havel of the Czech

Republic. Haval acknowledged and condemned the killings and the expulsion of Germans from Sudetenland in 1945, which Czechs took on as revenge for the German atrocities during WWII. As Elsham puts it, his essential message was, "We Czechs, although we were victims, also knew sin." In turn, Germans apologized for Nazi "policies of violence." In this case, neither the Czech nor the German government provided material compensation for the victims or the descendents of the victims for the crimes they acknowledged. Nonetheless, the public acknowledgements still had an enormous significance because they established a convergence of German and Czech history and thereby marked a starting point for a common future. Such a gesture can be adopted in Rwanda as well.

In addition to mutual forgiveness, recognition of a common destiny is essential for reconciliation in Rwanda. In the final pages of the book *McTeague* by Frank Norris, two men, once best friends, meet and fight in the vast desert. One kills the other, but the dead man in his final struggle has handcuffed his wrist to his friend, with no key to be found. As in this scene, the Hutu and the Tutsi are handcuffed together in a common fate: one may suppress and even attempt to annihilate the other, but the key to a hopeful future can be found only by ensuring mutual survival. Indeed, two groups must accept this common destiny and move forward with a determination to bring life to their future.

Finally, in order to have hope for Rwanda, we must accept the fact that the ultimate goals in peace-building – justice, peace, forgiveness, and reconciliation – can only be achieved through a long process; peace-building is a task of many lifetimes. The people who are alive today may never see or experience the full fruits of their peace efforts. The survivors of the genocide – again, both Tutsis and Hutus – may not receive complete healing of their minds, hearts, and spirits. However, the failure to make long-term efforts today, especially creating a common citizenship and writing a common history, will certainly have consequences for future

generations. The survivors of the genocide have often expressed their agony at not knowing why they are still alive after their families and friends have perished. In my view, one of purposes of their life is to break the cycle of violence in Rwanda in their generation by undertaking the difficult yet crucial tasks discussed above. Building common political institutions (i.e., equal citizenship) is absolutely critical since they provide the motivations and security insurances for peace. Some may argue that there must be some degree of justice, forgiveness, and reconciliation before political institutions can be built. However, the opposite can also be true: without political institutions that are conducive to creating a common political identity and to eliminating fear and suspicion, the vision of justice, forgiveness, and reconciliation is bound to remain abstract and too grandiose. In other words, we must continuously make peace-building efforts in Rwanda, whether or not we feel like it or see any hope in it today.

As the current generation passes away, so will the direct experience of the genocide. With the forward-looking political institutions firmly in place, future generations will hopefully be able to internalize a common identity and history, thereby finally living out the vision of justice, forgiveness, and reconciliation. Of course, this is the best-case scenario, and things may not always go well. Indeed, part of the challenge in peace-building in Rwanda is to acknowledge and accept that, given the magnitude of the horror, we can neither achieve a total justice nor annihilate the past. Nevertheless, for now, hope and continuous efforts are the only and the best things that we can give to Rwanda. Perhaps, as theologian Niggar argued, some of us need to hold onto an eschatological hope: perfect peace and justice and healing will come – if not in this life, in the life to come. Indeed, there may yet be hope for Rwanda, as long as we believe there is.

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# AGREEMENT BETWEEN THE UN AND CAMBODIA ON KHMER ROUGE TRIALS TAKES EFFECT

*UN News Service*

29 April 2005 – An agreement between the United Nations and Cambodia to set up a special court to try the ageing leaders of the Khmer Rouge took effect today, paving the way for the tribunal to begin operations.

Secretary-General Kofi Annan notified Prime Minister Hun Sen in a letter yesterday that the UN has fulfilled its legal requirements under the agreement approved by the General Assembly in 2003. Cambodia sent its notification to the UN in November.

According to a UN press statement, sufficient pledges and contributions were now in place to fund the staffing of the two Extraordinary Chambers – one court will conduct the trials of those accused of killing thousands of civilians during the 1970s while the other will hear appeals within the existing justice

system – and their operations for a sustained period of time.

