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Tuy Kin

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Editorial:

KHMER ROUGE HISTORY: EDUCATING THE YOUNG GENERATIONS

“There is no more urgent task than to teach students about the importance of human rights and to analyze the actual instances in which genocide has been committed.”

--From Model Curriculum for Human Rights and Genocide, California Department of Education.

Almost 2 million Cambodians died between 1975 and 1979 under the leadership of Democratic Kampuchea (DK). This fact is known by all Cambodians. Yet our country has done surprisingly little to ensure that we remember what happened, educate our young about the atrocities, and provide justice to the victims. With the passage of time Cambodia continues to lose survivor's stories; a vital source from which to learn about our country's recent tragic history. This means that, without concerted effort, students of this and future generations may know little if anything about the history of DK and the Khmer Rouge (KR).

Disinterest and ignorance about the Khmer Rouge and the genocide they perpetrated in Cambodia is dangerous. Today, young Cambodians have little interest in news relating to Khmer Rouge issues. Sadly, even some Cambodians that lived through the KR atrocities have little interest in the issues. For example, people have been hearing about a possible KR tribunal for more than two decades, yet nothing has happened in terms of legal accountability to recognize the suffering that they went through. Compounding the issue, some that have shown interest in the issues have been killed or discriminated against by society. Others simply are not bothered and feel no need at all to bring up the issue of justice. Still others choose to forget the frightening past or to blame God for what happened. Whatever the reasons, continued ignorance or denial of KR atrocities is dangerous because it disrespects the victims, could lead to the possible recurrence of genocide in Cambodia, and could lead to popular distrust of the country's judiciary.

Unfortunately, education regarding KR history has often been used as a tool for gaining political advantage, rather than as a way to prevent the recurrence of genocide

and bring about justice, reconciliation and peace. For example, throughout the 1980s, social studies textbooks did indeed depict the brutality of the KR; however, they also taught of the victory and bravery of the PRK (People's Republic of Kampuchea), arm and arm with the Vietnamese; a portrayal that many Cambodians despise to this day. Further, after the signing of the Paris Peace Accords in 1991, KR history lessons were taken out of school curricula. The government developed a new KR history lesson between the mid-1990s and 2002. Once the new history lesson was introduced, it, too, was attacked as a politicized, selective, and abbreviated lesson. This lesson was subsequently removed from the curricula only a few months later.

Now, time is running out. Almost two full generations of Cambodian children have completed public education without an awareness or understanding of genocide and their country's tragic past. This only makes reconciliation and peace harder to achieve.

A few months ago, before the 27 July National Assembly elections, a 15-year-old student was quoted in the local magazine Bamboo Shoot and in the 8 July Cambodia Daily saying, “I want to have a good leader who loves the nation like Hitler, is serious like Stalin...” To me, this was a grim sign that genocide has the potential to return to Cambodia in the future if we fail to educate our younger generations about genocide and the Khmer Rouge.

The outlook for Cambodia's future will drastically improve when young people of this and future generations receive a clear picture of Khmer Rouge history. In addition, while the concept of justice does exist in Cambodia, education of KR history will only strengthen the foundation for future Cambodian justice. This will help to eliminate social chaos, impunity and corruption. Moreover, it will provide students with the background necessary to understand and appreciate the prospective international Khmer Rouge tribunal.

Kok-Thay Eng
Co-English-Editor-in-Chief



Letter from Youk Chhang:

PCHUM BENN RECALLS A PAST THAT IS STILL ALIVE

Pchum Benn has arrived. It has been 25 years now, since this important ceremony has taken on a different meaning. People offer food to the monks in memory of their relatives who passed away during the Khmer Rouge regime. Everyone, from the King to farmers living in the Cambodian countryside, had at least one loved one tortured or killed by the Khmer Rouge.

Will the demand for justice for the victims of the ruthless regime continue endlessly, like the back and forth flows of water at the Mekong junction? Is the reversal of flow towards justice a way to comfort the victims for whom there is no real legal redress, or is it simply a re-minder of the approaching flooding and receding seasons? Is there no genuine willingness to have a tribunal among our Cambodian leaders? Is there no concerted effort to find justice in our country? Or are concerted efforts only applied to keep impunity in place and to conceal structural faults in our judiciary system? Do we not learn from our mistakes?

The violation of human rights and the deaths of millions caused by former Khmer Rouge leaders will become a serious burden for future generations if the lingering impunity is not addressed. This burden will become a complex social puzzle affecting our future development as a people and as a nation.

Cambodian youth should learn from their country's past so that they avoid repeating the same mistakes. The study of history is not about holding grudges, not

about seeking revenge and not about a refusal to move forward. On the contrary, the study of history is an effort to move forward. Those who do not know their history are condemned to repeat its mistakes.

It is not right to lay all the blame for Cambodia's present problems on the Khmer Rouge. But it is also not right to tell Khmer Rouge victims that they should not seek justice, to urge them to forgive perpetrators without proper trials and to forget their sufferings without putting this era of Cambodian history in school for our children to learn.

What we can do now is to provide strategies for the victims and perpetrators so that they may seek justice by themselves, enabling them to forgive and to free themselves from the grip of the past so that both feel free to move on. Central to such strategies is a credible tribunal of the Khmer Rouge leadership.

