

Searching for

THE TRUTH

- 
- ◆ Students Are the Effective Medicines to Heal
 - ◆ Should the **Cambodian People** Forgive Khmer Rouge Leaders?

«Understanding the past, however horrendous, is the first step toward restoring humanity and identity of a nation.»

Special
English Edition
Second Quarter 2009

-- *Youk Chhang*

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Magazine of the Documentation Center of Cambodia
Special English Edition, Second Quarter 2009

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US Ambassador Clint Williamson distributing "The History of Democratic Kampuchea" to students

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the Royal Government of Cambodia,
Prakas No.0291 P.M99,
2 August 1999.

Photographs by
the Documentation Center of Cambodia
and
Tuol Sleng Genocide Museum.

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LETTER FROM YOUK CHHANG:

STUDENTS ARE THE EFFECTIVE MEDICINES TO HEAL

The Documentation Center of Cambodia and the Ministry of Education have launched a campaign to distribute 500,000 copies of the Khmer Rouge history book, "History of Democratic Kampuchea". This history book will be included in the school curriculum for secondary schools and high schools in next year.

We know that the younger generation in our country is eager to learn about the Khmer Rouge regime, and often Khmer Rouge history has been taught by the parents to their children. As a post-conflict country, the awareness of history is necessary. Therefore, teaching Khmer Rouge history at school will help reveal the truth. Learning our own history is our duty to fulfill the identity of our living as citizens who are responsible for our future. We can

build our country on the condition that we know clearly about our history. In Cambodia, there are 1,321 secondary schools and high schools. In sum, there are about one million students in the country. Students are the core strength, the resource for our nation. This is the main reason why the Documentation Center of Cambodia has been working cooperatively with Ministry of Education for years.

"A History of Democratic Kampuchea" will be used for the study of three main subjects: Khmer Language, History, and Morality Studies. This is not the first time that Khmer Rouge history was included in school curriculum. In fact, Khmer Rouge history had been taught since 1979; however, it was taught as political studies rather than historical studies and its teaching methodology was ineffective and insufficient. What we are doing now is enhancing history focus and the teaching methodology, and most importantly broadening this one million human resources' awareness of their own history in the sense of building their own country.

For three years under the Khmer Rouge regime, most Cambodian people were tortured and suffered immeasurably. Although this history book includes only 90 pages, which cannot fully cover all the events that happened during that period, we do have a teacher's manual with clear details and guidelines for how to discuss each chapter. Also, we include songs and poems which were performed by both perpetrators and victims, and as well as video clips. We believe that this history book is a foundation for high school students to pursue their research while they are at university. We are considering how many hours students should study this history at school. Concerning pedagogy, we are determining which understanding level we should offer to grade 9, 10, 11, and grade 12 students.



**A HISTORY OF DEMOCRATIC KAMPUCHEA
(1975-1979) KHAMBOLY DY**

DOCUMENTATION CENTER OF CAMBODIA 2007

Thus, even though this book is not a hundred pages, the book for pedagogy is included with many additional chapters.

In addition to this, we will train 3,000 teachers from all 1,321 secondary schools and high schools. This training course will start this month by taking 24 core teachers who will be responsible for teaching in each province. In addition, there is a core teacher, and we will also select three teachers to take this training course in each district. And in next year, the Documentation Center of Cambodia has a plan to evaluate the outcome of the teaching of this history subject.

It is believed that this teaching will not affect social stability. The Khmer Rouge regime is our own history, identity, and the truth of our nation. Recognizing our own history make us strong. Because Khmer Rouge history is a political and security issue, people in general are afraid of hearing and accepting it. What I am afraid of the most is that we want to

forget, but can hardly forget it. I believe that facing this problem is difficult; nevertheless, we must overcome and resolve it. In truth, the people who do not wish to recall Khmer Rouge history are not students. Therefore, this book is targeted at students who are our youth. We learn that teaching Khmer Rouge history to students or our children is one way to deal with mental health and national reconciliation. We have conducted a survey which indicates that generally parents feel glad to see their children asking them about history. Parents think that the younger generation has known and accepted this history, and so has the government. In conclusion, the effective medicine used to heal mental health originates from nowhere but from children at home.

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



NHEM RIM: A SECURITY UNIT, IN KOH THAKOUV COMMUNE

Lakhena Tat

During the Democratic Kampuchea period, the Khmer Rouge established many security offices used for detaining prisoners according to the seriousness of their crimes. People selected to be guards or militiamen were all trusted by Khmer Rouge. Also, they all had been trained with spiritual indoctrination to love Angkar and never commit traitorous acts against Angkar's orders. To fulfill their tasks and gain more trust from Angkar, no cadres worked against Angkar's orders. Unlike those cadres, Rim, presently living in Pailin sub-district, Pailin district, Pailin city, claimed that he used to protest with his Chief commune, who observed their work progress. Rim helped prisoners to have enough food to eat although his responsibility was only to guard the prisoners during Khmer Rouge regime.



Rim was the ninth son among his twelve siblings (6 males and 6 females), born in Sdei Punlech village, Ompil Toek commune, Kampong Tralach district, Kampong Chhnang province. As a child, he could barely read and write since he did not attend school like other children. When he was twelve years old, Rim was sent by his parents to study Dhama (the Buddhist ideology) in Sdei Punleach pagoda. Though living far from his parents, Rim, during the daytime, helped tend the cows for his parents and returned to the pagoda when finishing his work. Meanwhile, Rim learned to read the books that the monks bought for him in his spare time. Knowing how hard Rim walked forth and back from home to pagoda, his parents decided to allow him to live with the monks so that he did not need to come home. One unfortunate night, while walking to buy sugar outside

the pagoda, Rim was bitten by a snake. Eventually, all the monks decided to send Rim to his own house. Rim's parents were so concerned that they brought a medicine man to give him treatment. After recovering, Rim went to stay at Sdei Punlech pagoda as usual.

In 1975 after Khmer Rouge soldiers fully took over the country, Sdei Punlech pagoda was totally destroyed, and all the monks were disrobed by Khmer Rouge soldiers. Because he truthfully respected the Buddha, after having seen all the Buddha statues thrown away on the ground, Rim put the head of Buddha statue away and cleaned up the pagoda compound after Khmer Rouge soldiers left. After this event, Rim decided to go back and live with his parents in his hometown.

Joined The Revolutionary

Several months later, Ta Toek, chief of the sub-district, appointed Rim as a militiaman in Koh Thakouv village. Because Angkar did not assign proper or clear tasks, Rim first had to do farming, build dams, and dig the canals with other people. After Ta Toek was arrested, Rim's unit was dispersed, and all the members were hidden in different places. Finally, there were only three members in Rim's unit who were alive : Ron, Lau, and Rim himself.

After the situation became stable, Rim continued to work as a militiaman his village under a new Chief of sub-district who was appointed to replace Ta Toek. Rim was assigned to guard 50-60 prisoners (both base people and 17 April people) who were accused of being enemies by Angkar and who had made little mistakes such as pulling potatoes to eat, harvesting the cut-seedlings. This task was under the supervision of Chief militiaman, Kann, and deputy chief, Toek. The prisoners were divided into two sections: Slight crimes (being detained between 1-2 months, then released), and

serious crimes (being detained with a cuff around the leg for a long period of time). The management was under the strict watch of 12-13 militiamen such as Nal and Vat (the perpetrator), Pon, Anni, and some other men whose names Rim could not remember.

Most prisoners brought there were 17 April people and had been accused of being enemy as C.I.A. Among them, there were some Vietnamese occasionally sent by cooperatives. Also, some of them were arrested by Rim's unit at their base because those prisoners did not follow Angkar's orders. It was true that the prisoners accused of being enemy or C.I.A were guilty of this, said Rim, due to the fact that when his unit and the regional unit gathered to arrest them, it was seen that the enemy had settled their bases to work against the revolution. "All these prisoners were killed after being arrested by Angkar, said Rim." However, if the prisoners were Vietnamese, they had to be detained for a few days, and then were sent to other places.

For a while, the number of prisoners were decreasing since the region unit transferred some prisoners to live in different places. Rim did not know where those prisoners were sent to, but he overheard that they were sent to Tuol Sleng prison or S-21. "Although I did not know where Tuol Sleng prison was, it was obvious that all the prisoners sent there would never survive, said Rim." On the other hand, the prisoners detained in his prison would never be killed unless they died due to starvation and disease.

Visiting Parents in Hometown

Having been away from home for several years, Rim asked for permission from Angkar to visit his home. Before leaving for home, Rim had collected some woods and some other stuff for his parents. When Rim arrived home, his parents had taken the rice hidden for long time to cook for Rim. Rim sympathized with his parents so much for the fact that they secretly cooked the rice for him, not for themselves. Therefore, Rim refused to eat the rice and added that "It is better to keep the rice for

yourself. Also, people will suspect us if you cook the rice at this time."

Guarding Task

Returning back to the unit, Rim had recommended the prisoners to work as usual. Recommending such work to the prisoners was the task taken by other members for the duration of three days or once a week. Although assigned work for prisoners to dig the ground or build a dam two meters in width and one meter in depth per day, Rim did not totally follow all of Angkar's orders. In truth, while the prisoners were working, Rim was not strict and sometimes brought boiled potatoes for his prisoners without informing the higher ups. Moreover, while walking to guard the prisoners at around 12 o'clock, though seeing prisoners grilling chicken, Rim, instead of blaming them, told the prisoners, "you can eat if you do not let anyone know." Seeing his sympathy, all the prisoners always admired Rim's generosity. They told Rim that "Besides you brother, we could not eat. When under the supervision of Nal, he always threatens us even when we go to urinate." Rim was so kind that all the prisoners liked him because he took care of prisoners' daily eating by protesting with the chief unit that "I cannot finish all the food which is why I share it with them. It is useful to let them eat rather than to throw this food away. If they eat enough, they will have strength to work. Without strength, the prisoners cannot dig the ground. Having eaten porridge everyday, Brother was still hungry. What about the prisoners who eat less and work hard." However, the chief unit told Rim that if the higher ups figured this out, it would be a disaster. One time, the Chief of sub-district asked Rim, "Why do you dig the potatoes?" After informing the chief of sub-district that he dug the potatoes to eat, Rim was not blamed by the chief of sub-district. In contrast, the chief of sub-district told Rim that "You should dig as many potatoes as possible so that I, too, can eat." Besides this work, Rim had to work with district soldiers and other militiamen to patrol in villages, communes,

and districts.

In the same year, one day, Angkar arrested a 14-year-old deaf girl. She was accused of being an enemy and was sent to Rim's unit. Having sympathy for her, Rim did not make any inconveniences to her at all. Rim indeed shared his porridge with this poor girl. Even though Rim tried to help her, this poor girl still finally died because of being poisoned by eating toad's egg. Because he was unable to save her life, Rim was so sad.

Staying in the Prison Because of Carelessness

Because of not practicing strict and harsh supervision, one day in Rim's unit there was a prisoner, whose name was Ron, who escaped from the prison while doing labor work. After reporting this news to the higher ups, Rim was eventually arrested and detained in the prison for three days. Before Rim was arrested, Chief of sub-district hit him with a stick and said, "Take Rim and attach him by the cuff because he let the prisoner escaped." Although Rim tried to provide reasons why the prisoner escaped, his explanations were not trusted at all. "I did not let the prisoner escaped. The prisoner gets a chance to escape by himself while I was asleep, said Rim." Not knowing when he could be released, Rim was extremely frightened. After three days when Ron was captured again, Angkar released Rim and allowed him to work as usual. Rim did not expect to see his prisoners escape from the prison since he had never hit one of the prisoners or reported their traitorous acts to the higher ups. On the contrary, Rim shared with all the prisoners what he had. For example, Rim packed potatoes and corn in a cotton scarf for the prisoners without considering whether they were 17 April people or base people.

After Ron, the escaped prisoner, had been punished, district military sent Ron back to be detained again in Rim's unit. Although Ron's escape made Rim stay in the prison for three days, Rim was not furious with Ron. Rim asked for the reasons why Ron escaped. Finally, Ron apologized for causing Rim to be detained in the prison. "If I knew

Brother would be in the prison for my escape, I would not have escaped." "You are the only Brother who is kind to me and always shares food to eat with me, Ron said." Rim did not blame Ron and recommended, "You are already aware of it; therefore, you must not do this again." In this unit, the prisoners under the supervision of Rim rarely had difficulties. One of the prisoners stated that "While working with other security guards, I was bitten by them everyday. However, when I was working with brother, brother was so kind to me, and always shared food with me." Ron promised that he would not escape anymore. Rim then assigned Ron to work as normal. Because he was afraid that the prisoners would escape again, Rim finally said to all the prisoners, "Everyone has to follow my orders. If someone escapes again, I will be in the prison like all of you."

At the end of 1978, the Khmer Rouge selected Rim to fight in the war with Vietnamese soldiers. Knowing this, the prisoners under Rim's supervision were worried for Rim's safety. They were afraid that if Rim was away, there would be another guard to replace him, and all of them would definitely meet difficulties. One prisoner said, "When brother was away, we all have been threatened by other militiamen." In fact, Rim did not wish to leave his unit. Because it was Angkar's order, Rim could not refuse. Before leaving, Rim told all the prisoners under his supervision, "We have to be careful. What we are asked to do, do as what Angkar said. Do not be stubborn with them so that they cannot threaten or punish us." Finally, Rim said, "Good deeds brings good luck; bad deeds brings bad luck."

In 1992, Rim was married to a forty-five year-old woman. Her name is Am Seng, born in Angkor Chey district, Kampot province. Nowadays, Rim has three children (two sons and a daughter). Rim is a musician for weddings.

Lakhena Tat is a staff writer for Searching for the Truth magazine.

LIM LY, ECONOMIC SUPPORT UNIT CHIEF IN NORTH-WESTERN DIVISION 2

Sothida Sin

Lim Ly, a Cambodian citizen, was born in Yoeng village, Ang Khnol sub-district, Treang district, Region 13, south-western Zone. He was an economic support unit chief in north-western division 2 before he was arrested. His father, Yoeng Lim, a former village chief, worked for an economic support unit located in the north-western zone.

Ly discontinued his studies by grade 11. He helped with farming and drove a horse cart in Phsar Kompong Chrey. In 1970, Ly was ordained as a monk in Traey Khlauk Pagoda; he was a monk for three months. Then, he became a soldier in Region 13, Takeo Province, after meeting Ta Oeng, the military chief in Region 13. In 1972, Ta Som, the chief of Region 13, assigned Ly to be a messenger and to transport luggage from Region 25 to Region 13. Not long after, Phan, chief of the commerce

unit, assigned Ly to work for the CIA, responsible for taking information from the revolutionary base to Prum Sann, colonel, based in Domrey Romiel Mountain; Chea, Angkar Chey deputy secretary of Region 13; Sim, deputy commerce chief of region 13; and Chhon, car driver for the commerce unit, Region 13.

In April 1972, Nin called Phan and Ly to meet in a forest south of Trapeang Andaek Market to report on the situation at the revolutionary base to the Lon Nol army, encourage residents to join the enemy, and to implement a plan to bring medicine and 20 sets of black clothes from the commerce unit to Prum Sann, who was in hiding for struggling against the revolution.

In 1973, Nin contacted Ly and Sim to have them bring 10 bags of rice from Angkar Chey district



hospital to the army base at Domrey Romiel Mountain. In the middle of 1973, as a result of losing 600.000 Riel, Ly was sent to the re-education area in office 13 with comrade Phan, and Sim was moved to the fishing area. For this reason, Ly had no contact with him for a period.

In 1974, Ly and Phan were released and sent to produce bombs and weapons in office 310, Tram Kak district, region 13. Later on, Nin wrote a letter to Ly, Mao, Phan, and Sann to rally south of Tram Kak Market.

In May 1975, Sann, Nin, Khem, Cheun, Met, and Ly devised a plan to build bombs that could be made to explode and blow up quickly and thus affect bombers themselves and slow down the progress in the battlefield. Sann told Ly, "Comrade, you should use all supplies freely to destroy the revolution." Hearing that, Ly entered the factory to remove bolts and cylinders from the machines there, and persuaded Ouch and Oeun, soldiers of the north-western zone, to visit his home, and then continued to Pursat by comrade Khun's car. After speaking to Ly, Ouch and Oeun served as soldiers in the north-western division 2's battalion 19 for 10 days, Phnom Penh was liberated (by the Khmer Rouge). Subsequently, Ouch and Oeun were placed to south-western zone and Ly lost contact with them.

In the middle of 1976, Angkar appointed Ly to Treng, but Mon, deputy secretary of battalion 19, instead moved him to an economic support unit in division 70 located in O-Andaung, where he took charge of raising pigs. There, Non from the economic support unit questioned Ly, "When did you join the revolution? What was your position?" He responded he was member of the commerce unit in charge of transporting clothes and medicine to the north-western zone supervised by comrade Ren, deputy secretary of division 2 in north-western zone; Ty, hospital chief of division 2; and Long, economic support unit of division 2's regiment 70. While working, Ly and Long implemented their tasks by giving pigs less food, and stirring up inhabitants

escape to Thailand. In the meantime, Ty carried out his mission by not giving injections to patients. Ly, Long and Ty provoked 30 families to go to Sdao, 10 to Sneung, 20 to Peak Sbek, and some families to Kabas and Thailand. Unfortunately, 20 families were caught at the border, and were all executed at Treng. In January 1977, Ly succeeded in persuading two people-Pley, member of the Economic Support Unit of division 2's regiment 70, and Thoch, chief of economic support unit of division 2's regiment 70-to oppose the revolution. From March to April 1977, Ren called on Ly, Ty, Un, Long, Nan, and Oeun, secretary of battalion 19, regiment 70, division 2, to devise a plan to be implemented in Battambang.

In May 1977, Ly and Nan arranged to send 50 bags of rice and 100 pigs from Battambang town to Treng.

In July 1977, Ly's group developed a relationship with In Tam forces and Thai people. Their assignment was to attack from Pailin, National Road N°10 through Battambang, then from O-Chroeu to Battambang with the cooperation of In Tam and Thai forces, and division 1 forces. Later on, Ren assigned Ly, Un and Long to arrange food supplies, and Ty to share medicine with the Thai and In Tam forces. In July 1977, Angkar began arresting Ren and his subordinates one by one. Seeing that, Ly, Nan, Long and Un did not dare to continue their tasks due to the investigation of Angkar. In September 1977, Nan instructed Ly, Long, Un and Ty to keep going on with their task of stirring up as many villagers as possible to flee to Thailand so they could gather forces from outside to counterattack the revolution. In the same month, Ly and Un agitated 10 families in Boeng Ampil village to run to Thailand. Meanwhile, Se, secretary of north-western division 2, was sent to Kakoh while Ly was sent to work as a blacksmith and carpenter in division 2. Shortly after, Ly was sent to a hospital in Battambang due to an intestinal disease. In May 1978, while Ly left the hospital, Nan was arrested by Angkar. At the same time, Ly was

ordered to cook rice for Se for a month. Se told Ly, "Comrade, it is not easy to struggle in the revolution; you can see the old society and revolutionary society." The broadcasts of Angkar spoke of improving the living condition of the citizens so that they would have full rights and enough to eat and wear, but villagers and soldiers were not granted what was mentioned in the broadcasts, and instead were forced to live separately.

In April 1978, Se called Ly to meet and told him, "Now, I totally trust you; if you achieve this obligation, I will promote you to be chief of economic support unit in division 2." Hearing that, Ly contacted the Thai and In Tam forces to attack Battambang town. With the cooperation of Thai forces, In Tam marched forward to Pailin through National Road N°10; they both united in Battambang. At the same time, Ly and Se contacted Son and Sam at a coffee farm to have them transport food and supplies to Thai and In Tam forces. They also developed a relationship with Phoem, Mean and Chhim.