The three-year budget for the trials is about \$56.3 million, of which \$43 million is to be paid by the UN and \$13.3 million by the Government of Cambodia. A pledging conference last month raised about \$38.5 million for the UN share.

“The Secretary-General reaffirms that the United Nations looks forward to the expeditious implementation of the agreement, and no efforts will be spared on his part to help ensure that the extraordinary chambers and their related institutions are established as soon as possible and that they begin to function promptly,” the statement said. “Administrative arrangements in this regard are now under way.”

## STATEMENT ON THE ENTRY INTO FORCE OF THE AGREEMENT BETWEEN CAMBODIA AND THE UNITED NATIONS ON THE KHMER ROUGE TRIALS

29 April 2005

*His Excellency Mr SOK An, Deputy Prime Minister and Minister in Charge of the Office of the Council of Ministers Chairman of the Royal Government Task Force for the Khmer Rouge Trials*

On 28 April 2005 the Secretary-General of the United Nations, His Excellency Mr Kofi Annan, wrote to Prime Minister Samdech Hun Sen informing him that all the legal requirements on the United Nations side for entry into force 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 have now been met.

According to Article 32 of the Agreement, it therefore entered in to force on 29 April 2005 – the day following his notification – given that His Excellency

Mr. Sok An had on 16 November 2004 informed His Excellency Mr. Nicholas Michel that the legal requirements on the Cambodian side had been met. The Prime Minister has responded to the Secretary-General stating that we are indeed relieved that we have finally concluded these preparatory stages, and are now able to move on to the long-awaited task of establishing the Extraordinary Chambers. Both sides have given their assurances that they will spare no effort in this regard, and are ready to move ahead in the coming weeks and months.

We were extremely gratified by the results of

the Pledging Conference held at the UN Secretariat in New York on 28 March 2005. Japan made the very substantial contribution of \$21.6 million – fully 50% of the international share of the budget.

Complementary to the Secretary-General's appeal for the international share, we are appealing to interested states to assist Cambodia in meeting its allocated share of the budget, amounting to \$13.3 million. The Royal Government of Cambodia will contribute \$6.7 million (consisting of \$1.5 million in cash, and an estimated \$5.2 million in kind expenses which lie outside the budget itself). This pledge from Cambodia amounts to over 10% of the total costs of the Extraordinary Chambers (\$61.5 million – \$56.3 in the budget plus the \$5.2 million extra-budgetary expenses). Several countries have indicated that they are willing to contribute bilateral contributions to help us meet the total allocated to the Cambodian share, and we expect to be able soon to announce the achievement of this target. I would like to emphasize that both sides of the budget are of equal importance to the challenging task of establishing a sound process that meets international standards.

I wish to express our profound thanks for the work of so many individuals and organisations, both in Cambodia and around the world, who have worked tirelessly to achieve justice on this issue for over twenty five years.

We are confident that the formula we have agreed to establish will not only meet our country's needs for justice in this egregious case, but will also assist the wider process of legal and judicial reform by providing a model court meeting international standards. Furthermore, we are hopeful that the Cambodian model may also serve as an inspiration for other countries in their search for justice.

Now, as we stand on the brink of establishing the Extraordinary Chambers, is the time for all Cambodians, and all fair-minded people around the world, to do our utmost to make the Khmer Rouge trials a successful process, despite any past differences of opinion as to what form of court, tribunal or commission is most appropriate. Let us pledge to work together towards this end as our commitment for the coming year.

A generation has passed since these crimes were committed. We cannot afford to lose any more time. I can assure that the Royal Government of Cambodia will do our utmost to ensure the Extraordinary Chambers may begin to function as soon as possible, and that they attain the level of international standards that we have both agreed on and that are needed to address the needs for justice of the Cambodian people and all humanity.

Phnom Penh  
03 May 2005

## STATEMENT ON SECURITY FOR WITNESSES AND VICTIMS TESTIFYING AT THE EXTRAORDINARY CHAMBERS

As we move towards the establishment of the Extraordinary Chambers, it is heartening to see increased public interest in the process, and to hear constructive contributions to making these long-delayed trials successful.

We are concerned, however, at the circulation of erroneous statements that may cause unnecessary apprehension in the lead-up to the trials. In recent days, leaders of several human rights NGOs and

visiting delegates to a conference held in Phnom Penh on the International Criminal Court and the Khmer Rouge Trials have made several inaccurate statements that we wish to correct:

**1). Witness Security** – according to Associated Press, “Cambodian human rights groups Adhoc and Licadho said late Thursday that there was no budget for witness security – such as keeping them in a safe house, or provisions to protect their identities.”

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This is incorrect. From the very beginning of discussions between the Royal Government of Cambodia and the United Nations, security has been a matter of serious concern and the Royal Government of Cambodia has accepted the responsibility of taking “all effective and adequate actions which may be required to ensure the security, safety and protection of persons referred to in the present Agreement” (*Agreement* Article 24) and “the Extraordinary Chambers...shall provide for the protection of victims and witnesses. Such protection measures shall include, but not be limited to, the conduct of *in camera* proceedings and the protection of the victim’s identity.” (*Law on the Extraordinary Chambers,* Article 33).

Both parties have also agreed that “the United Nations shall be responsible for ... witnesses’ travel from within Cambodia and from abroad; and safety and security arrangements as agreed separately between the United Nations and the Government.”

The details of these safety and security arrangements are under active planning and budgeting by both sides. A high-level Security Commission was established within the Ministry of Interior on 8 August 2004, and the United Nations has included experts on security in all its recent technical assessment missions to Cambodia.

**2) Fear of Testifying** – it is of some concern that several of the conference organisers and visiting speakers suggested that witnesses are expressing fear of testifying. These statements fly in the face of the overwhelming findings of repeated research and surveys that Cambodian people, both victims and perpetrators alike, are indeed willing and keen to testify on their experiences during the Khmer Rouge regime.

**3) Reparations** – the organisers were also quoted as saying “there was no reparations fund for Khmer Rouge victims, no way for victims to participate in the tribunal or support to help those who were still traumatized by the regime.”

Under Cambodian law victims have the right

to join a criminal trial as civil parties and to claim compensation for damages they suffered from the crimes being tried. Normally the courts award damages to be paid by those convicted. How the Extraordinary Chambers will manage these rights in a situation where every Cambodian citizen could potentially claim to have suffered damage is a matter that will need careful consideration. It is difficult to imagine how they could be awarded anything other than symbolic compensation, as it is unlikely that either those convicted, the Cambodian or other governments, or the United Nations would be able to provide the funds needed for massive financial compensation, in addition to the costs of the trials themselves.

One must note that the word “reparations” comes from the root word “repair” and that one of the main reasons for organising the trials is to repair the damage caused to the Cambodian people by finally providing acknowledgement and accountability for the crimes wrought upon them by the Khmer Rouge. Money is not the only, nor necessarily the most valued, form of reparation that could be awarded to the victims.

A Witness and Victim Support Unit will be set up within the Extraordinary Chambers. The Government’s Task Force has already printed a booklet entitled *An Introduction to the Khmer Rouge Trials* (printed in Khmer and English) and distributed in every commune in the country. This booklet explains to the public at large about such support, and gives information on counselling services available within every province.

We urge all interested people and organisations to read the booklet, and, if you need further information, please view our web site [www.cambodia.gov.kh/krt/](http://www.cambodia.gov.kh/krt/) which includes the full text of the Law and the Agreement as well as many related documents; or contact the Secretariat of the Task Force in the Office of the Council of Ministers. Tel/Fax: 023 428952 or Email: [stf@nida.gov.kh](mailto:stf@nida.gov.kh) .