In May 1978, Be and Son brought two Thai forces, Vat and Hem Chhorn, and two other people,

Chhem and Chan, to meet at Se's office. During the meeting, Se drew a map for the Thai and In Tam forces to enter through Babil and Kamrieng entrances in order to unite with Hem and Chan. As soon as the meeting came to an end, Be and Son brought the In Tam forces back to the border.

In late May 1978, Se arranged for Thai and In Tam forces based at Khiev Mountain to produce an attack plan; at the same time, he appointed Ly to talk to Son and Sam at the coffee farm about taking a tank to carry 30 bags of rice to Thai and In Tam forces on the mountain. At the meeting, Se confirmed to Ly the targets on the map they were about to attack through the National Road N°10. Subsequently, Ly headed to Treng to transport 300 bags of rice.

In early July 1978, Se was withdrawn by Angkar to Ka Koh. Shortly on 31 July 1978, Ly was arrested due to his action against the revolution of conspiring with betrayers and instigating with Thai and In Tam forces.

Sothida Sin is a staff writer for Searching for the Truth magazine .



People working at the dam construction site

STATEMENT OF THE SPOKEMAN OF THE MINISTRY OF PROPAGANDA AND INFORMATION OF DEMOCRATIC KAMPUCHEA

D29086

The Spokesman of the Ministry of propaganda and information of Democratic Kampuchea is asked by the Government of Democratic Kampuchea to make the following statement:

In order to hide their savage acts of aggression and invasion against the territories of Kampuchea and to mask their face of aggressor, annexationist and swallower of territories against Democratic Kampuchea and its people, the Vietnamese Party and Government do not mention that the Vietnamese army has deeply broken in to the territories of Kampuchea, they talk only about what they call "regrettable Conflict along the border between Kampuchea and Vietnam".

This is a Vietnamese act of duplicity that world opinion is aware of and abhors. It is obvious that the aggressor is always afraid of the reality and the truth, and thus always seeks schemes to hide them.

The Spokesman of the Ministry of Propaganda and Information of Democratic Kampuchea wishes to state as follows:

Talking the opportunity when the army and the people of Kampuchea are busy with their agricultural and production works for improving their condition of living and building up their own country and keeping only the small force to defend the border, the Vietnamese aggressor army has attacked and invaded Kampuchea by surprise and has deeply broken into the territories of Democratic Kampuchea many dozens of kilometers far from the frontier:

1. Along the road No7, in the East region, the Vietnamese army has begun their attacks and invasion from September 1977. In their first attacks, they have taken Memot, Krek and broken into the territories of Kampuchea up to Phum Stung, 20 kilometers

from the border.

After that, they launched their second attack on January 1, 1978 that is one day after the statement of the Government of Democratic Kampuchea was issued. They have penetrated by road N° 7 up to the cross-road at Pratheath, 30 kilometers from the border of Kampuchea, and also both to the north and south along this road.

Therefore, the territories of Kampuchea occupied by the Vietnamese in this region are 30 kilometers long from the border Kampuchea-Vietnam from the east to the west, and 20 kilometers wide both sides of the road.

At present, in this region, the Vietnamese army is surrounded by the army and the people of Kampuchea, who are attacking them at the front, cutting them off at the rear, from the north side and the south side, attacking them also inside their occupied ground in the territories of Kampuchea, and ambushing them in that region. The enemy can neither advance nor retreat.

Is this what the Vietnamese Party and Government call the "border conflict between Kampuchea and Vietnam", the conflict they pretend to highly regret? Where is the Vietnamese border? At Memot? At Prathreat, the cross road N° 7 to Chhlong? Let Vietnam clearly answer these questions to world opinion.

2. In Svay Rieng province, the Vietnamese army has broken into the territories of Kampuchea along the road N° 1, the road N° 13, both to the north and the south of road N° 1. It was the same in this region. In November 1977, the Vietnamese army launched attacks by surprise and broke deeply into the territory of Kampuchea.

a/ Along and in the south of road N° 1, the

Vietnamese army has taken Bavet, Chipou and entered up to Prasaut, 30 kilometers from the border, only 10 kilometers east of Svay Rieng city.

b/ Along the road N° 13, in the north of road, the Vietnamese aggressor army has attacked and occupied road N° 13 up to village of Chak, 10 kilometers north of Svay Rieng city.

The goal of the Vietnamese army is to take Svay Rieng City. But the Vietnamese aggressor army is surrounded by the army and the people of Kampuchea. They can neither advance nor retreat. The army and the people of Kampuchea are cutting them into pieces in order to completely annihilate them, without leaving them any chance to retreat. Yesterday morning, on January 5, we already liberated the village of Chak and we victoriously destroyed the enemy in this place.

Is this what the Vietnamese Party and Government call the "border Conflict between Kampuchea and Vietnam", the conflict they pretend to highly regret? Is the Vietnamese border and Prasaut or at the village of Chak? Let the Vietnamese Party and Government clearly answer these question to world opinion!

3. It was the same in the Province of Takeo and Kampot in the southwest region. In December 1977, the Vietmanese army has also launched attacks by surprise and deeply broken into the territories of Kampuchea:

In the province of Takeo, the Vietnamese army has penetrated up to Romenh, more than 10 kilometers from the border of Kampuchea-Vietnam up to the district town of Koh Andet, 30 kilometer from the border and taken Tonloap and Kirivong, 15 kilometers from the border.

In the Province of Kampot, the Vietnamese army has attacked and taken Phnom Lork, the village of Koh Chanlos and penetrated up to the district town of Kampong Trach, 13 kilometers from the border. In this battlefield, the Vietnamese aggressor army had been surrounded and heavily destroyed by the Revolutionary Army and the people of

Kampuchea. They had already been routed and shamefully pulled back to Vietnam in confusion. But we want to ask once again the Vietnamese Party and Government: is this what the Vietnamese Party and Government call "border conflict between Kampuchea and Vietnam", the conflict they pretend to highly regret? In the province of Takeo, is the Vietnamese border at Romenh? At the district town of Koh Andet? At Tonloap? At Kirivong? In the province of Kampot, is the Vietnamese border at Kampong Trach? Let the Vietnamese Party and Government clearly answer to world opinion!

Together with these battlefields, the Vietnamese army has repeatedly shelled, fired machine-guns and penetrated into the territory of Kampuchea, in the province of Kampuchea territory, in the province of Mondul Kiri, Ratanakiri and Kratie.

World opinion is already clearly aware of the Truth. There are a reestablishment of large-scale and systematic acts of aggression against Democratic Kampuchea, a fully independent and sovereign country. Thus, it is not a "border conflict" as the Vietnamese Party and Government want to deceive world opinion, through their true nature of duplicity and aggression. These acts of aggression are indeed very clear. Besides, the Vietnamese army has not only attacked and invaded the territory of Democratic Kampuchea. The Vietnamese army has destroyed the state power, killed the cadres at all levels among people of Kampuchea, wherever it has reached. They have also mobilized all the remaining hooligans of the old society of Kampuchea to set them up as chairmen of villages and communes as their oppressive instrument against the people of Kampuchea. Most of the people of Kampuchea in all these above region have escaped from the hands of the Vietnamese aggressor army and are fighting side by side with the revolutionaries and counter-attacking against the enemy. But the Vietnamese army has captured a few people, and forced them into their strategic hamlets as the US imperialists used to do it. Is this what the Vietnamese Party and

Government call "border conflict"? This is to overthrow the State power of the people of Kampuchea, to overthrow the state power of Democratic Kampuchea, a State power of a fully independent and sovereign country. Is this what the Vietnamese Party and Government call respect for the sovereignty of Democratic Kampuchea, respect for the sovereignty of the people of Kampuchea? Whatever Vietnam may say, this is an aggression for Vietnam against Democratic Kampuchea and its people, aggression that the Revolutionary Army and the people of Kampuchea can not tolerate in any case.

The Vietnamese Party and Government, through their nature of aggression, expansion and annexation, have hidden their duplicity since a long time. Now, they can no longer do.

The story of a "border conflict" is just one among many different pretexts that Vietnam has created in order to attack, threaten, exert pressure and coercion on Kampuchea so that the latter agrees to kneel down and implement the Indochina strategy of Vietnam. It force Kampuchea to participate in an "Indochina Federation" of Vietnamese obedience so that Vietnamese can easily annex and swallow the territories of Kampuchea, and Vietnam can then become an annexationist great power in South East Asia. The people and the small countries all over the world have their honour and dignity, cherish and defend their honour and dignity, wish to live in full independence and sovereignty, to be master of their own destinies, cherish and defend their sovereignty and their territorial integrity. In the past, the nation and the people of Kampuchea had consented to immense sacrifices during their struggle for their liberation. The Revolutionary Army and the people of Kampuchea had consented sacrifices for liberating themselves from a great power not in order to be enslaved and to be made subservient to another great power, but to live independence and sovereignty, In honour and dignity. Therefore, in any case, the people and the Revolutionary Army of Kampuchea will not carry out the Vietnamese orders

to participate in the "Indochina Federation". For this reason, the Vietnamese Party and Government harbour resentment against Democratic Kampuchea, its Revolutionary Army and its people. As for the other issues, such as the problem of border that Vietnamese says is "not clearly delimited", they are only pretexts.

Therefore, between Democratic Kampuchea and the "Socialist Republic of Vietnam", it is not a normal border conflict but is a problem in which Vietnam has a stand of aggressor, annexationist, swallower of territories of Kampuchea and acts as an aggressor and an annexationist against the territories of Kampuchea in order to put Kampuchea under its dependence within "Indochina Federation" and to strengthen in the future its influence and its power among the Southeast Asian countries.

As for the problem of negotiations that Vietnam pretends to propose, they could be convened only if a favorable atmosphere of mutual confidence is created beforehand, that is when Vietnam stops its aggression against Kampuchea, withdraws its army from the territory of Kampuchea, stops carrying out its perfidious schemes to force Kampuchea to participate in its "Indochina federation". If Vietnamese does not withdraw its army from the sacred territory of Kampuchea, The Revolutionary Army of Kampuchea and the people of Kampuchea would have only one way, that is to annihilate all the Vietnamese enemy who have come and swallow the territories of Kampuchea. This is the full right of the Revolutionary Army of Kampuchea and the people of Kampuchea.

Phnom Penh, January 6, 1978

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THE DUALITY OF APRIL 17 THROUGH BYGONE ERAS

Dacil Q. Keo

The Cambodian New Year serves as a reminder of the best and worst in life. The date of April 17 is particularly a paradoxical one; it marks both the end of the New Year celebration and the beginning of the Khmer Rouge regime. The duality of April 17 is experienced by every Cambodian to varying degrees of consciousness. It is a duality of dichotomous experiences and emotions in which the image of joyous gatherings in temples and relative's homes contrasts vividly to that of gun-point evacuation of an entire city. Contained within this duality then, for a Phnom Penh local, are inexpressible meanings and entrenched memories of times plentiful and scarce, festive and grave, living and dead. For these residents, April 17 is a duality they must confront and reconcile, now more so than ever because the dark side of the 17th is being engrained in the nation's psyche through legal justice and official textbooks. That such apparently antithetical events give meaning to April 17 imbues even greater significance upon the date itself.

To illustrate and situate this duality, let us take up perhaps the purest and idealized of experiences in one's life: childhood. For an average child growing up in Phnom Penh in the mid 1960s, life was relatively safe and routine. April 17 was the middle of a school break which lasted approximately three weeks. For school children, preparation and celebration began a week before and ended a week after the three-day Cambodian New Year holiday. Although normal classes had ceased by early April, students still filled the schools that first week to clean and decorate classrooms as the teachers convene in a meeting. The day after decorating, a pre-New Year party was to be held in school.

Also part of the preparation for the party is shopping for ingredients. It was common for school

children to go to the markets after school, still dressed in their uniforms and unchaperoned. The city was safe then and parents allowed their children to walk home from school with classmates or by themselves. On the day before school celebrations of New Year's, you can find many students at the stalls of Olympic Market choosing and bargaining for fruits, vegetables, and meats.

In the early morning of the next day, the whole class gathers in one student's house to cook several savory dishes. This is no simple feat as a class may contain as many as 30-40 students. These students somehow coordinate themselves in the kitchen, with the help of the student host's mother who assigns tasks of chopping, washing, and stirring. The morning's collaborative effort produces large quantities of popular dishes like coconut chicken curry with French bread and desserts wrapped in banana leaves. Warm and aromatic, the dishes are carried off by the students to school grounds.

At school, in the newly decorated classrooms, students enjoy the fruits of their culinary labor. Eating and joke telling are not the only order of the day, dancing and singing is also a requisite. A live band, usually paid by money collected from upper classmen, play the latest pop hits from Sin Sisamouth and Ros Serey Sothea. In the afternoon, full and tired, students return home to begin their three week vacation.

On New Year's Day in Phnom Penh, excitement and merriment fill the streets, pagodas, riverfronts, and homes. Parents take their children to pray in the temples and visit relatives in other parts of the city. Children also visit their friends nearby and play traditional games such as *bos angkunh*, *chol chhoung*, and *leak kanseng*. Their celebration lasts through the 17th and into late April. Those who are

studious balance fun with textbook reading during the break; others enjoy their break to the fullest by frequenting movie theatres instead of studying.

This is how native Phnom Penh locals now in their 50s and 60s remember their childhood in the 1960s during New Year's. Although admittedly these memories are romanticized to some extent, the degree of difference between the mid-1960s and 1975 cannot be overstated. After 1975, April 17 was no longer a day only associated with the Cambodian New Year and school vacation.

In the months leading up to the Khmer Rouge takeover on April 17, 1975 the city looked and felt nothing like it did in the 1960s. A coup, civil war, American bombardment, and the influx of fleeing villagers had changed the landscape of Phnom Penh. The city was no longer safe as Khmer Rouge soldiers exchanged gun-fire, rockets, and mortar shells with Lon Nol forces. Some parents packed garlic for their children before heading off to school believing that the smell of garlic would neutralize the toxic fumes from gun smoke. Other parents kept their children from going to school altogether.

All around the city were reminders that staying home was the safest option for children. The scene of movie theatres blasted by mortar shells burning and killing those trapped inside complemented those of streets littered with makeshift shelters holding internal refugees. The once lively and festive atmosphere of New Year's was all but gone; some who were brave and brazen did try to celebrate as before. Shortly after the New Year in 1975, the triumphant Khmer Rouge forcibly evacuated all of Phnom Penh's residents. Some Khmer Rouge soldiers threaten to shoot if residents did not leave their homes; many such threats became reality. What happen thereafter for the next 3 years, 8 months, and 20 days positions Democratic Kampuchea as arguably the most brutal and bizarre government in the world.

Thirty years later after the fall of the Khmer

Rouge regime the celebration of the New Year in Phnom Penh, though containing festive and lively hues, is of a different color than in the 1960s. The streets of Phnom Penh are not as safe as before. Wealthy parents rarely allow their children to go out without a driver or bodyguard. Schools no longer break for three weeks as it did in the 1960s, but rather for only several days. Since many of the city's original inhabitants died during the Khmer Rouge regime, the repopulation of the city after 1979 has been driven mostly by the migration and settlement of rural farmers. During the New Year holiday, these new residents take their children back to their home villages in the countryside. They return to the provinces in such large numbers that the population of Phnom Penh seems to halve during this short period.

Some of these children also remain ignorant of the Khmer Rouge regime, understandably unable to believe the extent of destruction and death inflicted by the Khmer Rouge. Others, whose parents were former Khmer Rouge cadres, grow up hearing a different version of the events following April 17, 1975.

An educational scheme approved by the national government is now underway to change this. The future incorporation of Khmer Rouge history into high school curriculums across the country will allow students to grasp the horror that befell their country. They will be able recognize the significance of April 17 as being more than a day following the New Year celebration, but also as a day which ushered in some of the darkest years in Cambodia's history. They will understand that while the New Year brings fresh opportunities for progress and change, respect must also be paid to the past. If both child and parent can confront this duality together, then Cambodia's tragedy might be avoided in the future.

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DISTRIBUTION OF "A HISTORY OF DEMOCRACY" HIGH SCHOOL, KANDAL PRO



"ATOMIC KAMPUCHEA" AT HUN SEN ANG SNUOL PROVINCE ON MAY 20, 2009





Lok Chumteav Tun Sa-Im, Deputy Secretary of Ministry of Education Youth and Sports



Mr. Clint Williamson, Ambassador-at-Large for War Crimes Issues





17 APRIL: A BRIEF REFLECTION ON PHNOM PENH THEN AND NOW

Chy Terith

17 April 1975 marks the start of Cambodia's deadliest regime. That is the day the Khmer Rouge came to power and mass killings began. In Phnom Penh, city dwellers were forced out of their homes and stripped of their basic freedoms, rights and possessions. They were sent to labor in rice fields and at work sites in the countryside. Viewed by the regime as parasites, city people were discriminated against and singled out for execution, especially those associated with the former Lon Nol government and those with an education. When the Khmer Rouge regime collapsed in 1979, only few of the around 1 million city dwellers survived and returned to their homes. Phnom Penh then was described as a city of ghosts.

This 17 April 2009, Phnom Penh is a complete different city, with paved roads, high-rise buildings, restaurants and banks all across the city. Phnom Penh has enjoyed tremendous development and political stability for the last several years, even

while Thailand, once a powerful and stable neighbor, has plunged into seemingly perpetual political instability. Phnom Penh's population has swollen to around 2 million, a majority of whom are migrants from the provinces. As a consequence, during festive seasons such as Khmer New Year when people return to their home towns, Phnom Penh again becomes a deserted city.

April 2009 also marks a turning point in Cambodian history. Impunity long enjoyed by former leaders of the Khmer Rouge has been brought to an end. Duch, former chairman of the S-21 prison, is currently on trial for crimes to which he has confessed responsibility, including killing and torturing more than 12 thousand of the regime's perceived enemies. Other former leaders are also in the custody of the Khmer Rouge tribunal, awaiting indictment and trial.

Terith Chy is the Team Leader of DC-Cam's Victim Participation Project.



Lok Chumteav Tun Sa-Im and Mr. Youk Chhang distributing "A History of Democratic Kampuchea" to students

DUCH ON TRIAL AND VILLAGERS' REACTIONS

Savina Sirik

Duch's substantive trial began in late March 2009, and proceedings have been ongoing for more than three weeks. The Court is now hearing testimony and evidence on the issue of Khmer Rouge security office S-21, better known today as the Tuol Sleng Genocide Museum. Following discussions about a former prison, M-13 at Amleang, Kampong Speu, the Court will begin hearing testimony concerning the establishment of S-21 and the former security center at Takhmao. Those presiding over the Khmer Rouge Tribunal have attempted to make it easy for all the parties involved in the hearings to follow the proceedings by dividing issues to be discussed into sections so that the hearings go smoothly and quickly.

Standing before the tribunal, Duch discussed the establishment of the prison camp S-21. Judges, co-prosecutors, civil party and defense lawyers were all allowed to ask Duch questions. Duch told the public of the history of S-21's establishment. The prison was moved from a prison camp in Takhmao, which originally functioned as a hospital. Duch said this prison was initially under Nat's control and that Duch himself was the sub-chief. Duch explained in detail how and why he and his team turned the former Tuol Sleng School into a prison camp. During the hearing, Duch testified about who initiated the idea to establish S-21, who partook in the leadership of the center, who was selected to work at S-21, and which torture methods were used in the prison.

On April 29, 2009, the proceedings transitioned to the phase where co-prosecutors and civil party lawyers of all groups could take turns asking Duch questions. In response to questions, Duch recalled the period when he and Nat were working to form S-21. They received ideas from their superiors to

select people for arrest, formed rules to apply in the prison, and created methods to interrogate and torture prisoners. The stories Duch told the court are important for all Cambodians, especially those who are victims of the Khmer Rouge. Whether or not Duch's words are truthful, Cambodians should have a chance to learn about the Khmer Rouge period

In order that survivors of the Khmer Rouge regime have an opportunity to evaluate the proceedings and personally judge Duch's confession, the Documentation Center of Cambodia invited a group of 100 villagers from Por Ban commune, Koh Thom district to attend the hearing. Nat, who had been the head of Division 703, was the chief of Takhmao prison and the former security office S-21. Most survivors from Koh Thom district have heard of Nat and knew him personally. However most of these people never knew Duch; only those who were staff at S-21 prison were familiar with Duch. Because most people in Koh Thom remember Nat and there were still some people who were staff members of S-21, the villagers of Koh Thom became a target group for our selection to the hearing.

Even though many of those invited have never heard of Duch, observing the hearings can be a good way to help them learn about Duch. According to villagers' observations, there are both true and false account in Duch's confession. In some interviewees' opinion, Duch was trying to hide some facts and divert blame on to Nat who was his chief at the time. Chim Vang from Prek Ta Roath village commented that Duch was trying to defend himself and place more responsibility on Nat who is dead.

Duch next answered co-prosecutor's questions regarding his hand written notes on prisoners' documents. Duch told the prosecution that Nat

was the one who gave him his main idea and he used it to write notes in the prisoners' confession. A 55 year-old villager told the team that Duch was not a trusted person. "I don't trust in everything he said. Whatever fact making him look bad, he objected to it," said Chrech Sroem.

The next part of Duch's testimony demonstrated that decisions about which methods of torture should be used on prisoners came from Duch himself. Duch was not alone though; he discussed and decided on torture methods to use with Nat. He explained two methods to interrogate and torture the prisoners: using a wooden stick to beat prisoners and electric shock. He also acknowledged that a plastic bag was sometimes used to torture the prisoners during the early period of prison operations. However, Duch firmly rejected claims that he ordered prisoners to be hung upside-down to drown in water. He objected to the allegation and stated that no such torture method was used at S-21.

A 55 year-old man, Lach Mao, did not entirely believe what Duch said about the torture methods used at S-21. He claimed that those methods were too light for a highly secret security office like S-21. Mao was once a Khmer Rouge soldier who was later arrested and sent to a prison at Chrey Pnoeu. He described how the KR tortured him, pulled out his fingernails and shackled him with iron shackles. "If Duch's claim was true, then the method used in the local level security office like Chrey Pnoeu was much more brutal, it's not possible," he commented. Chay Ry from the same commune also believed that Duch did not reveal all the fact about torturing prisoners. Ry was arrested and tortured at Koh Kanteay prison camp for about a month. Ry's head was put in a plastic bag for a few minutes before he lost consciousness. Ry was angry when he saw Duch for the first time. "If I had a chance to see Duch personally I wanted to ask him where the Angkar took rice and other agriculture product to. I wanted to know why they leave people hungry and why they jailed people who stole rice just to fill up

stomach," said Ry angrily. In contrast to Duch's claim that there was no torture like pulling prisoners' fingernails in S-21, a 48 year-old villager argued Duch's words were lies. According to him, Tuy Kin, who was also at the hearing on the same day, used to work in the interrogation unit of the prison and was responsible for pulling out prisoners' fingernails during interrogations.

Almost none of the 13 people the team interviewed had learned that Nat was the chief for a period of time in S-21, and many of them were surprised when told. Keo Heng from a village in Por Ban commune was surprised when Duch mentioned Nat in the hearing. Heng did not believe that the Nat she used to know was the same person to whom Duch was referring. Heng recalled that she knew Nat through her brother who worked in the same division in which Nat was the chief. It was also the first time that Sorn Chay realized that Nat was transferred to work at S-21. Chay knew Nat for a long time when he was still a member in Division 703. He recalled the time when he saw Nat at Chroy Changva Bridge right after the KR victory in 1975.

Interviewees generally expressed satisfaction with the work of the tribunal and were glad to see the trials of the former prison chief underway.



Villagers queuing to enter the court room

However not all of them are satisfied with Duch's confession which, according to their observations, contained only some truth, not the whole truth. As observed by some interviewees, Duch did not take a full account of the crimes he had committed at S-21. Instead, he tried to reduce the weight of his responsibilities and place it on his superiors.

To gain a complete understanding of the villagers' opinions about Duch and the hearing on April 29, 2009, the following are some quotes from 12 interviewees who attended the hearing.

1. Chrech Sroem, male, 55.

I had never known Duch before I watched the hearing. I found his words not trustful. He was managing the prison, how come he did not know about everything? In my opinion, he must be convicted. If not, younger generations would not take the example to follow in the future. I was glad to witness the trial. I think it would be helpful for the Cambodian people to feel relieved from their suffering. I still want to follow the proceedings and see what Duch would say in the following hearings.

2. Choem Vang, male, 59.

I had heard of Duch, but never saw him like I did yesterday. I think Duch was still trying to hide the truth. What I was interested in the most was his

refusal to answer the lawyers' questions. Because he was so brave to refuse to answer questions, I conclude he was a strong man and was not afraid to face the trial. However, I did not believe him when he said he did not know some facts.

3. Keo Heng, female, 53.

From the hearing, I learned that Duch was one of the leaders of the Khmer Rouge. I knew Nat a long time ago, but I had never known Duch. I was not so interested in

Duch's words. His laughing seemed to hurt people's feeling. I wondered why he sometimes did not answer the lawyer's questions. I was excited to see the Courtroom and the proceedings. I think this trial could set an example for future generation and prevent a human rights violation in the future.

4. Choeung Leng, female, 52.

I think it is the right thing to put the KR leaders on trial. The hearing gave me clues about what Duch is like. I was surprised to see Duch's behavior in the Courtroom. He dared blaming directly to a [civil party] lawyer. It indicated that he was not afraid of the trial. I like the last [civil party] lawyer, he asked Duch direct questions making it difficult to refuse to answer.

5. Leng Sieng, female, 50.

I wanted to hear Duch on the trial because I was suffered so much during the Khmer Rouge regime. I wanted to see what he looked like. I told my children how hard it was to live in the KR regime. But it has been 30 years. When I learned there is a tribunal, it helped me to relieve some pain.

6. Sim, male, 66.

My only purpose for the trip was to see what the accused person looked like. I want an answer from this trial about why the KR ordered the killing of innocent people. I have lost all my family members to the KR regime. I had to struggle to live alone. I did not believe Duch's words a hundred percent because he did not acknowledge some facts connecting him to the killing directly. But, I believe that victims would be partly relieved to see Duch speaking on trial. Lastly, I am glad to hear Duch revealing facts during the trial.

7. Lach Mao, male, 55.

I used to be one of the KR soldiers under Hou Nim and Hou Yun's command. I wanted to see the trial to listen to what Duch said. I was imprisoned and tortured in a KR prison. There were many other soldiers who were arrested and sent to the prison. I did not believe Duch when he said there were only a few methods to torture prisoners. In jail, I



myself was tortured when my fingernails were pulled out. I was not satisfied with Duch's confession; however, I hope it will relieve people's painful feelings. I knew Nat. He was the commander of Division 11 and 12. After the war [in 1975], I heard that he was nominated to be a diplomat to Australia. But I never heard from him again since then.

8. Ham Heng, male, 58.

I was so interested in the hearing. It was my first time to see the courtroom and the trial hearing. I never saw Duch before. I just realized he was Tuol Sleng prison's chief when I attended the hearing. Nevertheless, I do not believe Duch's words entirely. I believe that this trial will bring justice to victims as I can see it with my own eyes. Also I hope that this court will reduce the victims' anger.

9. Chhay Ry, male, 46.

I understood only some part of the hearing. I was satisfied to see Duch on trial. I know we cannot bring some victims' lives back; we can only make our effort to prevent our generation from wrongdoing again. I was put in prison during the KR because I was too hungry and stole rice from the Angkar to eat. I stayed with 20-30 others prisoners. All of us were shackled with an iron bar. Sometime our legs were injured because they inserted the bar into the shackles without telling us.

10. Kim Senh, male, 64.

At my very first time to see the trial, I paid attention to what the judges, co-prosecutors and lawyers have said and asked Duch about office S-21. I did not know who Duch was before. Just at the court room, I heard Duch confess to atrocities committed during his time in power at S-21. I wondered why Duch agreed with the Angkar to do such cruel things to prisoners. I observed that Duch is an intelligent person, and he shouldn't be a killer. When I heard Duch's confession, I came to be relieved of anger. I hope that the tribunal can find justice for victims. I also want the tribunal to work faster than it is.

11. Sorn Chay, male, 59.

I did not know who Duch was before attending the Khmer Rouge Tribunal, but I used to hear his name during the Khmer Rouge regime while I was serving as a soldier in division 703. I wanted to see the tribunal because I want to see Duch's face and listen to what he confessed to during the trial. I noted that Duch is an arrogant person, but he should be responsible for what he did during his work at S-21. Nat was my division commander. I knew him and also met him at Chroy Changva Bridge right after the [Khmer Rouge] victory in April 1975. I also did not know he was transferred to work as chief of S-21 in 1975. I first heard this when I was observing the trial on April 29. I really want to see the trial more than one time. I am still angry at the Khmer Rouge. Even if the process of the chamber is going on, I am still angry at the Khmer Rouge leaders. I want the chamber to work harder to collect evidences and witnesses to bring all Khmer Rouge leaders to be sentenced and punished. Almost all my members of the family were killed by lower-ranking cadres in the commune, but I was not angry at them because I have learned that they received the order from the higher-ranking cadres. At the end, I believe that the trial chamber can find justice for all Cambodian victims who suffered from the regime.

12. Loch Leang, male, 48.

At a full day listening to the chamber, I observed that some of Duch confessions are true and some are untrue. The truth is: victims were not released when they were sent to office S-21, the establishment and goal of S-21 and 4 kinds of torture. Thing that was not true: Duch refused to have a torture method such as pulling out fingernail. Tuy Kin was a former cadre who was responsible for pulling out victims' fingernail in an interrogating unit of S-21. Kin was also in a court room on April 29 with other villagers.

Savina Sirik is the Team Leader of DC-Cam's Living Documents Project.

PEOPLE'S VIEWS ABOUT M-13 AND DUCH CONFESSIONS

Pong-Rasy Pheng

Since starting my research in 2003 on security prison M-13, ran in the early 1970s by Kaing Guek Eav aka Duch, I never had any hope that it would be useful for future generations to know about and remember. Six years later, my research has become one of the most important sources on M-13 for the Khmer Rouge tribunal, officially known as Extraordinary Chambers in the Court of Cambodia (ECCC). My work has especially been helpful in providing evidence of the atrocities that took place under Duch's authority before he ran S-21 prison between 1976 and 1979 during Democratic Kampuchea.

During my research, I conducted interviews with two witnesses who then went on to appear before the ECCC: Chan Veoun and Chan Khorn. These interviews led to Veoun and Khorn being summoned to talk about their past and testify as witnesses to Duch's actions at M-13.



Villagers in Amleang sub-district

Before the ECCC, Duch confessed nearly everything concerning his actions at M-13. He also said that he was just following orders. What surprised me most is Duch's denial that Chan Veoun was a guard at M-13 in early 1970s. Duch however did acknowledge that Chan Khorn was a prison guard whom Duch himself had recruited.

When I conducted my approximately hour long interview with Chan Veoun on April 30, 2003, at Amleang, Kampong Speu province, he told me that Duch recruited him as a guard to work at M-13. During the ECCC hearing, even though Veoun did not challenge Duch's denial of his involvement at M-13, he kept repeating that he was part of the security force there. Veoun also testified that he knew of Duch's brutal behavior toward prisoners because once saw Duch shot a prisoner to death with a pistol. Duch rejected this accusation, saying that he had never killed anyone with his own hands, but had ordered his guards to do so. Duch made other comments in an effort to convince the judges that Veoun was not a guard at M-13. In response to Veoun's testimony about Duch's involvement, Duch tried to clarify the issue by claiming none of the staff at M-13 were ever assigned to be both economic cadre and prison guards at the same time as Veoun alleged. Duch also said that there was no economic unit at M-13.

Most Cambodians are aware of the trial of Kaing Guek Eav alias Duch in the ECCC Case 001. Through the tribunal hearings people have recently learned about M-13. I have known about M-13 for six years now and want to learn more about what happened there 38 years ago. Nobody knows for sure if Duch's statements during the trial are true; only the victims can know this. Moreover, it is the court that will determine Duch's fate - how long he will serve in prison if found guilty.

The general public, journalists, and foreigners cannot seem to agree on whether Duch's statements made in court are true. They are also unsure whether they believe the witnesses: Chan Khorn, Chan Veoun, Uch Sorn and François Bizot (a Frenchman who was incarnated at M-13).

However, people who lived near M-13 during the early 1970s and those who witnessed the atrocities can judge whether Duch's statements are true. In order to increase their understanding of this era and help them reflect upon what took place almost 40 years ago, the Documentation Center of Cambodia (DC-Cam) invited two hundred people from five different villages near M-13 to the ECCC hearings.

More than three decades after the atrocities of M-13 in a rural Cambodia, the mystery of this prison is finally being publicly unearthed. Questions about why M-13 was created and why people were imprisoned and killed there are now being answered. Duch has responded to questions by judges, co-prosecutors, and lawyers about his involvement with M-13. Nevertheless, what Duch has said so far does not satisfy the people who lived near M-13 three decades ago. A village chief from one of the five villages told me that people in his village were not satisfied with what Duch told the court. They reject Duch's claims that no prisoners died during a flood. "Duch and his guards did not bring the prisoners out of the pits when the big flood came," he said. A deputy chief from another village was pained by Duch's denial that Chan Veoun was one of the prison guards. The deputy village chief said that Chan Veoun told him after the proceedings that he wanted to jump up and hit Duch in the face when he denied his role as a guard.

I interviewed fifteen other villagers after they heard Duch during the hearings. Most of them said Duch is irresponsible and a liar. One 67-year-old villager expressed her strong distaste towards Duch and wanted him to share the same fate to which he had condemned her husband when he ordered his arrest and death. "Duch did not tell the court of the



DC-Cam's staff interviewing villagers in Amleang sub-district

atrocities he committed at Amleang," said the 67-year-old woman. "I want to hit him with my own hands."

Sokhay, 32-years-old and lives near M-13, did not have any negative feeling towards Duch because he is too young to remember the Khmer Rouge regime. He was not a victim and his family had not been abused by Duch. Sokhay acknowledged that most of what knows about what took place before his birth comes from other villagers. This was the first time he saw Duch and he thinks that Duch's testimony is perhaps truthful. When guiding people from other villages to visit M-13, Sokhay saw many pits, ponds, a river, and families offering food to those killed at the prison believing that their spirits would come to receive the offerings. When he saw these offerings, he did not understand. After listening to Duch, Sokhay confessed that he had learned about M-13 from the hearings.

Another village chief, Chel Theoun, told how at dawn one day in 1972 she saw his dog chewing on human intestines next to his house. Witness Chan Veoun also mentioned in his testimony that



he had seen a dog eating human remains including a skull, arm, and legs near the kitchen. Duch however, rejected this testimony, saying that dead prisoners were buried properly.

After hearing Duch, Pheap, an assistant to one of the village chiefs, protested, "Duch should tell the truth about what he did when he was in power; he should not bury the truth."

The following are quotes from seventeen people who live near M-13 in Kampong Speu province and attended the M-13 hearings.

1. Mak Meoun, 68.

"I saw him [Duch] in court. I have known him since 1971. I am happy to see a tribunal is in progress and am also happy to see Duch in court. I want the court to prosecute [them] as soon as they can since they have done many bad things to their own people. Nothing makes me happier than to see the court prosecute them. I totally trust the court. I will feel relieved if the court can find justice for those who died under Duch's rule."

2. Srey Chheoun, 41.

"It was a huge relief when I learned that the

court will bring Duch to justice. If Duch is brought to justice, I will feel calm. I am happy to see the court staff ask Duch questions about his crimes. When I saw his face, I remembered him. What he said in court is only part of what he has done. There is a lot more to tell the court. One of the points he did not acknowledge was Veoun being a security guard at M-13. From what I know, Veoun really was a security guard at M-13. After the hearing, he told me he wanted to hit Duch during the hearing. I don't know exactly how many people were killed there, but many of the old villagers say that the death toll was higher than 300 people. I would like to appeal [to the court] to not let him [be] free. I want the court to sentence him so that the victims can receive justice."

3. Yin Neang, 41.

"It seems to me that the tribunal will find justice for those who were killed at M-13 because it is a fair tribunal. I think what Duch has confessed to is only a fraction of what he has done."

4. Peng Phat, 41.

"I never knew Duch; I just saw his face during the trial but my father told me that Duch was a brutal man. I think the tribunal can provide justice to victims. I want the court to continue asking him questions because some of his answers have not been accurate."

5. Ya Heoun, 50.

"This is the first time I have attended Duch's hearing. I have known Duch since I was young but I did not dare look at his face then. When I arrived at the court, I saw him again. I remember him. I had no exciting feelings, but I am happy to see him on trial."

6. Phon Pheap, 40.

"I was very shocked to see Duch's face. Even though I had never known nor seen him, I felt frightened. I want the trial to continue. If he were released, it would be unfair to the dead. I believe that those who had relatives die under Duch's authority would be hurt if he were to be released. I don't know if he told lies during the trial or not. But

some of the older people say that a majority of what he said is not truthful. I wish he would tell the court everything he did so that people will feel more relieved. I believe if each of us in Amleang commune asked him a question, he would die from a fainting spell. After the trial, many people who knew him wondered why they were not allowed to ask him direct questions."

7. Kong Sokhay, 32.

"I never knew Duch before this trial; I just saw him in court a few days ago for the first time. I didn't know what had happened at M-13 either. Every year I am hired by relatives of the dead at M-13 to take them by home-made cart to the site during national holidays. They bring food and believe that those who died will receive that food. All of them are from Oudong district, Kampong Speu province. I don't feel angry or furious at Duch because I was too young during the Khmer Rouge regime and I didn't know anything. Even though he killed lots of people, I feel the same as usual. I just wanted to see what he looked like when I went to court. At M-13, I saw large pits serving as prisons, not proper burials. Those prisoners drowned and died. My intention was to go to court and find out what he had done and how much he would confess."

8. Meas Morn, 60.

"I don't have any emotions. It is the duty of the court to judge the defendant. I felt pain hearing that prison guards raped a woman prisoner and tortured her by putting a stick into her vagina. Besides that, I don't have any reaction."

9. Hem Yi, 60.

"I think that Duch confessed a lot about his past actions, even though he has not told everything. I am certain that Chan Veoun is one of the former security guards [at M-13] as is Chan Khorn. I don't understand why Duch does not acknowledge Chan Veoun. I lived at Amleang before the establishment of M-13. I met Duch when I brought prisoners to M-13, but I did not go far inside the building. I don't know how those prisoners later died. After the

Khmer Rouge took power in April 1975, I went to the M-13 again to dig wild potatoes, but after I cooked them I could not eat them because those potatoes smelled so bad. They smelled like decaying bodies. I cannot forgive him even though he asked for forgiveness. Prisoners asked him for forgiveness, but he did not forgive. I could not forgive him."

10. Chel Theoun, 41.

"I felt both happy and sad when I was in court. I have never met Duch before, but I did know that many of the prisoners were imprisoned near my mother's paddy fields. Once at dawn in 1972, I saw a dog eating human's intestine next to my cottage. When M-13 was flooded, many of the clothes of the prisoners were washed up on the hill next to my house. I think that the tribunal should continue to prosecute Duch."