***From the Secretariat of the Task Force  
14 March 2005***



## REMEMBRANCE OF THE FALL OF PHNOM PENH TO THE KHMER ROUGE

*This statement was released in Washington DC on April 21, by Adam Ereli, Deputy Spokesman of the US Department of State, and by the US Embassy in Phnom Penh on April 22, 2005*

This week marks the 30th anniversary of the seizure of power by the Khmer Rouge in Cambodia. It is estimated that up to 3 million Cambodians died in the killing fields. The United States joins the millions of Cambodians, Cambodian-Americans, and others in remembering the victims of this deplorable regime.

The United States believes there must be accountability for these atrocities, and welcomed the agreement between the United Nations and Cambodia to establish the Khmer Rouge tribunal. For the United States to contribute to this process, we believe, as U.S. law stipulates, that the tribunal must meet internationally recognized standards of justice. As the formation of the tribunal moves forward, we will engage with the Government of Cambodia, the United Nations, and interested countries to achieve this goal.

We will also continue to focus on the importance of and need for an independent judiciary in Cambodia. It is only through respect for the rule of law and the existence of effective institutions that barriers to impunity will be built and regimes like that of the Khmer Rouge will exist only in the sad annals of history.

## CHOEUNG EK PRIVATIZATION

April 12, 2005

H.E. Fumiaki Takahashi

Ambassador

Embassy of Japan

Phnom Penh, Cambodia

Dear Mr. Ambassador,

In today's *Cambodia Daily*, Municipal First Vice Governor Mam Bun Neang was quoted as saying that "Japan might stop helping our city if we cancel the [Choeung Ek privatization] contract with them."

Such vague threats have a familiar ring in Cambodian politics, and are often employed when members of the government or political parties are about to do something unpopular. Thus, it might be appropriate at this time for the Japanese Government to let its voice and desires to be heard.

First, I would hope that your government would clarify its relationship with the JC Royal Company. As you are no doubt aware, no one has been able to locate the company or any of its officers in Cambodia, Japan, or on the Internet. Knowing the status of this company would help allay the suspicions of many Cambodians.

Second, it would be productive if your government were to state its position on JC Royal's involvement in Choeung Ek. Would Japan, which has been such a generous donor in the past, be willing to jeopardize its relationship with Cambodians over the relatively small amount of money the killing fields would earn? And if your government strongly advocates a Japanese company taking over Choeung Ek, I feel I speak for many Cambodians when saying that I hope it will allow the survivors of Democratic Kampuchea to help preserve the site.

Yours truly,

Youk Chhang

Director of the Documentation Center of Cambodia

**PRESS RELEASE :**

## **EMBASSY OF JAPAN**

May 12<sup>th</sup>, 2005

Recently, hinted at an involvement of the Japanese Government, there were some reports in the Cambodian media that in the matter related to the granting of the rights to develop and manage the Choueng Ek Genocide Site by the Municipality of Phnom Penh to JC Royal Co., Ltd.

As these reports involve inaccurate speculation and still persist in spite of the clarification issued by the Office of Council of Ministers on 7 April 2005, the Embassy of Japan would like to state the followings:

1) It is up to the competent Cambodian authorities to decide how the Choueng Ek Genocide Site should be conserved, developed and managed, taking into consideration of sensitive feelings of the Cambodian people about the Site.

2) The Government of Japan is not involved in any way in the matter concerning granting of concession related to the conservation, development and management of the Choueng Ek Genocide Site by the Municipality of Phnom Penh to any entity or person. It has never been consulted by any organization or by any person concerned on this matter.

3) Some media reported that the cancellation of the agreed contract on concession would have an adverse effect on the Japanese economic cooperation to Cambodia. However, there is no relation whatsoever between the policy of the Government of Japan on its Official Development Assistance to Cambodia and the concession, which we think is clear from what is stated above in 1) and 2). Any attempt to link these two separate matters is futile and baseless.

4) The Government of Japan has been taking initiatives in the international community in realizing peace in Cambodia and assisting reconstruction and nation-building efforts of the Cambodian people, and it will continue to do so. Especially, we are fully aware of the deep scar left in the Cambodian society by the crime of the Khmer Rouge, and are supporting proactively Cambodia's effort to realize the Khmer Rouge Tribunal, which will meet the international standards of justice and thus promote the rule of law in Cambodia.

## **RESPONSE: THE JAPANESE MISSED AN OPPORTUNITY TO HELP CAMBODIA**

May 16, 2005

On April 12, 2005, the Documentation Center of Cambodia asked the Japanese government to clarify its position on turning Choeung Ek over to a private company (the Sun Fund). A month later, the Japanese Embassy issued a press release. It said: 1) it is up to the competent Cambodian authorities to decide on Choeung Ek's disposition, 2) the Government of Japan is not involved in the concession and has not been consulted on it, 3) there is no relation between the concession and Japanese development assistance, and 4) the Japanese government is actively supporting the Khmer Rouge tribunal, which will promote the rule of law in Cambodia.

Most Cambodians are deeply appreciative of Japan's support of the tribunal. But by waiting until the deal was long done to issue its press release, the embassy missed an opportunity to help Cambodia promote the rule of law. The delay also seemed to encourage officials to instill fear in Cambodians that Japanese aid



would dry up unless the Sun Fund was given the site.

Japan could have used its strong influence to make officials back down from a clearly shady deal, thus becoming a champion of transparent governance. But instead, it chose to distance itself from the affair, only giving more confidence to those who would sell off our cultural heritage.

Now, the Vietnam-Kampuchea friendship memorial in Siem Reap is being dismantled, and the official who approved the deal cannot remember the name of the company that bought the land. And why should the government be accountable? After all, look what happened to Choeung Ek. We can only wonder which of our genocide memorials will be the next victim of greed.

Youk Chhang

Documentation Center of Cambodia

## MY FATHER

*Prum Samun*

### 1974

I was four years old in 1974. One day I was alone, sitting on my veranda when I heard the sound of guns firing. *Phaing! Phaing!* I saw a couple of bullets hit the wall of my house. I was extremely scared as several bombers were flying over. Without knowing what to do, I ran to look for my parents. Providentially, they arrived. My family packed everything and ran to the provincial town of Kampot. Lon Nol had forces surrendered to the Khmer Rouge, my mother said.

After we had been living in Kampot for three months, the Khmer Rouge took complete control over the province. I witnessed the mass evacuation of people from the towns by the black-clothed soldiers, who told people they would be allowed to return within a few days, and therefore did not need to bring along much, especially food, for which Angkar would be responsible. "Go! Go! Hurry up!" said the Khmer Rouge soldiers when forcing people to evacuate. Things were chaotic and disordered. Some pulled heavily laden carts, some walked with their children, while others walked with old and/or sick people. A number of ill people were put on carts as they were unable to walk. Some disabled persons staggered along with the help of sticks. My uncle and grandfather were sick, and my grandmother

was crippled. The soldiers were pointing guns at people and used abusive language.

On April 19, 1975, my family reached the eastern part of Salei Mountain, Koh Pha-dao sub-district, Kampong Tralach district. My eldest brother, who was a messenger of Ros Savong, the governor of Kampot, was separated from our family at that point.

After six weeks, Angkar announced that people could go to their home villages. My parents were joyful, hoping to see their birthplace, relatives and neighbors. They hurriedly packed things in a bullock cart. Three of my brothers shouldered our belongings. But on our way back to Kampong Nung Pagoda, Angkar said we could not return home as our village was deserted and insecure. So my family and others moved to Trapaing Kak village, Kaun Satt subdistrict, Kampot district, Kampot province as ordered by Angkar. We cleared a 3 by 4 meter plot of land and built a small cottage on a small hill in the jungle; it had a thatched roof and coconut-leaf walls. I got a sense of warmth when my family lived together under the same roof.