11. Sor Phonn, 53.

"I don't have any feeling towards Duch because I never knew him. At that time [early 1970s] I was in the mobile unit with Grandmother Meas and Maen. I only saw him when I attended the hearing."

12. Kong Kuor, 67.

"I felt very hurt when I saw Duch again. I lost my husband because of him. I want him to die like my husband, brothers, and uncle. I don't want him to be alive. I am happy to see that the tribunal arrested Duch and is prosecuting him. I want to hit him with my own hands. Duch looks different [from the 1970s]. At that time, he was bigger and well built. Yet, at the same time, he looks the same as before. I am sure that he has not confessed everything he has done because he was very brutal. All villagers want him to be prosecuted as quickly as possible. I know the judges have to follow the law, but people are furious and they don't want to follow the law; they want to prosecute him right away."

13. Rath Khon, 56.

"I am annoyed by his past actions, even though I have never known him before. Three members of my family were killed under his rule. I think the tribunal should continue to question him. What he

did, despite what he has said, was very atrocious. "

14. Kong Kith, 56.

"I want to see the tribunal again--to look for the truth. I am happy to see the hearing, I was also sad because it reminded me of my experiences. My brother was killed and buried at the 'ghost field.' Duch did not arrest my brother with his own hands, but he had ordered his guards to arrest him for being a spy. I think that what he said during the hearing is not a reflection of his real actions when he was in command. He has not confessed all of his actions. Lots of prisoners died during the flood, but he claims no one did. If he had said that outside the court he would have been killed, but because he was in the court, he will be protected by the law. I want the court to sentence him to death, as he did to many prisoners. "

15. Sum Sok, 48.

"I feel furious with the Khmer Rouge leaders. However I have never been angry with Duch in particular since I never knew him. I think that the tribunal will provide justice for victims. From my observation, Duch is a bit gentle. But his real behavior is evil. I have never seen him before. I have just heard that he was a cruel man."

16. Siv Sarith, 43.

"I never had any idea where M-13 was located. The reason I attended the hearing is to find out what Duch did. I feel wounded by the Khmer Rouge regime which killed many Cambodians during their three year, eight month, and twenty day rule. I don't know why the leaders are not doing what the current leaders are doing. When I saw Duch's face, I felt angry. During the [Khmer Rouge] regime, I saw people being arrested and killed without reason. I am not only angry with Duch, but with all Khmer Rouge leaders. I want the tribunal to provide the best justice."

17. Phuong Chan Him, 48.

"I was very excited when I saw Duch in the courtroom. I have never seen him before in my life. When I am reminded [of the Khmer Rouge regime],

I feel pain. In 1972, on one occasion I saw prison guards at M-13 arrest a couple who were later killed. Duch said that most prisoners came from three villages--Tumneab, Thorkob and Trapeang Trob. I don't believe what he says due to the fact that there were a lot more prisoners being brought from the western provinces. Some of what he stated is not true, especially when he claims that between 200-300 prisoners had been killed at M-13. In fact, many more prisoners died in the flood, even though I don't know the exact number, I just know that the number was more than 300. Only Sorn, one of the witnesses, survived. The others did not."

Pong Rasy-Pheng is the Team Leader of DC-Cam's Genocide Education Project.

SEARCHING FOR MISSING SON

I am Chhoeun Uy, 84, with seven children. I lived in Svay Chek village, Ta Trao sub-district, Puok district, Siem Reap province. Now I live in Svay Chek village, Svay Chek sub-district, Ang Thom district, Siem Reap province. I would like to search for my son named Duong Tuy, who disappeared in 1973 after he was recruited into a Khmer Rouge art unit. Tuy was the third child and went to grade 11. In 1970, Tuy became a Khmer Rouge comrade whose duty was to guard the village. Later on, Angkar selected him to work in the art unit. In 1973, Tuy's mother and I were evacuated to Svay Leu district. I lost contact with Tuy at that time.

After the Khmer Rouge was toppled in 1979, we returned to our homeland and heard that Tuy had become the chief of his art unit. According to the news, he traveled to perform and then disappeared. If anybody knows or has any information regarding Duong Tuy, please contact me via the Documentation Center of Cambodia.

SHOULD THE CAMBODIAN PEOPLE FORGIVE KHMER ROUGE LEADERS?

Walter L. Williams

According to The Christian Science Monitor newspaper, April 6, 2009 edition, Kaing Guek Eav, more commonly known as Duch, is the only one of the five former Khmer Rouge leaders to admit guilt and contriteness before the Extraordinary Chambers in the Courts of Cambodia (ECCC). The other four hold to their communist ideology that their actions were painful but necessary steps that were required to transform Cambodia into a communist society.

Considering how long the Cambodian people have had to wait for justice, and the number of Khmer Rouge leaders who have escaped or died before they had to answer for their crimes, it is understandable that many feel strong emotions regarding those who are on trial.

In Buddhist terms, the four on trial are suffering from delusions. I would advocate that every day, for the entire day, they should be made to face the realities of what their policies and actions led to in peoples' lives. They should be subjected to what the communists called "re-education" so that they will be forced to acknowledge that they are incorrect that such actions were necessary. I think that every Cambodian who had a family member who was killed or tortured should have the right to speak personally with each of these prisoners. There should be no physical punishment of the prisoners, but they should be required to listen to the words of the people whose lives they affected. They should have to listen to these statements until every Cambodian who suffered due to the Khmer Rouge has had a chance to talk to them, no matter how much time that should take. If it takes years, that is the least that the Cambodian people are due.

In contrast to the non-contrite four, the fifth

prisoner Duch has admitted his guilt, and acknowledges the wrongness of what he did. This is certainly a better response, and hopefully his statements of apology will be of some comfort to those who were wronged. Having admitted guilt, he should not be subject to physical punishment or the kind of re-education that the other prisoners should undergo.

But in addition to that, Duch asks for the Cambodian peoples' forgiveness due to his Christian religion. I am presenting my perspective as a person who was raised Christian. Though I am now Buddhist in my beliefs, I am very familiar with Christian thought. In fact, when I was young I was so strong in my beliefs that my goal in life was to become a Christian minister.

It is very clear to me why Christianity would be very attractive for a person like Duch. Buddhists believe in karma, that what happens to us is a result of all of our past actions. There is no way to avoid the consequences of karma. For a person who has done great crimes against others, like Duch, Buddhism offers no hope of escape of the horrendous result to follow from horrendous actions. All that he can do is to try to do only good acts in the future to improve his negative karma. But he cannot escape from that bad karma.

In sharp contrast, Christianity offers the contrast of forgiveness. According to Christians, simply by asking Jesus for forgiveness and promising to follow Jesus for the rest of one's life, a person may be forgiven for past actions no matter how horrible. This concept of unconditional forgiveness is one of the main reasons why Christianity has spread over the centuries. Any individual may plead for forgiveness no matter how bad their actions.

From what I have read, I have no doubt that Duch is sincere in his adoption of Christianity. Who would not be serious in following a religion that offers forgiveness for one of the greatest crimes of the century? I am glad that Duch has cooperated with the investigators. If Duch is truly sincere in his heart in his beliefs about Christian promises of heaven after he dies, then he will have his reward in the relief of his consciousness.

However, I would argue strongly that any sentence applied to Duch should not be affected in any way by his proclamation of Christian belief. A court must be neutral in its attitudes, and cannot give favoritism of one religion over another. Christianity has helped Duch to accept the reality of the nature of his crimes, and his sentence should acknowledge his cooperation with the investigation. I have no desire to see Duch suffer. But, it is important for the future of humanity that those who are responsible for great crimes against humanity should not be able to escape from the consequences of their actions due to proclamation of religious beliefs.

Duch already has his reward, in the psychological relief that he feels as one who has been forgiven by his new religion. If I had done such horrific crimes against other people I would probably also seek out a religion that offers me a way out of responsibility for those past crimes. And I would most likely be able to convince myself that I am sincere in my beliefs.

In the United States, the vast majority of prisoners who are facing execution are Christian. Yet, that profession of belief in the divinity of Jesus is not a reason for the courts to reduce their sentence. Neither should it be for the Cambodian courts, or for international courts.

One of the reasons I do not support the death penalty is because it is too lenient. A person is executed, and then that is the end of their life. In my view, a person who has done a horrible crime should be kept imprisoned for the rest of their life. They should be removed from society for two

reasons. First, to protect society from any negative influence they might have in the future. Even if Duch did nothing more than spread Christianity, I would not trust that his influence might be bad for the future of Cambodia. Second, those who do crimes should have to reflect on the nature of their crimes, for the remainder of their life. Every day they should have to look at the photographs of the people they killed. Do not remove them from responsibility for the suffering that they caused. Do not kill them, but prolong their life so that they will have more time to reflect on this reality. Make sure they face this responsibility every single day.

The other prisoners are worse than Duch, because they have never acknowledged the wrongness of the cruelties that they inflicted on others, and they have not cooperated with authorities to help heal the wounds that still plague Cambodian society. But that does not relieve Duch from the responsibility that he must face. If he is truly contrite he will use every remaining day of his life to speak and write of the wrongness of his actions, so that these will be evidence used to prevent a reoccurrence of crimes against humanity in the future. He could create writings of great value for future generations, if he can explain how he came to justify in his mind the things that he did. He has asked the Cambodian people for their forgiveness. That is up to each individual person to decide if they forgive him. If they are capable of doing so, that is a great mark of their own healing from the horrors of the past. But for the court itself, unless it collects the express wish of every single person who was harmed, then it does not have the power to release Duch from prison. Duch's present religious beliefs should have no bearing in the sentence offered by the court in his case.

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EXTENDING THE STATUTE OF LIMITATIONS FOR CAMBODIAN NATIONAL CRIMES TRIED BEFORE THE EXTRAORDINARY CHAMBERS AND THE IMPLICATIONS OF EX POST FACTO

Margarita Clarens

I. Introduction

The Extraordinary Chambers in the Courts of Cambodia (ECCC) is mandated with the prosecution of both Cambodian and international crimes. To this end, Article 3 of the Law Establishing the ECCC explicitly brings within the Court's jurisdiction certain conduct criminalized under the Cambodian Penal Law of 1956. Though felonies under the Penal Code are subject to a ten year statute of limitations (SOL), Article 3 extends the limitations period by thirty years. Because the ECCC's jurisdiction applies only to crimes committed between 1975 and 1979, this extension raises questions of retroactive—or *ex post facto*—lawmaking.

It is a generally accepted principle of international law that applying a criminal law retroactively is prohibited. The International Covenant on Civil and Political Rights states,

No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

A law, therefore, is prohibited if it is "made after the doing of the thing to which [that law] relates, and retroact[s] upon it." Various countries have incorporated the prohibition of retroactive lawmaking into their constitutions. This general acceptance reflects the view that the principle of *ex*

post facto ensures fundamental fairness and protects against "improperly motivated or capricious crimes."

National courts have unequivocally held that the limitations period for a crime may be extended prior to its expiration without implicating retroactive lawmaking. Alternatively, the ability to extend the limitations period once a crime is time-barred is contentious, drawing a split in legal authority. Thus, with respect to Cambodia's decision to extend the SOL for national crimes, three questions arise. The first question is whether the limitations period for crimes committed during the Khmer Rouge regime had finished running when the ECCC Law was passed. Because the Cambodian court system was inoperable during period following Khmer Rouge rule, the limitations period, arguably, was suspended and had not finished running when the ECCC Law was passed. Second, if the Court finds that the limitations period had indeed run, the question is whether reviving it would violate *ex post facto*, and thus international law. Finally, assuming that the limitations period expired and that reviving the law would be a violation of *ex post facto*, the third question is whether there are other considerations that would provide a compelling justification, notwithstanding the statute of limitations, to prosecute those most responsible for the Khmer Rouge atrocities for violations of Cambodian law.

II. The Running of the Statute of Limitations for National Crimes

The limitations period for felonies under the 1956 Cambodian Penal Code is ten years, and the crimes within the jurisdiction of the ECCC were committed between 17 April 1975 and 6 January

1979. Thus, if the statute of limitations began to run on 6 January 1979 for acts in violation of the Penal Code during the Khmer Rouge regime, those crimes would become time-barred on 6 January 1989. However, various factors may serve to suspend, or “toll,” the period of limitations. Tolling refers to an interruption in the running of a statute of limitations. The time during which the SOL is tolled does not count in calculating the date after which a prosecution becomes time-barred. The efforts of national courts to prosecute crimes subject to an SOL indicate that tolling may take place when the court system responsible for prosecution cannot function or when the acts of the defendant make prosecution impossible.

In the wake of the Nazi atrocities, for instance, West Germany sought to prosecute various individuals not tried at Nuremberg with murders committed prior to 1945. As a consequence, in 1965, the West German government was faced with a similar problem to that faced currently by the ECCC. The twenty-year statute of limitations for murder, which they determined had begun to run in May of 1945, was set to expire. However, at that time the courts and prosecutors were not prepared to bring charges against any of the potential defendants. In response, therefore, in March 1965 the Parliament decided that because “German courts had been incapacitated from 1945 to 1949,” the limitations period did not begin to run until 31 December 1949. Germany, thus, tolled the statute of limitations for 4.5 years.

Tolling an SOL because of the impossibility of trial is not a novel concept. In the United States, for instance, “case law on equitable tolling in the context of ATCA [Alien Tort Claims Act] and TVPA [Torture Victim Protection Act] cases . . . is very permissive.” In particular, U.S. courts have found that statutes of limitations should be tolled “where (1) defendant’s wrongful conduct prevented plaintiff from asserting the claim or (2) extraordinary circumstances outside the plaintiff’s control made it impossible to timely assert the claim.” Further, during the American Civil War, the U.S. Supreme Court upheld a statute tolling

all criminal and civil statutes of limitation. Justice Breyer, in 2003, reflected on this decision, stating that “the Court could have seen the relevant statute as ratifying a pre-existing expectation of tolling due to wartime exigencies, rather than as extending limitations periods that had truly expired.” In short, the SOL only becomes operable when the trials become possible.

Other countries have taken similar measures. In the early 1990s, Romania tolled the statute of limitations for the crime of murder throughout “the duration of Communist rule, thus allowing prosecutions for the murder of dissidents during the 1950s and 1960s.” The Czech Republic did the same. The Czech Constitutional Court reasoned, in an advisory opinion, that the defendants could not benefit from the statute of limitations when they were themselves responsible for failure of the Communist regime to try them for their crimes in a timely manner. The Court stated that the SOL is only applicable “[i]f there has been a long-term interaction of two elements: the intention and the efforts of the state to punish an offender and the on going danger to the offender that he may be punished, both giving real meaning to the institution of the limitation of actions.” Thus the Court held that the limitations period would not begin to run until 1989 when, upon the fall of the Communist regime, the prosecution of Communist officials finally became a possibility, and “the prosecutorial system was [no longer] inoperative.” Ultimately, the possibility of prosecution for criminal offenses is an indispensable prerequisite for the running of the limitations period.

This approach, however, is not universal. Hungary, for instance, in a post-Communism situation similar to the Czech Republic, refused to prosecute individuals for crimes whose limitations period had expired. The Hungarian Constitutional Court focused on the principle of legal certainty and the importance of the rule of law in legitimizing the newly democratic government. Scholars also suggest that the difference in the Hungarian and Czech

approaches was due largely to the severity of repression felt by the two countries, with Hungary experiencing a less repressive Communist regime than the Czech Republic.

Circumstances in Cambodia can similarly be evaluated to determine when the statute of limitations should begin to run for national crimes within the jurisdiction of the ECCC. The ECCC may look to factors such as the destruction of infrastructure in Cambodia, including the Court system, the extermination of all but a handful of lawyers and judges, and the continued civil war that plagued the country for decades after the fall of the DK. Further, the Court must consider that the damage to the country's judicial infrastructure was of a magnitude that could not and was not foreseen by the drafters of the 1956 Penal Code. By destroying the means of justice, the Khmer Rouge undermined the intent of the statute of limitations, which is, *inter alia*, to limit the amount of time a person must live in trepidation of prosecution.

Ultimately, if the Court finds that the SOL was suspended because the prosecution of the Khmer Rouge was impossible, then issues of *ex post facto* would not threaten the legitimacy of lengthening the SOL by thirty years. Simply, the SOL would not have finished running upon the enactment of the Law Establishing the ECCC.

III. Implications of the Prohibition of Retroactive Lawmaking on Extending the Statute of Limitations

Alternatively, the Court may hold that the SOL did, indeed, finish running. Under such a circumstance, the question becomes whether extending the SOL violates the prohibition of retroactive lawmaking.

In 2003, the United States Supreme Court in *Stogner v. California* held by a vote of 5 to 4 that the retroactive extension of a statute of limitations for a time-barred offense violates the *Ex Post Facto* Clause of the U.S. Constitution. The analysis drew on a case from 1798, *Calder v. Bull*, in which Justice Chase defined the *ex post facto* prohibition within

American jurisprudence. The *Calder* Court found that the prohibition of *ex post facto* invalidates four categories of laws:

1st. Every law that makes an action done before the passing of the law, and which was innocent when done, criminal; and punishes such action.

2d. Every law that aggravates a crime, or makes it greater than it was, when committed.

3d. Every law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed.

4th. Every law that alters the legal rules of evidence, and receives less, or different, testimony, than the law required at the time of the commission of the offence, in order to convict the offender.

The Supreme Court held that a law extending a SOL falls within the second of these four categories, namely a "law that aggravates a crime, or makes it greater than it was, when committed." The Court further suggested that an alternative finding would be antithetical to the principle of fair warning. Quoting Judge Learned Hand, the Court stated that "extending a limitations period after the State has assured 'a man that he has become safe from its pursuit... seems to most of us unfair and dishonest.'"

Of the nine justices, however, four disagreed. Justice Kennedy reasoned that "[a] law which does not alter the definition of the crime, but only revives prosecution does not make the crime 'greater than it was, when committed.'" The *Ex Post Facto* Clause, the dissent found, should be read narrowly, not unnecessarily expanding the categories. Kennedy further looked to the influential commentaries of Joel Prentiss Bishop who "concluded that a law reviving expired prosecution 'is not within any of the recognized legal definitions of an *ex post facto* law.'" Bishop reasoned,

The punishment which it renders possible, by forbidding the defense of lapse of time, is exactly what the law provided when 'the fact' transpired. No bending of language, no supplying of implied meanings, can, in natural reason, work out the

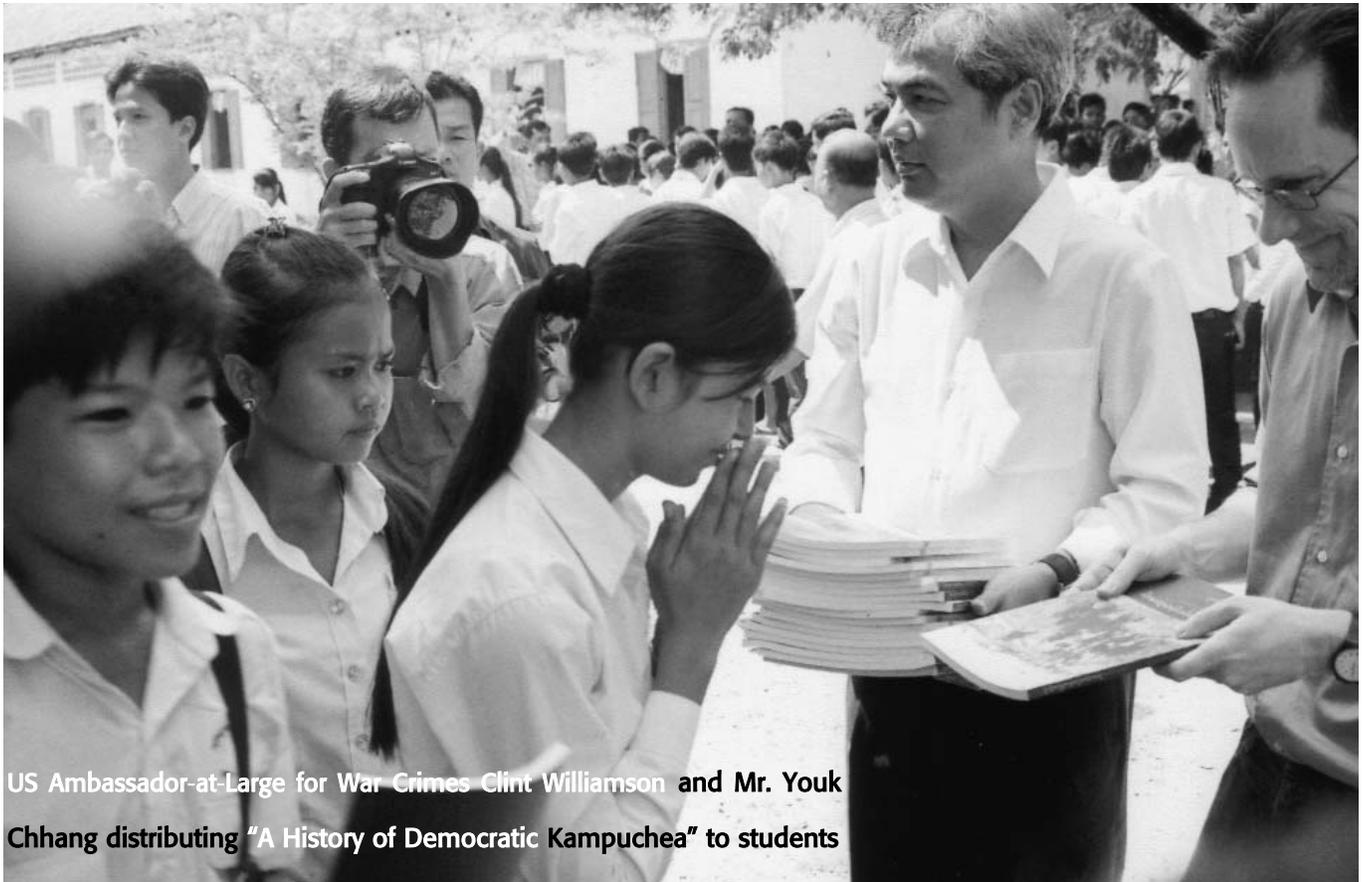
contrary conclusion... The running of the old statute had taken from the courts the right to proceed against the offender, leaving the violated law without its former remedy; but it had not obliterated the fact that the law forbade the act when it was done, or removed from the doer's mind his original consciousness of guilt.

The split in the United States Supreme Court outlines the two lines of reasoning regarding revival of time-barred offences: on the one hand, fair warning dictates against revival, while on the other, plain text analysis reveals that there is no injustice under the principles of *ex post facto* in extending an expired SOL.

Applying this decision in the international context, it is important to note that the four categories outlined in the 1798 *Calder* decision are more expansive than comparable international documents. As noted above, the *ex post facto* provision of the International Covenant on Civil and Political Rights prohibit (1) finding a person "guilty of any criminal

offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed," and (2) imposing a heavier penalty "than the one that was applicable at the time when the criminal offence was committed." However, the majority in *Stogner* decision found that retroactive extension of a SOL was prohibited by category two, prohibiting any "law that aggravates a crime, or makes it greater than it was, when committed," which, interestingly, is not clearly incorporated into international law.

Other countries have also ruled on the validity of extending a limitations period after it has expired. German constitutional law has been found to forbid such extensions. Hungary has also refused to extend expired limitations periods on account of the *ex post facto* prohibition. In reaching its decision, the Hungarian Constitutional Court focused on the principles of certainty, security, notice and repose. Though not explicitly ruling on the question, various



US Ambassador-at-Large for War Crimes Clint Williamson and Mr. Youk Chhang distributing "A History of Democratic Kampuchea" to students

countries, such as the Netherlands, have recently abolished statutes of limitation for murder and other grave crimes, but have only applied the new laws prospectively so as not to run into *ex post facto* problems.

Ultimately, whether the ECCC judges take a textual or principled approach to this question will determine whether the SOL provision in the Establishing Law is valid under international law. In determining which approach to take the Judges should consider the appropriateness of adopting the principles cited by other jurisdiction for denying SOL extension, such as certainty and repose, in light of the mandate of the ECCC and the circumstances leading to its establishment.

IV. "The Rule of Law Understood as Predictability Versus the Rule of Law Understood as Substantive Justice"

The ECCC may determine that circumstances specific to the Cambodian experience provide compelling reasons to put aside technical legal protections and proceed, regardless, with the prosecution of the time-barred national crimes.

The rationale behind statutes of limitations is two-fold. First, SOLs are enacted to curb state penal power and to provide individuals, after a time, with repose, secure in the knowledge that the state will no longer come after them and that they no longer must hoard exculpatory evidence. This also reflects the state's diminished interest over time in prosecuting the individual. Second, SOLs are necessary from a practical evidentiary perspective. Particularly, there comes a time when collecting evidence to prove a case is too difficult. Subsequently, as memories fade and documents are lost, issues of reliability are brought into question.

However, SOLs are not fundamental human rights, nor are they universally accepted. They are criticized as formalized impediments to substantive justice. Moreover, many countries have abolished limitations periods for murder and other violent crimes, and SOLs do not exist for international

crimes. Indeed, during the debates in 1964 regarding statutory limitations and crimes against humanity committed by the Nazis in France, reporter Coste-Floret said the following to the French National Assembly:

[T]he justification for the doctrine of prescription, the disappearance of evidence and the principle of "forgive and forget" simply do not apply. First, evidence had become more – not less – abundant in the twenty years since the liberation, as archives were unearthed and witnesses came forward. Second, the crimes committed were of a gravity not to be pardoned or forgotten – le temps n'a pas de prise sur eux.

In this view, the nature and egregiousness of mass crimes, such as those committed by the Nazis, outweigh the protections afforded by a SOL.

The statement by the French reporter in 1964 is very relevant today as Cambodia seeks to prosecute the crimes of Khmer Rouge. In the end, the judges of the ECCC must balance the need to ensure procedural justice with the need to deliver substantive justice to the people of Cambodia. The fundamental values that are critical to Cambodia and that will be reflected by the tribunal will be theirs to debate and determine.

V. Conclusion

The ECCC will be able to exercise its jurisdiction over national crimes committed in violation of the 1956 Penal Code if (1) the statute of limitations is tolled because of the Khmer Rouge's complete destruction of the Cambodian justice system; (2) the Court finds that the SOL has run but adopts a textual analysis of the prohibition of *ex post facto* lawmaking, finding that the extending a SOL does not violate the internationally recognized right; and (3) the Court decides that regardless of the SOL, compelling values require that the Khmer Rouge be brought to substantive justice.

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REPARATIVE ROLE IN SUPPLEMENTING ECCC

Sok-Kheang Ly

The Extraordinary Chambers in the Courts of Cambodia (ECCC) was born of an agreement between the Cambodian government and the United Nations to try surviving senior Khmer Rouge (KR) leaders responsible for the deaths of 1.7 million people between 1975 and 1979. It is hoped that this unique judicial mechanism will finally bring a measure of justice to Cambodian victims. Many Cambodians hope that during the trials of senior KR leaders they will finally hear the truth about this period, including why these leaders set out a series of policies that resulted in the mass deaths of their fellow Cambodians. Although it is up to the judges whether to convict or acquit the charged persons now in custody, most victims, who lost their dear ones and themselves experienced tremendous suffering, wish to see the KR leaders punished as severely as the crimes they committed against the people during their rule.

It is worth asking whether punitive justice will be sufficient for KR victims to achieve personal healing and rebuild community co-existence. Victims, including those who have expressed their views when filing victim participation forms with the ECCC, often indicate a preference for a post-ECCC compensatory reparative justice mechanism. In this respect, Cambodian victims' perspectives are similar

to victims in other global contexts. Ernesto Verdeja has acknowledged the validity of these kinds of requests: "Reparations are understood as those policies and initiatives that attempt to restore to victims to their sense of dignity and moral worth and eliminate the social disparagement and economic marginalization that accompanied their targeting, with the goal of returning their status of citizens." Like Verdeja, Martha Minow has noted that a reparative approach enables victims to "move beyond anger and a sense of powerlessness ... and reintegrate the offenders into the community." Given the importance of a reparative approach, it is necessary to inquire into the Cambodian people's views about what type of reparations they want.

Cambodian victims have made various reparation requests for what they have lost and suffered during the KR era. In some cases, they have asked for individual material compensation to make up for physical sufferings, loss of property and the death of relatives. For example, having suffered from torture and other inhumane acts, Chum Mei, a former Tuol Sleng prisoner, and Sum Rithy, former Siem Reap prisoner, have sought individual reparations. Certainly, many victims would prefer individual financial reparation be provided because

they live in poverty and have lost their ability to make a living. Others, however, disagree with this approach, pointing out that financial compensation can not undo the death of their relatives or their deteriorating health caused by overwork and starvation during the regime. In response to requests for individual financial reparation, Kong Srim, president of the ECCC's Supreme Court, has stressed the impossibility of it being offered by ECCC. His view derives from



Lok Chumteav Tun Sa-Im distributing "A History of Democratic Kampuchea" to students

ECCC Internal Rule 23, which only "allow[s] victims to seek collective and moral reparations." Due to this limitation, individual reparations by the ECCC are legally impossible. Moreover, as all the Cambodian people, including all ethnic, racial, national and political groups, are victims of Khmer Rouge atrocities, it would be an impossible task to provide each one with individual monetary compensation.

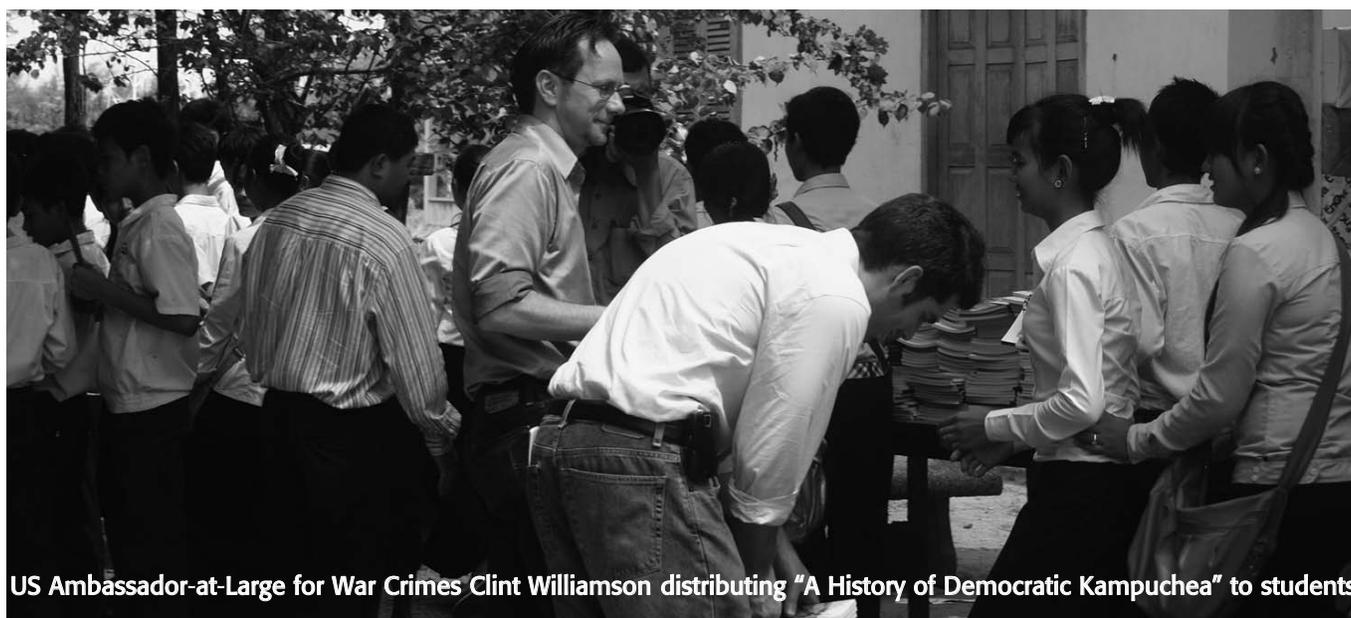
It is thus imperative to focus on what types of collective and moral reparations are possible. Hundreds of survivors filing victim participation forms with the ECCC have offered their suggestions. Most of these victims prefer collective symbolic reparations to preserve the memory of the dead and to benefit the victims and their children. Their ideas include building schools, mosques, religious halls, memorials, health care centers, and community infrastructure. The victims' requests are generally made in accordance with their community and cultural contexts. For example, San Sok, a native of Takeo province, has proposed the erection of a memorial to commemorate those who died in mass graves located in his community. Other complainants want accessible health care services in their communities. For the Khmer-Islamic community, building mosques are of utmost importance to them to make up for the loss of their community

members.

A reparation program is an essential mechanism for recognizing the worth and dignity of victims. The Cambodian Government, non-governmental organizations, and the international community should all play a significant role in assisting the victims on this issue. In particular, the Cambodian Government should take the lead in establishing a state-sponsored reparation program. Such a program would respond to the General Assembly resolution of December 16, 2005, which provides: "States should endeavor to establish national programs for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations." As part of this program, initiatives for collective symbolic reparations could be suggested by each commune or ethnic minority. Ideas could then be put forward to the Government for consideration. After obtaining victim views, the Government could then assess its capacity, and work with NGOs and the international community to select and implement a collective reparation project that would respond to the needs of Cambodian victims.

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US Ambassador-at-Large for War Crimes Clint Williamson distributing "A History of Democratic Kampuchea" to students

ECCC: A WONDER FOR ALL?

Virorth Doung

The establishment of ECCC, namely the Extraordinary Chambers in the Courts of Cambodia, has been a central matter for both Cambodians and internationals. David Scheffer and Youk Chhang have explained why the ECCC matters to Cambodians and the international community. The immensity of the atrocities committed by the Khmer Rouge on Cambodian victims draw attention among transitional justice scholars as well as political analysts. For many, the tribunal will be able to bring justice for the victims and end impunity by punishing those most responsible for their criminal misdeeds. The rationale for this punishment is to deter recurrence of criminal acts. This criminal punishment will be a warning alert to some perpetrators. At least, they will care for rule of law, respect of human rights. For some, the ECCC will serve as a testing precedent for international law especially for the International Criminal Court (ICC).

ECCC is the first hybrid court with Cambodian and international composition. Cambodian judges are majority. If the ECCC is at least somewhat successful, the concept of a 'supermajority hybrid court' might become a relevant option for future situations elsewhere. Some political and legal analysts expect that if the ECCC ensures fair and due procedure, Cambodian people and other actors will also enjoy a taste of what is justice and fairness in a court. This will promote the desire among the Cambodians for legal reforms to ensure fair and just procedure in domestic courts. This expectation may earn strong support from both civil society advocates as well as the donor community who have long struggled to push for governance and judicial reforms within the current government. Some analysts claimed that the ECCC will uncover truth, heal trauma of people and bring reconciliation to the nation as a whole.

Some other scholars speculate that the ECCC just serves the political game between the Cambodian ruling elites and international community especially UN.

The long delay and neglect so far in creating the tribunal are grounds for this argument. If the Cambodian government and UN care for suffering of victims and intend to hold those accountable for their misdeeds, why should they delay until now. Here the purposes of the ECCC could be summarized as backward-looking and forward-looking. Backward-looking goals include prosecuting those five Khmer Rouge leaders accountable for mass human right violations which allegedly claimed to have killed more than 1.7 million people, and having this judicial proceeding serve as an historical truth. Forward-looking goals include preventing the recurrence of mass crimes by respecting rule of law; and having human rights and the criminal court serve as a model of fair trial proceedings for the Cambodian judicial system as well as other internationally aided countries. Drawing from this literature, the ECCC seems to be a great Wonder for all. Will the ECCC fulfill these goals?

Certainly, the establishment of the ECCC answered doubts that a Khmer Rouge Tribunal would ever exist. Although there were some controversies over sovereignty and court credibility, both the UN and Cambodian government came to an agreement to set up a criminal court under Cambodian law with involvement from international judges. Five former Khmer Rouge leaders were indicted and put in custody. Kaing Guek Iev, better known as Duch, the former director of Khmer Rouge's S-21 detention and torture center, is the first to be indicted and put on trial. The start of the first trial before the ECCC, on 30 March 2009 represents a major step forward

for those seeking justice. Cambodian and international communities applaud this beginning and have strong hope that justice will be achieved, a culture of impunity will be replaced by a culture of accountability and finally rule of law will be attained. The ECCC Internal Rules allows victims to participate as civil parties in the proceedings and create a dedicated Victims Unit. The Victims Unit within ECCC is a positive development within Cambodian legal framework and also a precedent for other internationally assisted courts (ICTJ Report 2009). NGOs play active roles in both encouraging victims to participate in the ECCC process as well as disseminating information about the prosecution process to wider audience.

Sadly, technical and substantive issues remain persisting concerns at the ECCC. Technical concerns refer to lack of resources, political commitment, legal elements to deal with criminal acts, competence of Cambodian judges, accountability of the body and issue of translation etc. Substantial issues refer to ability of the court to provide justice with fairness and cohesion inherent to the rule of law principle; including political independence and impartiality. Both must be achieved for the ECCC to be successful in ensuring fairness and due process and socially acceptability. The rocky start of ECCC and ongoing unresolved matter of transparency within the ECCC disappointed the audience. The ECCC was born of conflict between the Cambodian government and

UN sides over integrity and sovereignty versus the court credibility leading UN to withdraw from the negotiation table. Thanks to international pressures and civil society advocacy both sides returned to their obliged tasks. Controversy over legal elements, internal rules to name a few and corruption allegation emerged as main concerns.

The corruption allegation draws most attention. From 2007, 2008, and until recently this matter of corruption allegation remains desperate but unaddressed leading to realist strategy: balance of power. As usual, the UN and international community use the fund suspension as their technique or withdrawal from the involvement if found inappropriate. The Cambodian government uses its traditional techniques to respond: threaten to ban those who criticize, threaten to terminate the court under their authority and recently, wish and pray for the court to fail soon. Now the new balance-of-power strategy is apparent when the government announced it will scrutinize the international judges and staff for their corruption. Thankfully it did not use a defamation lawsuit to counter the allegation. This means trust and mutual cooperation among Cambodian and international players are eroded. Here poses a question of political commitment to seek justice for the victims.

Surveys (2004 and 2009) show Cambodian people do want some forms of justice and truth so that they can live in peace and harmony. Justice sought by demanding those responsible for mass atrocity be held accountable for and some forms of reparation is a must. Pol Pot, Ta Mok, Son Sen and many other key players died without even telling any truth of the regime. The current five charged suspects may be the last candidates for the ECCC mandate based on current political developments. By law, these five detainees are considered the most responsible for the mass atrocities. The frequent delays of



the process pose another concern whether the five are able to sit in the court dock for trials even to hear their verdicts due to their deteriorated health conditions and aging. A doctor, nurse and ambulance are permanent.

On standby at the court compound when hearings start. Once charged person waived his hands for trial leading the lawyers to intervene for health reasons as he was too weak to stand. Ieng Thirith remained in bed when the ECCC proceeded with a hearing on her application for release from detention recently.