Four months later Angkar sent my second brother to work in a mobile unit at Koh Sla, and my third brother to a mobile unit that tended cows. I stayed at home with my fifth sister and 85 year-old



convened a meeting criticizing you for betraying the collective and the party. Nearly two hundred people attended. We all had to condemn your action; otherwise gruel would not be served," said my mother. My father had stood up at the meeting to disagree with my condemnation, but my mother pulled him down and told not to resist. "I apologized for my daughter's mistakes and promised to teach her again. Forgive her! She's just 4 years of age, and will never make the same mistake again," said my mother, describing her apology. Ta San and other cadres nodded their heads and allowed people to enjoy their watery gruel; it was already 11 p.m.

Several days later my father had to hike up the mountain at night despite the darkness in order to guard crops there. "My beloved daughter! If one day I disappear, you don't have to look for me. You have to learn to take care of yourself," said my father, holding my hand. "Yes," I sobbed, and saw tears in his eyes. A couple of days later my father came back home to feed water buffaloes. "My dear! Stay here for a while, I will be back soon. Don't cry for me," said my father. Suddenly he turned up with several guava fruits. I was extremely happy and ate them all.

Three months later in 1977 Angkar announced that we had to move to Ta-Sou village, Kaun Satt subdistrict, Kampot district. My father walked the buffaloes; mother shouldered some of the things we had that Angkar had not confiscated, and I carried a small bag (I didn't know its contents). Angkar announced that people had to leave that day, and those who did not would be considered enemies of Angkar. A number of patients and old people were killed because they were late. My family arrived at Ta-Sou village at 4 p.m. and settled in a shelter that held 20 or so families. I felt very bad because my third brother did not come with us; he had to tend cows.

Three days later my mother approached the group leader named Ly Tha and asked about her son. "I don't know. I allowed him to go to his family a few days ago. Haven't you seen him?" said Tha, pretending not to know my brother's fate. Hearing

this, my mother was about to cry, but held her tears in check. "Angkar killed your brother," she told me. She embraced me without saying a word, but I could feel her broken heart. I could barely stand the loss of another sibling.

### **My Father**

With a plow, a harrow and water buffaloes, my father went out to the field and worked from dawn to 11 a.m. when he was allowed to have gruel. After lunch, he had to feed the buffaloes and resumed work again at 1 p.m.

He routinely performed the same tasks every day without enough food. After a while, his legs became so swollen that he was unable to walk. He then asked the unit chief to be hospitalized. The chief and other cadres sent him to Kaun Satt Pagoda. My father packed clothes and a pot, plate and spoon. Angkar did not allow my mother and me to see him off because my mother had to transplant rice seedlings.

The next morning my mother did not go out to the field. She had asked the unit chief for a day off to visit her husband at the hospital. She woke up at 5 a.m. and cooked the mollusks and crabs she collected for my father when she was transplanting rice. When we were about halfway to the hospital, we met an old lady named Thim, who told us that my father had been transferred to the region hospital the previous afternoon. He had been put in a cart as he was not able to walk. Both Thim and my mother knew that those sent to the region hospital were to be killed. "Your dad is dead; you will never see him again," my mom tearfully told me. "Don't cry, baby! If they discover us crying, we'll be in big trouble." "Dad has gone. I will miss him very much," I whispered.

When I arrived home, the water buffaloes I tied were unleashed and attacked each other violently. Only my father could manage to calm them. I was crying while asking some base people to help break up the two and tie them. After the buffaloes were caught, my mother and I took them to be fed with nice green grass. At 4 p.m., we went to take them back home, but they weren't there. Afraid of being



on the other. At the time I saw a large pile of [black] clothes with lines of Khmer Rouge soldiers guarding us. "Angkar is going to feed us with rice first and blow all of us up afterwards," old people whispered. I saw that many 3 by 5 meter pits were being dug. "What are the pits for?" some people asked the Khmer Rouge cadres. Their response was, "These are for shelter from Vietnamese bombers."

At 5:30 p.m. a very loud sound came from Voar Mountain. It was so loud that people panicked and ran in different directions – some even made their way to a nearby forest. Some guessed it was the resonance of Vietnamese tanks, others magic, and still others said it was thunder. In fact, this miracle disrupted the Khmer Rouge's dirty plan to smash people.