The Internal Rules state that victims will receive 'moral and collective reparation' when verdicts arrive. Some victims' lawyers challenge this provision demanding the reparation be individualized. However, due to insufficient resources and so many victims the limitation is acceptable. The Internal Rules also entitle full participation for the victims as civil parties. This provision is, according to some scholars, unique from other international criminal courts in history. If thousand of victims file their applications as civil parties and only a small amount of applicants is accepted this could clearly undermine the victims' real demand which could not be met finally. However, due to insufficient resources and technical legal considerations, the participation limitations sound acceptable. Ironically, while the main purpose of the ECCC is to serve the victims, a survey (2009) shows that approximately 85% of the population do not have any knowledge of the ECCC. Again, is justice fully achieved?

In short, the ECCC, as a great Wonder for all, represents a political end of both government and UN and provides small piecemeal approach for both backward-looking and forward-looking camps. For the justice camp, at least they get 'symbolic justice' and partial truth. The fairness-as-model camp may receive at least glimmer of hope that Cambodian judges and staff may learn new skills from their exposure to foreign judges. But those who seek future deterrence of crimes and respect of human

rights and rule of law seem to gain no benefit from this court given the historical records of practice of current government under patronage politics. How about the Cambodian victims especially 85% who do not have any knowledge about the ECCC, should they be excluded from any consideration? Certainly not, based on the fact that the atrocity is immense and immeasurable. These large scale crimes cannot be dealt with by just a court alone even if fairness and due process is achieved.

As John Paul Lederach (1997) notes, in a deeply divided society where there is deep, long term fear and direct experience of violence that sustains an image of the enemy, people are extremely vulnerable and easily manipulated. The survey cited (2009) shows that 93 percent of the population are victims of the Khmer Rouge regime. Almost every family lost at least one of their beloved family members. The Cambodian society is inflicted with deep wounds especially psychological trauma symptoms. The lasting psychological impact is evident in the high incidence of lifetime posttraumatic stress disorder (PTSD) as well as other psychiatric disorders attributed to Khmer Rouge events (Field and Chhim 2008). The recent surveys indicated 60% to 75% of victims suffer disorders of extreme stress (Linton 2004). More seriously, traumatized individuals, among whom are victims of Khmer Rouge regime, form part of the wider community. The preponderance of seriously dysfunctional relationships between the individuals and groups in the community has the potential to cause major instability if the roots of the problems are not dealt with properly (Linton 2004). Social issues such as domestic violence, drug addiction, youth gangs, emerge as central problems in Cambodian communities in addition to poverty (CDRI 2007).

A recent study suggests that majority of the victims who suffer trauma wish to seek revenge (Field and Chhim 2008). Most respondents (71%) of another survey (Pham et al, 2009), wish to see the Khmer Rouge leaders suffer in some way, 37%

wish they could take revenge and 40% wish to do so if opportunity allowed. Thus Cambodians truly cannot 'dig a hole and bury the truth'. So far neglect to talk about genocide and atrocities even in school curriculum because of geopolitical war and realpolitik has had a serious impact on the younger generation. The younger generation hardly believes such cruel misdeeds could happen in their history. Now the war is over and all Khmer Rouge comrades are fully integrated into the community, leading their lives as simply as their victims. Their daily activities to generate income cater to their sustenance and other basic needs such as health care, and their education has become as normal as for many victims. They enjoy daily face-to-face interactions with the victims. However, anger and trauma inflicted with deep wounds or 'latent conflict' within victims will be sometime transformed into violence if there is no appropriate mechanism to address it.

Based on this reality, a community-based forum is crucial to address social issue related to the post-conflict situation in addition to the ECCC. DC-Cam, CSD and many other NGOs focus their efforts on this process and many other activities and deserve much appreciation. However, community-based public forums need more formality and wider volume. It involves multi-players especially from government and the victims. This means creating chance for victims to participate more widely. Some may call this process a truth revelation or 'truth commission' leading to reconciliation.

Victim's participation in the process is important to ensure the success of reconciliation efforts. This victim's participation means their voices are heard, their interest are served and result are satisfactorily accepted. Thus, participation from the victims is indispensable to lend legitimacy

to the transitional justice process and make the process is socially acceptable. Community-based public forums give space for victims to have formal dialogue and acceptance at least. Victims feel relieved when their suffering is officially heard, their dignity is respected through remorse from the perpetrators, broken relationships are restored, truth is sought and the young generations are able to participate and learn from the events. This mechanism is widely accepted for some post-conflict countries. The appropriate starting point for a community-based public forum is Buddhist pagoda with involvement from Buddhist monks. Most scholars such as Chandler (2008), Etcheson (2005), Lambourne (2008) and others suggest this non-judicial approach in addition to criminal tribunal for Cambodian victims. Also philosophers Hannah Arendt, John Ralws, John Paul Lederach, and legal professors Kai Ambos, Christine Bell, and many other recognize these two approaches as important and suggest that both be used in post conflict situations. Notably the UN (2004) accepts and instructs to use both as integrative rather than selective.

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CAMBODIA'S UNTREATED WOUND

Vicheth Sen

The Khmer Rouge regime and its genocidal aftermath have left a psychological legacy that has crippled the development of Cambodia. The Khmer Rouge regime collapsed almost three decades ago; however, the lack of a healing process for the victims of the trauma, the erosion of trust initiated by the regime, and the delayed establishment of the Khmer Rouge Tribunal and the public distrust in the hybrid court, have still trapped the victims in the past trauma, which prevents them from letting go of their past traumatic experiences to fully contribute to the development of Cambodia.

Introduction

Cambodia has turned the page in the chapter of its darkest history between 1975 and 1979 yet the regime has left a deep wound in every single Cambodian who experienced the brutality of that period. This wound has yet to heal, and it has weakened Cambodia's efforts to recover. Officially known as Democratic Kampuchea, the Khmer Rouge regime was declared a "genocide" by the United Nations, and was judged "a Cambodian version of a holocaust". The genocide has injured not only those who directly experienced the atrocities, but also the generations that followed. Mysliwiec noted that "no period has had a more devastating impact on the whole of society as the Khmer Rouge regime, leaving deep scars among Cambodian people". Indeed, the Khmer Rouge genocide and its aftermath have left a psychological legacy that has crippled the development of Cambodia.

The atrocities of the Khmer Rouge genocide and its aftermath

Following the coup d'état in 1970 resulting in the overthrow of the then-Prince Norodom Sihanouk as Prime Minister of the Kingdom of Cambodia, Cambodia was renamed the Khmer Republic under

the leadership of General Lon Nol, whose military government was supported by the U.S. government. This regime, notorious for its deep corruption, came to an end when the Khmer Rouge soldiers led by Saloth Sar (widely known as Pol Pot) marched into Phnom Penh and took over the whole country on April 17, 1975. Many city-dwellers welcomed these young soldiers with relief. They were happy that the revolution was a success and that the civil war was over; they bid farewell to the Khmer Republic in hope. Nevertheless, their ray of hope was just a quick flash, and the reality and nature of the new regime took them by surprise and so the darkest chapter of Cambodian history began.

Different authors on Cambodian history have described the government during that period differently. Michael Vickery, for instance, calls it a "peasant revolution[ary]" government; while other scholars define the regime as "totalitarian" or "revolutionary totalitarianism". Whatever the classification of the government, one thing is certain: it was a genocidal regime which caused the death of an estimated 1.7 million Cambodians (when Cambodia's total population was less than 8 million) due to political execution, and the overwork, disease, starvation and malnutrition that came as a consequence of the "radical social and economic changes" implemented by this new government.

In its plan to initiate a so-called utopian agrarian society, the Khmer Rouge first of all turned Cambodia back to Year Zero by emptying the capital and the major cities and by evacuating the people to rural areas. No private ownership was allowed. Use of currency was abolished. No international organizations or foreign embassies were allowed to open, and foreign staff were forced to leave the country. Cambodians were confined within their borders with no connections

to the outside world. The Khmer Rouge wanted to change Cambodia into a unique country in the world, by trying to remove “all ‘contamination’ from outside”. They called themselves *Angkar* (the organization), which Pol Pot described in 1977 as “the political bureau of the central committee of the Communist Party”.

The Khmer Rouge introduced a new regime of state-initiated mass violence against its own people, through the engineering of “systematic attacks on traditional Cambodian society—on norms, culture, religion, organizations, networks, and even the family”. Cambodia, under the Khmer Rouge, was like a state-sized concentration camp, or an open prison. The Khmer Rouge operated with a very high level of secrecy, even the local officials, cadres (*kamaphibal*) and soldiers (*yothea*) did not initially know who their leader was. It “embodied an effective and invisible power to which everyone owed total obedience”.

The Khmer Rouge started their political executions by killing those who had connections, or were deemed to have connections, with the previous regime. They targeted military and police officers, civil servants, teachers, students and other intellectuals. They accused these victims as being the enemies of *Angkar*. Any bespectacled people and those with pale skins and soft hands were also targeted. It is estimated that approximately 200,000 Cambodians were the victims of political killings. Only a few were able to escape this extermination by hiding their personal backgrounds and their identities, which later led to the loss of self-identity and self-esteem.

The most severe destruction of Cambodian culture was indeed the attack on traditional familial values. Family life was practically destroyed. Children were separated from their parents and lived far away from them. Because spies (*chhlop*) were everywhere, people tried to avoid conversations, even with small children. Moreover, the Khmer Rouge tried to brain-

wash the children by encouraging them to spy on adults, such as their parents, and teaching them the slogans of the regime, such as “I’m not killing my mother—I’m killing an enemy”. The conversations between husband and wife were reduced to mere exchanges of eye contacts, or at best hushed whispering of some words, even when they were physically together. This marked the end of the role of the family as a fundamental social unit and support.

In addition to the depletion of the familial values, *Angkar* also tried to destroy interpersonal trust among family members, friends, neighbors and acquaintances. Intimates and old friends were incentivized to give information leading to the identification and arrest of “the supposed enemies of the revolution” (Bit, 1991, p. 81). The people were under close surveillance all the time, especially at night. “Because everything they did seemed to be observed, people remarked in awe that ‘the Organization [*Angkar*] has a thousand eyes’”. As well as the severe assault on family values and the destruction of interpersonal trust, *Angkar* also abolished all fundamental social institutions, including schools, hospitals, and pagodas (Buddhist temples). Monks were defrocked and made to work like lay people, whereas the pagodas were transformed into prisons, torture centers, or warehouses.

The Khmer Rouge genocidal regime thankfully came to an end on January 7, 1979. However, its



aftermath is utterly devastating. First of all, the destruction of the physical infrastructure was an enormous challenge for the new government because of its vital role in restoring the country's collapsed economy. The next challenge was the loss of human resources badly needed to help redevelop the country. Virtually all intellectuals, such as civil servants, doctors, teachers, technicians, and students from the previous regime, had been executed during the regime. The United Nations Development Program estimated that only approximately "300 experienced or qualified people of all disciplines were left in the country" after the end of the regime. What remains from the massacre of the Khmer Rouge is a large number of orphans and weak and sick people. It is estimated that immediately following the fall of the Khmer Rouge, there were an estimated 200,000 orphans who were in dire need of immediate support. Moreover, the continuing fighting between the remaining Khmer Rouge soldiers and the army of the new regime was another challenge for the new government. Actually, after the collapse of Pol Pot's Khmer Rouge genocide, the civil war went on until late 1998. With the death of almost all experienced and qualified people, and the destruction of all major sectors such as education, economy and health, Cambodia needed to start from scratch to rebuild its shattered society.

"No single traumatic episode, not even the barbaric extremes of the most recent period fully account for the state of anomie which characterizes Cambodian society today. It is the collective experiences which have compounded the problems still to be faced and expunged from the collective memory."

The aftermath of the Khmer Rouge genocide is, therefore, the trauma of the entire nation. It is a collective experience of mass violence by the state against its own people. Until the trauma is healed and until the traumatized victims let go of all too vivid past, Cambodia's struggle to recovery and development will remain a huge challenge, even after three decades of the fall of Pol Pot's barbaric

Khmer Rouge genocidal regime.

The lack of a healing process

First of all, the lack of an appropriate healing process for the traumatized victims of the Khmer Rouge regime has prevented the people's full potential to contribute to the development of the country. A country can develop only when it has sufficient healthy human resources. However, how can Cambodia develop at the speed it should when virtually all its intellectuals were executed during the Khmer Rouge regime and the remaining people are too psychologically traumatized to fully use their potentials to help develop the country? The most important point is that there is little or no healing for the victims of the trauma. The lack of timely healing for the victims of the trauma has resulted in the prolongation of the trauma. From time to time, the victims are still reliving their past experience, imprisoning them in their trauma. This is not only because the experience of trauma evolves over time, but it can also be revived by a similar event or experience, or a "trigger" experience.

The lack of appropriate and timely healing and social support for the traumatized victims has led to damaging effects. With the right kind of support, the likelihood of the victims developing "full-blown PTSD [Post-Traumatic Stress Disorder]" can be reduced and the "recovery and adjustment" quickened. However, for about three decades now, not much attention has been paid to the healing of the trauma. Only recently have certain non-governmental organizations (NGOs) paid attention to the psychological trauma of the population. The NGO help, however, seems to be too late because the trauma effects seem to have been passed on to the second generation of the Khmer Rouge victims and, for a number of victims, the trauma has developed into full-blown PTSD. For instance, according to Kenzie, "virtually all victims of the Khmer Rouge period suffer from PTSD".

Because the trauma has yet to be healed, the victims are still reliving their past experience, and pessimistic outlook, depression, despair and

unwillingness to act are still present in the lives of many present-day Cambodians, a long time after their direct experience of the traumatic Khmer Rouge regime. As van der Kolk and Fislser have pointed out, “[y]ears and even decades after the original trauma, victims claim that their reliving experiences are as vivid as when the trauma first occurred”. For instance, a twelve-year follow-up study of Khmer youths who suffered the Khmer Rouge genocidal trauma, shows that almost all of the victims were haunted again and again by the past traumatic experiences. This indicates that the untreated trauma has a long-term crippling effect on the victims. Their past experience of trauma prevents them from concentrating on the present and looking to the future with hope and new prospects. Thus, they are hindered from fully contributing to the development of Cambodia.

This is therefore an enormous loss of human resources for Cambodia. In addition to the loss of intellectuals through mass extermination by the Khmer Rouge, the remaining people are too ill or too traumatized to concentrate on their work. This is a great loss of labor force for the country. What is profoundly sad about this is that the trauma experience has now been passed on to the next generation of Cambodians, the children of the traumatized victims of the Khmer Rouge regime, through the ways that they have been brought up.

“Children of survivors seem to have consciously and unconsciously absorbed their parents’ Holocaust experiences into their lives. Holocaust parents, in the attempt to give children their best, taught them how to survive and in the process transmitted to them the life conditions under which they had survived the war.”

Therefore, it is clear that the untreated trauma has not only weakened the capability of the people who directly experienced the initial trauma, but it has also weakened the capability of the next generation. This double loss of a healthy labor force is a double-blow for Cambodia in its struggle to recovery and development.

The erosion of trust

Trust plays a very significant role in securing interpersonal relationships among people. With a high ratio of trust, people really can cooperate and work well together. However, during the Khmer Rouge period, trust among people was severely affected through the implementation of the regime’s political ideology. Even trust between family members and friends was systematically destroyed. In its aim to liquidate people connected to the previous regime, the Khmer Rouge brainwashed the children’s young minds and recruited them as spies of *Angkar*. These young spies were trained to “watch over the words of adults, whoever they were”. Children were encouraged to report to *Angkar* if their adult family members or neighbors committed any mistake. In addition, trust among close friends and neighbors was also eroded. “Community and family members were encouraged to spy and report on each other, destroying trust and planting the seeds of deeply rooted fear”. To survive the Khmer Rouge regime, therefore, it was best to trust no one, even family members or intimate friends. It was the only way to avoid being killed too soon, and to survive the regime. “Surviving the Khmer Rouge onslaught required a heightened sense of suspicion of everyone and everything, for life itself hung in the balance”.

The suspicion and distrust remain, even after the fall of the Khmer Rouge regime. And this frontal attack on the interpersonal relationships among people, even among family members and friends, has weakened social cohesion. The tragedy of the Khmer Rouge’s atrocities has led to the “fracturing of the community, which leaves its residents trapped in suspicion and distrust,” even if they all underwent common experiences. The experiences of the trauma and the skills needed to escape from execution have taught the Cambodians to trust no one, even though the regime has ended. The legacy of the Khmer Rouge’s engineering of distrust and fear during its three years, eight months and twenty days in power is “the dissolution of trust within Cambodian

society". As a consequence, "social cohesion suffers from a continuing atmosphere of distrust" at both the horizontal and vertical levels.

In the meantime, lack of trust among people weakens individuals' capability to work together as a group or team. Trust within a society, as Fukuyama put it, is a fundamental factor for that society to prosper. Lack of trust is, therefore, a formidable obstacle for Cambodia to recover quickly. Present-day Cambodia has witnessed an erosion of trust within its society, ranging from the lack of trust between family members to the lack of trust between neighbors, coworkers, employers, leaders and social institutions. As a result, cooperation between people who do not trust each other is less likely, if not impossible, to go smoothly. And this leads to low work productivity, which further drags down the country in its struggle to recovery.

The delayed establishment of the Khmer Rouge Tribunal

The delayed establishment of the Khmer Rouge Tribunal, and the skepticism about its hybrid court, have led the Cambodian public to feel that justice may not be served. This also prevents healing from taking place and prevents the country from letting go of its past and moving on. The Khmer Rouge genocidal regime collapsed on January 7, 1979; however, the Khmer Rouge Tribunal did not begin to operate until July 3, 2006. It was almost three decades since the fall of the regime before the official establishment of the tribunal, known as the Extraordinary Chambers in the Courts of Cambodia (ECCC). Is it too late for justice to be served for the hundreds of thousands of victims slaughtered during the regime? For many, it is certainly too late, and this has had a negative effect on the recovery process of Cambodia. The death of Pol Pot, Prime Minister of DK, on April 16, 1998, without having faced trial; and the death of Ta Mok, the Khmer Rouge Commander-in-Chief of the Southwest Zone of DK, on July 22, 2007, in pre-trial detention since 1999, have left many to doubt the justice that the

tribunal has yet to bring. Moreover, the fact that all of the top Khmer Rouge leaders are now in their eighties is a major concern. Their old age makes them "quite unreliable candidates for the tribunal" due to their health conditions. Therefore, the victims of the Khmer Rouge trauma feel that justice may not be served and their trauma may not be healed because of the deaths-before-trial of the top DK leaders and the old age of the remaining key perpetrators.

Furthermore, the lack of trust in the Cambodian judges and prosecutors makes the public skeptical about the rulings of this hybrid court. Although there are international judges and prosecutors working with their Cambodian counterparts, the ECCC has to operate under Cambodian law, and the public has lost trust in the Cambodian legal and judicial system because it is "dysfunctional". Without the proper functioning of the tribunal, healing cannot take place and the legacy of psychological trauma remains. This hampers the regeneration of the country. However, if the tribunal will be a success, it will probably be able to fulfill certain positive functions. A Cambodian NGO leader in 2000 noted several possible purposes of the tribunal:

"If this tribunal is conducted well, in accordance with international standards and principles of fair trial, it can at least have the four following good results: first, to provide justice who are victims of this regime (sic.); second, to heal Cambodian society and end nightmares of Cambodian victims; third, to find the truth, so that Cambodians and the rest of the world can know why 1.7 million people died; and finally, I hope that this tribunal can serve as a model to show Cambodian people what the principles of a fair trial are."

However, the public opinion is skeptical about the function of the tribunal and the kind of justice that it has promised to serve. Given the political and legal context of the tribunal, the performance and the qualifications of the Cambodian judges and prosecutors, the health conditions of the key perpetrators and the time frame for the proceedings,

as pointed out by Menzel, “it seems better not to expect wonders from the ECCC”. It is therefore less likely that the hybrid court will bring the justice the victims deserve, which then complicates the healing of the traumatized victims who are still reliving their past.

Conclusion

The Khmer Rouge genocide has left a major blow on the traditional Cambodian culture. The lack of a healing process for the traumatized victims, the engineering of distrust, fear and coercion resulting in the breakdown of the traditional core values, and the delayed establishment of the Khmer Rouge Tribunal to bring the key perpetrators to justice have combined to prevent Cambodia and its traumatized people to leave behind their past experiences in order to prepare themselves for the future. In particular, the Khmer Rouge genocidal regime has severely eroded trust between individuals, groups and social institutions, which hinders the development of the country. As Colletta and Cullen put it, “[i]n the postwar era, if this dissolution of trust is not acknowledged and addressed, true reconstruction cannot take place”. Lack of trust weakens social cohesion, which in turn

weakens individuals’ capability to cooperate and work together effectively. A healing mechanism which takes into account the cultural values of the people of Cambodia is needed to address the untreated trauma of the nationwide victims. For a full and effective recovery of a society, as Richard Mollica has asserted, these traumatized victims cannot be ignored. The Khmer Rouge genocide collapsed almost three decades ago, yet the wound inflicted by the regime remains unhealed. While the Khmer Rouge Tribunal is under way, there is an immediate need that the United Nations agencies and other NGOs work closely with Cambodia to treat the Khmer Rouge victims who are still suffering from the psychological trauma, so that these remaining traumatized victims will soon recover from the past trauma and begin to live their peaceful lives once again.

Vicheth Sen is currently a MA student in International Peace Studies, Dual Campus Program. Printed with permission from Peace and Conflict Monitor.

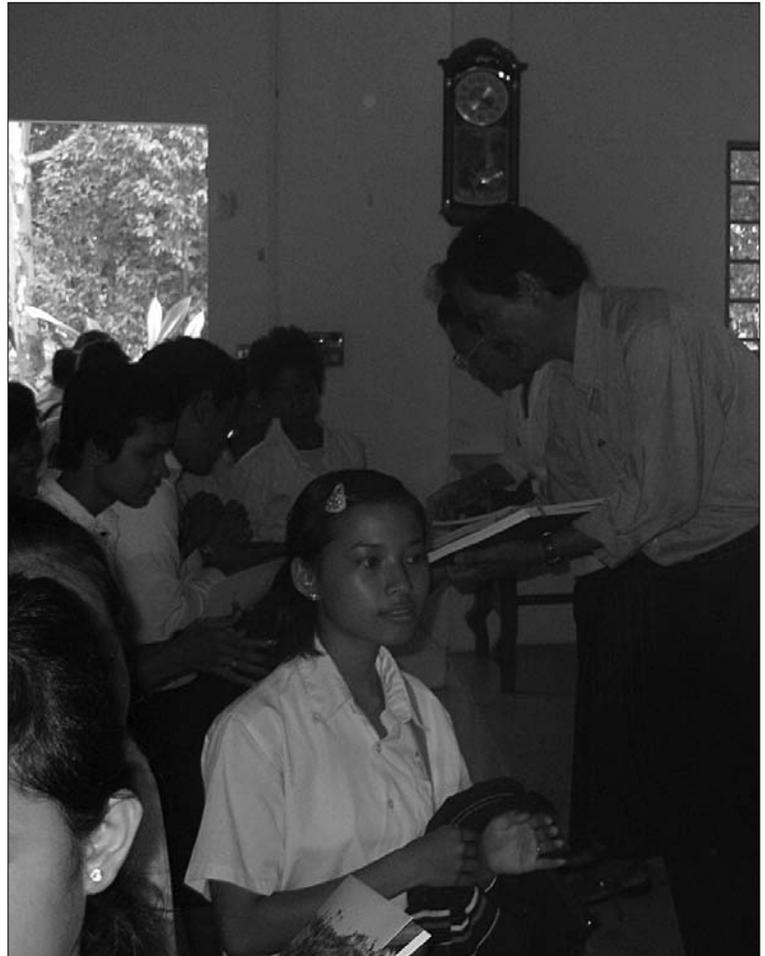


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MY LIFE DURING THE POL POT REGIME

Chhorn La

My father, Lach Chhon, was born in Battambang, worked at the Cambodia train station with my mother.

On April 17, 1975, black uniform soldiers entered Phnom Penh capital which dissolved the enthusiasms or enjoyment of the students who were having a holiday for the Khmer New Year celebration. Sister Chantha fled from Siem Reap and rented the house in Phnom Penh. Three days later, she was shot and died.

For a whole night until morning, the turmoil happened everywhere due to the gun sounds of the Khmer Rouge soldiers who captured Phnom Penh capital. I ran forth and back because of fear, and my mother was sobbing, whereas my father was extremely sad. My aunt, Chon, my father's sister whose house was in Toul Kok, also hid in my house. She could only light incense and pray.

Many of Khmer Rouge's tanks and cars were entering into Phnom Penh from every corner of the streets. People took white clothes and hoisted them to welcome and celebrate the liberation. However, Khmer Rouge soldiers fired guns threatening people to leave their homes, and declared, "Let Angkar works; otherwise, the annexationist might ambush us." At that time, my younger brother, Kry, who was in the Khmer Rouge military force, was shot by Lon Nol soldiers and was sent to be treated at the hospital in Phnom Penh. One month later, he told my parents, "If the Khmer Rouge soldiers force you to leave, do not be stubborn with them and do not bring the car." My parents did not know whether he was serious or kidding. After being told by my brother, we heard the explosion of gun sounds behind Preah Puth pagoda. My parents together with my twelve siblings were hurriedly preparing some household stuff such as land title, house ownership certificate, and many good books

bought from France and some clothes to take with us. My parents kept all the money in the bank; however, my father was also worried since we had no money left for this evacuation. We regretfully left our home because there were many necessary things that we could not bring with us.

Prisoner of war

My family was going to Stung Meanchey toward which many people were walking. Arriving at a glass factory, Khmer Rouge soldiers with weapons gathered young men having long hair and forced them into the factory. There, about ten young men wearing long sleeves and trousers were surrounded by a defense unit, and their palms were pushed into with wire. When moving slower forwards, I heard my mother shouted "stop" because my older brother and father were stopped by the Khmer Rouge soldiers. I saw my brother and father came back with scared faces since they were accused of being the military. However, after my brother showed them his student identity card, as a business and law student, written in French, they both were released. We reached Stung Kantuot at night. My family and other evacuated families were settled for a stay there, and everyone started to cook rice. We decided to change from calling our mum to mother, and dad to father. I was crying so loud at that time because my mother told my two sisters and I that we had to have our hair cut short. I took off my university uniform and took them to marinate with mud in order to have it black so that the Khmer Rouge soldiers would not accuse us of being commando. At midnight, my father took a sacred cloth attached with Buddhist and small Buddhist statues made of silver and alloy, and gave them to my brother and me for good luck, and he hid the rest of them underneath the river bank.

At Stung Kantuot, the villagers were given rice in exchange for meat, and they could get one can of rice provided that they had a piece of gold. After a short period of time, the evacuees living near my family were running out of rice. My mother shared some rice with them, and kept some to exchange for pork.

Having stayed there for five days, we were told by Khmer Rouge soldiers, "We have to continue this journey because Angkar does not allow anyone to stay here anymore." One evacuee suddenly asked Khmer Rouge soldier that "Sir, can I stay here?" After hearing this question, a Khmer Rouge soldier pushed him on his chest with the gun making him fall down. The Khmer Rouge soldier also threatened him, "There is no sir. Here we have only brother cadres who are under the supervision of Angkar that orders you all to continue this journey."

My parents decided to go to Koh Thom district without any knowledge of the road. Not too far from Phnom Penh, I saw some people riding bicycles and driving motos, while families of older people with no means of transport were pulled by their children, using pieces of wood tied together in the form of a cross. On the way to Koh Thom, I came across people lying dead under the trees and pavement as a result of starvation and a shortage of medication. However, some families were seen driving their own cars fully loaded with their household stuffs and acting as if nothing happened. Shortly after that, their properties were confiscated, and they were sent to be educated by Angkar. Families that took only money with them did not have food and rice to eat because money was not allowed to be used by Angkar.

Request from Angkar

While walking aimlessly across the village, my family rarely saw any evacuees walking past. Base people in this village were looking at my family and relatives in a strange way, but they all were so kind that they gave us sugars, hats made of palm tree leaves, and palm juice which each of us drank until

we were full. When night descended, we decided to stay near a pagoda. Surprisingly, I suddenly saw both male and female Khmer Rouge soldiers standing in line singing songs to celebrate the 17 April 1975 victory. Seen by those soldiers, I decided to flee. Then, three soldiers with scarves around their necks, wearing paramilitary hats and shoes made of tires, pointed guns at my father, accusing him of being a soldier. They confiscated his watch, mosquito net, bag, kettle, and cooking pot and then told him that "these things were requested to be taken away by Angkar."

Our land title, house ownership certificate, certificates, and family record book were all burned by Angkar. My family had very few things left with us. Therefore, we had to find fish, snails, and crabs to eat on the way. Arriving in Koh Thom, we were told by Khmer Rouge soldiers to stay at Sambuor Pagoda in order to be assigned by Angkar. My father then asked them if he could live near my brother's house at Por Reamear village, Prek Sdei commune, but his request was rejected. After recording our biography, Angkar forced us to cross the river to live in Chhroy Takeo commune. Although my parents tried to hide their identities, they still accused them of being "capitalists." A few days later, each of the evacuees was provided with a package of rice wrapped with banana leaves, grilled fish, dried fish, tamarind pounded with salt, and salt from base people in that area. Noticing some evacuees had been offered brown and yellow cooked rice, I asked them to exchange it with mine. In fact, the rice was just cooked and mixed with brown-colored corn.

After almost one month, my parents arrived in Chhroy Takeo commune, Koh Thom district. There, my fourth brother often swam across the river to visit my parents, bringing with him crabs and fish for them. He even told us not to say anything that affected Angkar or walk anywhere freely. Having known of the secret visit of my brother, Khmer Rouge soldiers sent him back by boat. We could not do

anything to help but stood crying sympathetically. Angkar detained him for four or five days, saying that "he was sent to be educated because he had entered another commune without abiding by the law of Angkar." He was not allowed to meet his wife, parents, and relatives. Because his wife was base people, she requested the Prek Kdei commune chief to write a letter to Angkar to secure his release from custody. After being released, at night, he once again swam across the river secretly to bring food for my parents, but he did not stay longer for fear of being accused and detained by Angkar again.

Forced labor

My parents came to live in a house with base people in Village 4, Chroy Takeo commune. There were six members, three of whom were kind Cambodian-Chinese. Angkar assigned people in this house to do their jobs respectively according to their gender and age with other base people. Base people often made fun of me since I had unnatural behaviors while screening rice for bran or carrying water. A few months later, all my brothers and sisters were assigned to do more hard work such as carrying soil, cutting the forests, harvesting rice, prying up the root of trees, building dams and digging canals. We had very little food to eat, only brown-colored corn. Therefore, whenever screening the rice, my mother never gave away the bran. She hid them so that we could grill them for food by mixing with salt and wrapping with banana leaves.

I cooked food with corn, or fried corn with salt and packed them with trunk made of palm leaves to eat. I went to work from dawn until dusk so that I could come back to my place, and I sometimes had to join a meeting introducing the principles of revolution until midnight. One day during lunch break, Saret, my former classmate before the Khmer Rouge took control in Phnom Penh, told me that a woman in her group, the third-wife of a military general during Lon Nol period, was brought away to be educated. I shared my miseries with all of that hard work and showed her my calf which

was full of scars and wounds.

In the evening, I was so scared of the bird sounds in the jungle. Since I worked far from my brother, we could not see each other because of jungle. I looked around and found no-one nearby; thus, I quickly ran over the grasses and sharp thorns until I found the sole of my foot bleeding. Arriving home, I saw my mother's skinny body, and my father who used to have a big belly was now showing bones. Having seen this, I hugged my mother and whispered to her that "Mother, I can bear this." My mother and I knew that my father was hopeless, but still we could do nothing. Because I could gracefully patch clothes for base people, they liked me and had a good relationship with me. Sometimes, I made some bras by sewing the clothes attached with flower patterns, and sold them to base women in the exchange for rice, fish, eel, and woven bamboo baskets for catching fish. One day, my fourth brother was requested to give away his moto to the military unit at the carpentry shop in Commune 4 by the Khmer Rouge soldiers. Because he was afraid of being selfish person, my brother decided to give his moto to Angkar without protesting.

Later on, Angkar assigned me to harvest Kak (a type of leaves used for making mat), and chop wood. I had gone through many hardships due to the fact that I had to swim across the deep river, and carry on the heavy wood on my head by walking reverse with the direction of the wind. However, I was lucky to meet one woman who kindly taught me how to carry the wood because she knew I was small, and tried to walk across the river whose depth was almost over her head.

High Sacred Ground

Every morning, I listened to the radio about the new principles of Angkar introducing people to build dams, dig canals, eat collectively, abolish the old regime, preserve the peasant class, and not to forget the red-blood. Angkar offered everyone rice to go to build dams in Malech, Krabei Kon village, Chher Kmaov commune. At Chher Kmaov coopera-

tive, Angkar built two large halls separately, one for the female units and another one for the male unit. I carried the soil until late evening so that I could have dinner. If there was bright moonlight, I had to do extra work. Although we all worked ceaselessly, Angkar always called everyone for a meeting and criticized until midnight. One day I sang a song composed during old regime whose meaning was about "I want to blame fate for setting my life in this terrible way." Unfortunately, it was heard by one woman in my unit, and she eventually reported this to the higher ups. Because the song was not affecting the revolution, Angkar did not accuse me of anything.

During the day break, my three female friends and I were swimming in the stream in the east of our cooperative, and we also tried to search for shellfish and mussel. A strange man wearing a torn shirt with holes and a hat made of palm leaves, and carrying casting net, was boating slowly near me. This man called my name and ordered me to give him my trunk for fish. I was hesitated because I didn't know him. Then, he shoveled his fish with a plate and handed them to me, and then he quickly rowed the boat away.

Evacuation

In rainy season, streams were all full of water. Angkar gathered youths and all female units in the commune to work respectively in villages according to each of their duties including weaving Kuk, grinding corn, pounding rice, and beating rat. During this time, I could meet my parents, my siblings, and helped them doing some work. One day, we had planned to flee from Chhroy Takeo to the west coast of Pau Reamear to live with my fourth brother. While the sky was getting dark, my fourth brother rowed the boat to the shore near my house. My brothers and sisters were hurriedly placing our equipments on the boat and starting to leave. Suddenly, there was a light from a torch flashing directly to our boat, making all of us extremely scared. Village chief, Chief of Sub-district, and militiaman ordered us to land the boat and accused us of

being enemy, and they finally arrested my fourth brother. However, he was soon released again after his brother in law, base people in Koh Thom commune, wrote a letter to secure his release once again from custody.

In Chhroy Takeo, Angkar had recorded our family biography several times. Angkar also accused my father of being a colonel though he told them the truth that he was a train worker. Ream, who used to live with my family, also was being questioned. After knowing the truth, Angkar evacuated my family with all new families who just arrived to move to live in Battambang. House owners and base people who liked my family helped transfer all my family members and some other household stuffs to the west coast. Here, each of us was provided with a package of rice and was told that tomorrow a car would pick us up. I hurried to meet my sister in law to tell her about the place that my family was staying. After that, my brother and sister-in-law secretly met my mother at their relatives' house south of a pagoda. My fourth brother and my siblings took all the stuffs and kept them in this house, then went to find a boat. At twelve o'clock midnight, all of my brothers and sisters bended down the bottom of the boat and covered the boat with the mat so that the militiaman would not suspect. For a while, we heard a voice asking: where are you going and transporting what? My brother replied to them that he was transporting corn. Seeing my brother alone on the boat, the militiaman did not suspect and allowed him to continue rowing his boat. We lived together in a hut near a bank of river at the south of Bratheat pagoda, Prek Sdei commune. Not long after we moved here, my second brother was desperately ill for two weeks because of a bad case of diarrhea. He shortly died afterwards due to a shortage of medication.

Trunk-making job

During transplanting season, I had to kick the waterwheel to irrigate water into the field, and cleared the grasses in Sapodilla farm with the elderly

people. And all of my brothers and sisters were admitted into a mobile work brigade in Prek Sdei commune by Angkar. A few months later, Angkar assigned my third sister who worked for the fish catching unit and me to go to work in trunk-making hall. Knowing how to do this job quickly, I, during the break, took the palm leaves, pierced with various decorations, and made them into a hat. I sent those hats to people working at Prek Sdei work site. After hearing from sister that my mother was working in the field to the south of my working hall, I eventually went to meet her. However, I was told that my mother could not come to work here since she had to look after my fifth sister and my father who were ill at home. Hearing this news, I asked Angkar for one day off in order to visit them. But my request was rejected by the unit chief and I was chided: "Who do you think you are? Here, Angkar has enough doctors to look after them." Because of being anxious, I went to meet my mother secretly at the field where she was pulling the seedlings. I felt relieved after being informed by my mother that they both were getting better now. One day a man drove his cart fully loaded with palm leaves and placed those palm leaves in the hall. He told me that Angkar ordered me to make all these palm leaves into trunks within five days. Because of being afraid that Angkar would accuse me of being lazy, I tried to do so without having any time to relax. I secretly made some small trunks into a shape that had eight squares and made their covers decorated as Chan flower shape, which can be used for holding betel and areca palm, and sent them to my mother so that she could exchange them for medicines for my sister and father. In only four days, I finished all the trunks and asked the team chief for permission to visit my mother at her home. Afraid of being envied by all female units, I was allowed by the team chief to visit my mother after the female unit left the hall during lunch break. Also I had to come back before they left from work in the evening.

It was extremely silent in the village. I saw my

second brother boiling the water for my father who was lying on bed in a small hut, and there was a pot containing water mixed up with Chhre powder (used for treating patients) nearby him. He asked me only few questions. I took five tomatoes given by the elderly people from the farm and handed them to him. Then, I told him I was now going back to the cooperative hall. At that time, I saw my sister, who was ill and had only skinny body full of bones, crawl down from her small hut near my fathers' and walk straight to me, telling me, "I am now so hungry, my sister.". After hearing these words, I felt such pity for her, but could not find anything for her to eat. My brother, who was out finding fish, always came to bring my mother some fish in order to exchange for rice, corn, and medicines.

Mobile work brigade of Sub-district

After the session had been held for the purpose of making a mobile work brigade of Sub-district, Angkar admitted me into battalion 3. My duties were to go to work for every cooperative in the district. One



Female Unit screening rice in communal mess hall

day, Angkar ordered me to gather all the workers to watch a movie about liberation day near the bank of a river in one commune. When the movie ended at eleven o'clock, I secretly went to visit my parents and siblings who slept near my parents with the dripping light from fish oil lamp. Having seen me, my mother was so delighted, and then she took a rice-flour cake for me to eat, and showed me the two fish, hidden in the jar, which my brother brought for them. Being afraid of Khmer Rouge militiaman would know, I hurried back to my unit.

I could not go to visit my family for a month. One day, I asked the elderly women in the commune about my family. I was told that my second brother died because a cow kicked him while he was guiding them in the field, and also because of having diarrhea. And my sister having chronic illness was admitted into the elderly women's unit. After hearing this news, I asked unit chief permission to go home. However, I was accused: "She would have died while I was going, and she could never live again."