My family moved back to Kaun Satt. This village had 700 families in 1976, and only 70 families in late 1978. Most of them were widows.

We returned to our home village in 1979 with only a small bag of possessions. At the time, my mother wanted nothing more than to search for my eldest brother. She was told that he was seen walking a dog whose owner was Ros Savong, and that he

was slain at Stung Traim Am-Prang Pagoda in Chum Kiri district, Kampot province.

My family of ten people before the Khmer Rouge became a two-member family after the collapse of the regime.

It is now 30 years later and I can never forget. I often think of the words my father said to me, "My beloved daughter! If one day I disappear, you don't have to look for me. You have to learn to take care of yourself." This often makes me sad and I pray for him at every Buddhist ceremony. I repeatedly have headaches and am still emaciated.

I have two questions that I wish to be conveyed to the leaders of the Khmer Rouge regime:

When the country was in such terrible circumstances, where were you? Did you know about the situation?

Did you have a direct hand in killing your own people?

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*Prum Samun submitted this article to Searching for the Truth.*

#### LETTER FROM A READER:

## PLEASE, RECONSIDER CHOEUING EK

I am a Cambodian living in a society widely known as an "un-walled prison" or the Killing Fields. To me, although it is has been more than 25 years, I still think of what has been inflicted on us.

I think war in our wretched country was not a coincidence. In fact, it was grave political misconduct that led to immense disaster - the loss of 3 million lives amongst a total population of 7 million by severe malnutrition and untreated diseases.

In this regard, I have recently been informed by the press that the government has privatized the Choeng Ek Genocidal Centre to a Japanese company to make it a tourist attraction. Choeng Ek was the killing fields where some 12,000 prisoners from Tuol Sleng (or S-21) were executed, and a place where people now go to pay their respect to the souls of dead victims. To me, the company is a private and foreign one that will not manage the site to the extent expected by the government. I hereby tremendously support the ideas of Mr. Youk Chhang - urging the government to reconsider the lease.

Hin Sarun

# SEARCHING FOR MISSING FAMILY MEMBERS

## Missing Son



San Khin

I, San Khin, age 70, live in Rorka village, Rorka Chunling subdistrict, Ksach Kandal district, Kandal province. I would like to search for my eldest son, Tuon Chhan aka Khoeun, who joined the revolution in 1973 and has not been seen to date.

Before serving the revolution, Chhan was ordained a Buddhist monk in Svay Po Pagoda at his birthplace. He later furthered his study in Ta-naot Reussey Srok Pagoda in Kampong Cham province. Three years later when Chhan reached the age of 25, he left the monkhood and joined the revolution without informing his parents.

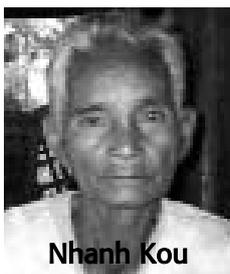
In 1979 Sry, who lived in the village, told me that he met Chhan in Kampong Chhnang and asked him to return home, but he refused. During the 1990s I received a letter from Chhan looking for family members in his home village; however, I did not pay much attention to the letter because at the time my husband, Chhan's father, was critically ill. I lost the letter after the funeral, and have never obtained any information on Chhan since.

If anybody knows about Tuon Chhan, please contact me through the address above or the Documentation Center of Cambodia via phone: (855) 23 211 875 or Fax: (855) 210 358 or P.O. Box 1110, Phnom Penh.

## Response to San Khin

On May 20, 2005, Chry Bun Heang from Rattanak Kiri province made a phone call to DC-Cam. He said that he knows Tuon Chhan, who is now living in Rattanak Kiri. However, the call was disconnected before we could get details about Tuon Chhan or Chry Bun Heang himself. Our staff tried to call to the number obtained from Bun Heang (011 929 600), but received a reply from the phone system that this number does not exist. We hope that either Chry Bun Heang or Tuon Chhan will make another call to Sann Kalyan of DC-Cam. Thank You.