Also, the unit chief took the woman telling me this news to be educated. Because there was not much rain in Koh Chass commune, Angkar assigned one woman in the unit and me to kick a big waterwheel in order to irrigate water into the field. Although I had been working hard, the food provided to me was just two small pieces of powder Chhree used for combining with salt to eat. Therefore, we decided to take turn searching for snails, crabs, and fish for additional food. Seeing little water in the field, Angkar called me to a meeting and scolded me. Angkar asked me to promise to them that I would change myself: "Do not paddle your foot in the water. Historic wheel is moving forwards, and never backwards. If you plunge your foot, it will be cut, and if you plunge your hand, it also will be cut, and even if you plunge your head, it absolutely will be cut as well." After the meeting was ended, Angkar assigned me to go to build the dams in Tuol Kuom.

Last seen my parents

In dry season, one day during the lunch break



while the female unit was requested by Angkar to transplant dry-season rice, I secretly borrowed a bicycle from a villager in order to bring my potatoes to my father. On the way, I also stopped to pick some tomatoes. At home, I saw my father who sometimes lost his mind was throwing away mat, pillow, and other stuff which were kept for along time. Because of being too hungry and too enthusiastic when seeing potatoes, he was sobbing, and eventually gave me a watch, Citizen model.

While I was working with a group of people, they always accused me of being capitalist, and did not talk to me much though I tried to chat with them. In the afternoon, Angkar assigned all of us to harvest the rice which was full of grains at Tuol Damrey Slab, in Anlong San commune. At that time, although I was hungry or even if the weather was too hot, I did not stop working at all and tried to harvest rice. Three days later, I was told by the elderly people in the commune that my father had just died after a medical man gave him two pills. Then, I walked to ask permission from my unit chief so as to join my father funeral. However, the unit chief said "Don't you know that our work has to be done quickly, and who informed you about this news?" Hearing this, all the members in the unit were quiet and continued harvesting rice. Shortly after that, the unit chief decided to allow me going home for one day after seeing me crying and refusing to eat anything. Arriving home, my father body was already buried by the villagers. I saw my mother with a white face walking back home from work. I slept with my mother one night.

Luy Comrade

Later on, Angkar transferred me to live with comrade Luy, a chief of battalion 1, who had brown complexion, big build, a cruel face, and did not like chatting. Here, my duty was to calculate all the reports for comrade Luy. Although Luy always blamed all group members, he was assumed to be kind in the way that he signed an allowance paper for me to borrow a bicycle to visit my mother. I rode

the bicycle along the edge of the stream without any knowledge of the road, and finally I reached home at around twelve o'clock. In the morning, I rode my mother to visit my sister who had eye-venom and was at the commune hospital near Wat Koh. I was so scared to see comrade Luy with his messenger on the bridge where he was going straight to join the meeting at Wat Koh. But, he turned to smile at me and went on his way. Arriving at the work site, I did not want to meet comrade Luy since I was afraid that he would accuse me of being a liar. Few days later, he asked me to calculate the reports for him as normal, and asked me about my mother health. He even asked me more whether I would like to visit home again.

Consciousness illness

Later on, my group had to build dams whose size was 5-10 meter, and the soil was extremely dry and hard. Hardly bearing the boiling heat and hard work, I pretended to have stomach ache. At the hospital, I was blamed by hospital cadres, and they also accused me of have consciousness illness. Afraid being sent to carry the soil again, I refused to eat. Because Angkar ordered every unit to have a competition, comrade Luy had taken people who were weak and had disease to work somewhere else, and kept only those who were strong. Although I was being treated at the hospital, comrade Luy still needed me to calculate the reports for him due to the fact that he did not know how to calculate the number.

District 154 (Koh Thom District)

Traveling by a ship and car for several hours, my group arrived at district 154. After that, I commuted by foot with heavy stuff loaded on my back until I arrived Sre Yong or Chhrey Yong commune. Being extremely exhausted, I stopped for a rest at cow hall made of bamboo trees and covered by thatch without walls and smelling of cow's urine and waste.

Early in the morning, the gong was sounded. Everyone was hurrying to go to work, while I was

seriously ill. At that time, a medical practitioner, Cho, was counting the patients, and shouted at me "Don't pretend to be so ill that you cannot get up and prepare your mosquito net," and she pulled my hair out. Seeing this, an old woman, Seom (later on was chief of region), suddenly helped me sit. She gave me some milk, and ordered a medical practitioner to give me injection with western medicine. Although I was very ill, I was always followed by the medical practitioner because they were afraid that I was pretending to be ill. In spite of the fact that my illness was getting worse, Angkar was not strict with me.

Due to the fact that Angkar needed me to calculate the reports of the competition in building dams and dikes, the old woman, Seom, always spent her time encouraging me; more importantly, she ordered the medical practitioner to always look after me. One day, I showed her a book summarizing the theories and opinions of party, telling her that this book was written by a teacher in Phnom Penh. The old woman, Seom, trusted in me, and pitied me so much. She shared with me her life experiences during the revolution calling people to go into the forest. Then, she gave me her new watch given by her father, but I refused to take it.

Early in the morning, I tried to wake up before comrade Lai woke up, and went to build dikes. I brought a piece of crisp rice applied with soy oil which was left on the table and shared them with friends at work site, and I also brought some salt for Smann Timas and Hok Lormas who did not eat pork. Due to the fact that many members were jealous of me, I was transferred to live with a female unit and followed by Angkar.

One day, Angkar held a session about labor force competition joined by three district: District 154, Koh Thom District, and an unknown district. In front of the presidency of many Committee Divisions and people, I, during that time, was forced by the old woman, Seom, to express my opinions as a member though I did not know what to say.

Trea Commune

Few months later, I was sent to work for District 154. Most of evacuees had a skinny bodies and dark complexion due to insufficient eating (only two boiled corn) and hard work. At the cooperative, the female chief of district 154 held a meeting telling people, "Do not stand as a reed (everyone must trust in Angkar), and be firm with Angkar in building the country."

After coming back the village, I had to join the group threshing rice in Prek Tadoung village, Kampong Sambour, and pulling out soy bean which was flooded in Prek pagoda. During cold season (Kadeok season), I had to wake up around two o'clock in the morning by the gong sound, and hurry to stand in line with a plate and spoon for food. Then, we traveled by boat and reached "Veal Brapes" at eight o'clock where there were many boats full of seedlings that the elderly men brought and already waited for my group to start our work. Also, there were two cadres cutting some small trees in the field where I was going to transplant the rice. Late in the afternoon, I saw a boat transferring lunch that had just arrived. I took the seedlings to hold my plate and to surround the place where I sat in the water in order to have them protect the wind. Not long after I had been working there, I suddenly had a swollen eye owing to the sunlight. Hardly bearing this, I asked the unit chief for one day off; however, he just simply said "your eyes were hurt, but not your hands." Unable to protest, I pounded a kind of vegetable called thorn less amaranth (Aach mann tree) by taking its water to drop into my eyes. While the sky was getting dark, my unit, which had stolen fish sauce in a jar from the cooking hall, ate until there was nothing left.

At a new work site, while the transplanted rice was starting to produce its grains, Angkar launched a new plan for people to kill sparrows and rats which destroyed the rice. Everyday I had to go into the thick forest to pluck out vines to pound them for the poison animals. Also, I had to cut bamboo

trees used for twisting into a trellis to catch rats and chase sparrows since Angkar required everyone to make at least a trellis consisting of 5-10 meters long.

While the rice was hardening its grains, Angkar assigned my group to cut some trees in a thick forest to the south of my cooperative in order to make sickle handles. It was very hard work for me because I had to crawl down and was woven with the vines. We all had to do our work separately; otherwise, we could not find the trees Angkar had required. One day while I was walking nearby some graves to cut branches of trees whose shape looked like sickle, my axe fell from its handle. I pushed it back into its handle, but it suddenly squeezed with my palm making it hurt so much. Then, I moved out in order to get help from the villagers.

Later on, Angkar assigned me to harvest rice for a military unit in Prek Seong. The rice plant was rapidly producing its grains in spite of insufficient water and nutritious soil. However, the rice plant was not fully developed; therefore, I had to wait and had meals with the military unit for ten more days. When all the fields in Chham village, located beneath Prek Sdei village, were flooded, Angkar started to assign April 17, female and male units again to their work. At that time, my oldest sister was sent to work in battalion K91, whereas I worked for battalion K93.

In the middle of 1977, Angkar held a meeting introducing the revolutionary theory and followed all of every work aiming to interchange the country in which battalion 91 acted as a vanguard force and had to work for all cooperatives. After being assigned some work, I had to wake up in the early morning and went to collect morning glowry and Trakeat (kind of edible aquatic plant) by bringing a sickle and a rope, made of stems of the sugar palm tree five meters long to pull all the morning glowry that had been pulled out to place them on land. I worked until late evening so that I could rest.

Special Unit

One day during the collective lunch break, my

sister forgot to bring a rope made of stems of the sugar palm tree with her. We both hesitated to join the collective lunch in spite the fact that we were afraid of Angkar scolding us. After that, chief of female unit gathered all the females to join a meeting strongly focusing on hidden enemy in the revolution who acted to eliminate Angkar's plan. After the meeting, Angkar admitted my oldest sister into a special unit doing force labor. One woman in my unit just made fun by saying that the porridge was becoming thinner but she was eventually accused of humiliating Angkar and sent to work for this special unit.

Due to cold weather, everyone in my unit loudly sang a revolutionary song in order to warm ourselves and forget exhaustion. One part of my finger was cut while I was pulling out the grasses. Having seen this, chief of battalion 9, Kheng, who was kind and friendly and always worked with members of the group, allowed me to stop working for one day. For food, Angkar provided everyone just only one boiled corn together with a plate of morning glow sour soup combined with banana tree. Without having enough food to eat, I secretly went to a pond, finding lotus rhizome and Prolet (a type of edible aquatic plant), and ate them without cooking.

Having lived here for more than one year, all women having lice were just provided a piece of soap to wash their hair, and a piece of loin cloth, worn by monks, dyed into black color, to use as cotton scarf to try their body. My clothes were worn out because of having them soak in the water for almost everyday. Seeing this, Angkar blamed me of wanting to reveal myself to attract men. After being scolded, I started to patch those clothes; however, Angkar still accused me of indulging myself.

While it was raining, all the female units in battalion 91 were told by the unit chief to stay in a base person's house near a stream. My group was having a bath in a stream having Sandann and bamboo jungle as a fence for protection. Having

known this, unit chief called us for a meeting recommending everyone not to take off their clothes while having a bath since it was an improper behavior of the enemy that everyone should not follow. Angkar was strengthening the work of special unit by adding working hours and reducing the amount of food.

Unintentional mistake

Later on, my group was sent to stay in a rice plant storehouse in Tuol TumnuK pagoda near Kampong Kong junior high school.

Here, comrade Kheang, committee division, encouraged everyone to carry the soil in two baskets on either side, and said to follow the example of Sre Ombel combatants who could do this great job. In spite of the fact that my baskets fully loaded with soil, the baskets slipped away from its handles hitting the head of a woman who was with the committee division. I was so scared of being blamed and accused by the unit chief. However, after having said sorry to her, I was not blamed anymore. Angkar held a session for a few days in Kampong Kong. After the meeting was ended, Chief-K called me to get a new shirt, skirt, and scarf. In the mean time, Chief of Sub-district had criticized the old regime for allowing women to wear revealing clothes causing ineffectiveness in building country towards development. Worse than this, some people attempted to kill all the cadres. He added that there were many enemies hidden in the revolution in order to destroy our revolution by throwing away the rice, and losing ropes and yokes. But Angkar was brilliant in finding these traitorous acts beforehand, and was determined to smash those people in order to maintain the brightness of the great victorious revolution. After that, all the audience clapped, and then a member of an assembly was invited to express his opinion. While the water in the field was going down, Angkar ordered April 17 female forces to transplant the seedlings, while male forces rushed in building dams. While I was transferring small wood for heating, my fingers were cut, causing serious bleeding.

Half a month later, while I was pulling out Prolet and lotus rhizome, a medical practitioner and a messenger came to my unit and met with the unit chief and group chief. Shortly after that, the unit chief called out my sister's name and these of eight or nine women to go to the hall with the messenger and the medical practitioner, with the unit chief walking behind them in order to take them to new unit. Arriving in the hall, all of them were told to prepare only their clothes without bringing anything more. In the evening, the house owner, San, gave me my sister's bag and mosquito net which she sent to me, and she told me that my sister did not want me to tell my mother about this. Since then, I have never seen my sister face again. I always cried, but one female in my unit always came to console me about my sister disappearance. Not wanting the unit chief to suspect me, she eventually went to tell the unit chief that I had a terrible stomach aches which was why I cried.

I met my brother

One night, while walking to pull out the seedlings in the field, I saw my fourth brother who had only skinny body was kicking the waterwheel. However, I did not tell him about our sister due to the shortage of time. The group chief ordered us to pull out the seedlings by the requirement of the party. During the occasion of working on the April 17 building dam which was linked with Koh Thom River in Leok Dek district, I was staying in a hall built in the middle of a pond near the dam. One day, a female comrade, Lon, told me to raise more awareness about my words whenever saying anything because she had heard that Chief-K told comrade Seong to follow me since they suspected me of being a member of C.I.A. Having heard this, I was so scared because one day while I was assigned to get down into a pond whose depth was about one meter, suddenly there were eight men, some carrying long knives and sickles, who asked me a lot of questions forcing me to say that I was a member of C.I.A or K.G.B. But I kept saying that I

was a student. Because I was not involved with this group, they ordered me to continue my work and warned me not to tell anyone about this.

The April 17 building dam almost reached the village. Angkar assigned me to dig the soil underneath the pond to hold the dam. It was so hot that one of my female comrades fainted and died with her hands holding shovel. In the late evening while the rain was about to pour down, the wind was blowing so hard that I was falling down to the bottom of the dam. I could not get up until some friends came and pulled me up.

Khmer Rouge escorted my brother

During the harvesting season, Angkar requested April 17 youth to harvest the rice in Sampov Poun Commune, while other men transferred bunches of rice plant and thresh rice. It was too hot, and the rice pollen made everyone itchy. After the lunch break, Angkar ordered everyone to harvest the rice near a canal. Half of a month later, while harvesting the rice. A female comrade harvesting the rice near me whispered to look at those men who were escorted by many militiamen. One among those men was my fourth brother whom I knew clearly. I could do nothing to help him but crying.

Later on, Angkar assigned me to work near Kuhea high ground. Because of heavy rain fall, carrying soil was difficult for the soil was slippery, causing the baskets to become worn out. Seeing this, Angkar set new plan for everyone to look after their own baskets. Angkar was so strict that I was not allowed to stop working for one day though my foot was cut by a hoe. Afraid of being accused of being lazy, I wrapped my injured foot by rope, and continued my work. Worse than this, when a woman in Chief-K group was ill and slipped down into the dam while working, the chief-K accused her of her traitorous acts and ordered her to prepare their clothes to move to a new unit. After a while, the group chief ran to inform everyone that woman had swallowed Sleng seed and died afterwards.

6 January Dam

Building dam work was rushed though there was heavy rain fall. After the evening meal, the unit chief gathered all the members to build dam in order to follow the plan required by party, and at the same time to challenge the speed of other groups. Though sleepy and exhausted, I still walked to work, digging the soil full of water caused by heavy rain. There was a group of youth preparing the lamps along the way where we were going to work. However, my team chief ordered them to stop their work since the lamps could make the other youth unit know that we were still working. In fact, men units did not work at night; they were all in bed. Seeing the disappointing result of our work, the unit chief did not allow us to get back and rest in our place. On the day that Angkar held a session at the Otralum building dam work site, I met my seventh-youngest brother who had a swelling disease. He told me that our eldest brother was taken away by Angkar, which made me feel extremely shocked.

While I was still working for the building dam plan in Chrong Romeas pagoda, Angkar decided to transfer me to help building the dam in Prek Be instead. It was already dark, and my female unit in battalion 9 had to cross the river to go to the west coast with a terrified feeling because the river water had just risen. There were many female units and youth units who were ordered to build a high and long dam in Prek Be. At around 10 o'clock in the morning, I was called for a meeting, which made me so scared. Having arrived, I saw chief-K, comrade Ang, staring at me, and a femal unit chief ordered my team chief to send me back to live there. Then they both started to record my biography once again. First, they accused me of being a commando, telling me that they had photos as evidence. Therefore, I had to clarify my trustworthy stance to the party. I replied to them that I was just a student, if they did not believe in me, let them wrote whatever they wanted to because it was all the things about which I did not know. After an hour past by, they allowed me to work as normal due to the fact that they

needed more time for the meeting. Arriving back the work site, all the women were staring at me since they all believed that it was bad news for me. I started my work again without talking to anyone. Until the lunch break, I still felt terrified and thought that it was now my turn. After lunch, I rested under a Kduol tree alone, whereas some of my close friends who always were with me did not come close to me as normal because they all were afraid, and other friends just looked at me with a sympathetic feeling.

Shortly after that, the gong was echoed making me hurry for my work. I climbed down to the bottom of the dam, digging the soil and placing it in my baskets and climbing up. Once I went back, the unit chief followed me and ordered me to put down my baskets. He then started to dig the soil and added some into my baskets until it was fully loaded. Moreover, he shoveled a scoop of soil and threw it at the back of my knees making me almost fall down. All the women stood looking at me walking unsteadily due to the heavy soil.

Nostalgic a bunch of grass

A plan ordering everyone to find two bunches of grass for cows was hard work because all the high grounds were almost flooded and even the grave high ground nearby the base people's house had no more water hyacinth. Having no alternative, I decided to dive into the deep water in the east of national road near Phum Kdul Chhas after having seen many tops of grass. Afraid of sinking into the deep place, I walked slowly and pulled out a big bunch of grass separated into two bunches, and pull them up to the land. I was extremely delighted that I had accomplished this plan. While I was looking for snails, one of these two bunches of grass floated away in the fast flowing water. I did not know what else to do because it was already late afternoon, still I could not find another bunch of grass. Not knowing what to do, I could only embrace a bunch of grass and cry bitterly. Suddenly, there was a boat rowing near me, and an old man gave me my lost grass which

he saw floating.

I heard a news that my fifth sister was married to a widower, which was assigned by Angkar. In battalion 9, about twenty women were called for a meeting recommending them to form a new family, and besides this, they all had to find grass for cows. After handing my grass to the old men guarding the cows, my friend and I went to pick newly grown tamarinds. Suddenly, there was a youth chief escorting his muddy bike to have it cleaned near the tamarind tree, making us feel scared and embarrassed because we both were wet.

The End of Revolution

I was married to a man, and we both had to move to live in small huts arranged in rows near the river edge where we had to cut the fish's heads to make Prahok, plunge the ground, and transplant rice. In the daytime, we both went to do our work respectively, and when the night fell, we sat in the groove, listening to the sounds of gun explosions. Not long after, while transplanting the rice in the south of the hall, I saw a group of people walking straight to 6 January Dam and crossing the river to go to Takeo Province. I was so scared that I just only hid quietly in my small hut, preparing some clothes into a bag and waiting for my husband who was plunging the soil at a far distance. I was carrying two heavy bags and followed those people, while my eyes were looking for my husband and trying to asking people about his location. Having walked for several hours, I luckily met him at the edge of the river, and we both decided to flee to Takeo province.

Although Khmer Rouge regime had collapsed, I still could not forget all the terrible things that Khmer Rouge had done to me, my family, and to all my brothers and sisters who died during this regime. Recalling these stories, my tears were unconsciously rolling down. To reveal my suffering, I decided to write the story of my life for the better understanding of new generations.

Chhorn La is a victim of Khmer Rouge regime.



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A magazine of the Documentation Center of Cambodia: *Searching for the Truth*. Special English Edition, Second Quarter 2009.
Funded by the Swedish International Development Cooperation Agency (Sida) and U.S. Agency for International Development (USAID).