## Missing Son



Nhand Kou

My name is Nhand Kou, age 77 and living in Tum Loab village, Chann Sen Leu subdistrict, U-Dong district, Kampong Speu province. I would like to search for my son named Tun, aka Phal, who has been missing since the fall of the Khmer Rouge regime in 1979. In 1975, the Khmer Rouge sent him to work in the children's unit in Duk Srat village. In 1976, Angkar ordered him to herd cows in U-Dong. Later, his sister who, was working in the blanket factory in Phnom Penh, took him to work in 17 April Hospital. Soon after the Vietnamese came in 1979, Phal also came to the village, but he stayed only 4 or 5 days and then left with other Khmer Rouge soldiers. He has not returned since.

If my son or another person has heard about this, please contact us through the Documentation Center of Cambodia. Thank you.

## Missing Brother

I am Sem Phal, age 59. Today I live in Thnal village, Dam-Be subdistrict, Dam-Be district, Kampong Cham province. My father is Sou Sem and mother is Cheam Meas. I live with three of my siblings: Sem Yoeur, Sem Soeun, and Sem Som.

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I would like to search for my brother whose name is Sou Phan. Before 1975, he was a combatant in Zone 21. One year later, he became chief of a group of workers at a glass factory. In 1999, I was informed that Phan made a phone call to Kampong Cham provincial hall, searching for his family members and suggesting that they contact someone living at Ch-Bar Am-Peou, Phnom Penh. I have been trying to contact that person, but I cannot reach him as I do not have his address.

If anyone knows Sou Phan or if my brother himself hears about this, please contact the Documentation Center of Cambodia. Thank you.

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## Two Missing Children

I am Men Bo, age 74, and my wife is Uy Kan, age 74. Today we live in Cheu Teal village, Cheu Teal subdistrict, Kean Svay district, Kandal province. We have 7 children: Men Kheng, Men Khom, Men Rum, Men Chhum, Men Chhun, Men Chhuong, and Men Chhouy. We are searching for two of them, Men Kheng and Men Khom, who have been missing since 1974. On 28 August 2000, I was informed that they had tried to look for their family members three times, but they were not able to find us.

If anyone has any information regarding these two, please inform us through the Documentation Center of Cambodia. Thank you.

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## Missing Niece and Cousin

Battambang, January 7, 2005

Dear Mr. Yin Nean and respected staff of the Documentation Center of Cambodia,

I am writing to inform you that I have received your very detailed letter. I would like to extend my deep thanks to all of you for documenting and properly preserving the Khmer Rouge-related documents.

With this letter, I would like to search for two little girls: Srey Tauch, 3½ years old (1976), and Srey Mao, 1½ years old (1976), both of whom are daughters of my brother Chhuon Chhoeun and his wife Chann Say. They both worked in the train unit in Phnom Penh and were imprisoned in Toul Sleng during the Khmer Rouge.

If anybody knows them, please kindly convey my message to tell them that their aunts, uncles and grandmother are surviving and have an average living condition - enough to support them. Our address is house No. 65, Group 11, Prek Mohatep village, Svay Poa subdistrict, Battambang district, Battambang province. Some of their uncles are living in their place of birth - Tasey village, Tameun subdistrict, Thmar Kol district, Battambang province.

We just want to make sure that you two are alive, and tell you that we do not have any intention to gain any interest from you. If you two need our help, your aunts, uncles and grandmother will, as much as possible, not hesitate to assist you with anything and at any time.

Also I, with this letter, would like to search for my missing cousin Duong Dara, male, who had lived and studied with me. Dara's father Duong Phang died in 1963, and his mother Hem Horn, 83, died in 2005. He has 3 siblings (2 sisters). If Dara is alive, he is now 47 years of age. In 1976, Angkar ordered him to drive a tractor for an agricultural unit in Thmar Kol, Battambang district. I respectfully ask DC-Cam to search for information on Dara in your documents. His younger sisters are looking forward to seeing him home. His mother often said with sadness, "You go without informing me a word, where are you now?"

Best Regards

Makara