The lingering attitude of pointing to others, of blaming the past or the dead can be ended by using the law and by studying what happened and why. The

Khmer Rouge victims cannot possibly be compensated for the horrors they had to live through. Compared to their plight seeking a credible tribunal is a very small demand. Not only does today's *Pchum Benn* Ceremony recall a past that is still alive, it also reminds us that we need honest and genuine politicians who are serious about the search for truth and justice.

Youk Chhang
Editor-in-Chief and Publisher



Photo by Heng Sinith

KHIEU PONNARY

Joanna Rebecca Munson



The death of Khieu Ponnary on 1 July 2003 signified the aging of the Khmer Rouge leaders and brought to the fore questions of holding responsible in a court of law men and women who are decidedly past their prime. Khieu Ponnary's death

had the potential to spark another, oft-overlooked aspect of the Khmer Rouge past: women's roles as both perpetrators and victims. But sadly, as has often been the case, women as a subject of study was brushed aside in favor of highlighting her place in history as the wife of a famous man. But Khieu Ponnary is a subject worthy of study in her own right, and not only as the wife of another. It is indeed intensely fascinating and chilling to read the (admittedly sparse) accounts of Ponnary's trajectory from promising student, to one of the leaders of a heinous regime, to insane woman in need of constant care. Sadly, due to the lack of primary and secondary documents on Ponnary and her seclusion due to insanity, any investigation into the life and times of Khieu Ponnary leads to more questions than answers.

Khieu Ponnary was born in 1920 in Battambang Province, the daughter of a judge. Nothing is recorded about her mother, save a brief mention in Elizabeth Becker's *When The War Was Over*, of Khieu Ponnary's and her sister's return from Paris, when they did not visit their mother, who had come to Phnom Penh to see them, for two months. Their estrangement from their mother had its roots in the humiliating affairs when their father left their mother for another woman. Even though both Ponnary and her sister Khieu Thirith achieved great academic success in Cambodia, going on to study in France, there is some suggestion that

Ponnary felt deeply stained by the episode.

Ponnary and Thirith graduated from Sisowath High School, and Ponnary was the first Cambodian woman to receive a baccalaureate degree from France, while her sister was the first Cambodian to graduate with a degree in English Literature. While these accomplishments seem important from their titles, they are less prestigious than at first blush. Ponnary's baccalaureate degree was the equivalent of only a high school degree, in a rather poorly functioning education system. Indeed, the prestige that Ponnary and Thirith gained for being the educational elite came only after the Communist party gained notoriety. Khek Galabru, director of Licadho, is the daughter of the first female Member of Parliament, who served in the 1960s. Galabru's mother is not often cited for her important place in Cambodian history. One can only guess that Ponnary's involvement with the Khmer Rouge has served to elevate her educational standing to a degree perhaps undeserved. This is not to suggest that Ponnary was not smart, but it is to highlight that the titles she achieved should not be evidence of her success.

In 1949 Khieu Ponnary traveled with her sister to Paris to pursue her teaching credentials. Khieu Thirith's ambitions in Paris were to attend university and to marry Ieng Sary, an emerging Cambodian Communist leader who had been one year ahead of Thirith at Sisowath High School. This occasion brought together Ponnary and Saloth Sar, another communist leader who would soon take the nom de guerre "Pol Pot," and was five years her junior.

In 1951, Saloth Sar, having failed three exams, had his scholarship revoked and decided to go back to Phnom Penh. Khieu Ponnary also had her scholarship revoked, but not because of marks. Rather, it was her political involvement with the budding Communist

network that forced her return to Phnom Penh. It is unclear how involved she was in the ideology of communism. Her sister had encouraged her to attend Marxist study sessions, which is where she met Saloth Sar, but no documents remain suggesting her own beliefs about communism and its efficacy. One can only guess that her involvement with Sar both signaled her interest in the ideology of communism and also more firmly wedded her to the movement, regardless of her private beliefs.

When they returned to Phnom Penh, a city under the control of Prince Norodom Sihanouk, Ponnary began publishing a woman's magazine entitled *Neary* ("Woman"). The magazine contained cooking recipes and articles on fashion and beauty tips, as well as on other social issues such as child-rearing, with intriguing titles like "Should Children Be Educated in Freedom or Oppression?" She translated French fables like "The Ploughman and His Children," into Khmer and the magazine was sold at the Phnom Penh shop "Petit Paris."

Very little of her communist sympathies show through in her work of this period. Mey Kamphot, who became an executive in one of the largest private banks in Phnom Penh, was taught by Ponnary in his first year of lycee (high school). He remembers her intelligence and her Khmer nationalism, but there was no suggestion in the classroom of either her communism or that of Saloth Sar, whom she married in 1956.

Her sister, Ieng Thirith, said that during this period, she and many other wives had to work very hard to support their families and the party, since their husbands were involved in organizing and many of them had been denied well-paying jobs. She writes, "I stopped my political activities so I could teach at a government school. My sister and I, both of us, were teachers in government lycees. Since we had to live, I had to have a job." While they may have contributed monetarily to the party, recent evidence has come to light that most of the money may have come from China, and not from the lycee work of Ponnary and her sister.

There is some evidence that Ponnary continued

being active in the party, and not just supporting it monetarily, but the evidence is sparse and incomplete. In the late 1960s, there were fierce gunfights on the streets of Phnom Penh between the communists and Sihanouk's forces. During one such fight, Ponnary was almost arrested, but it is unknown if she was just caught at the wrong place at the wrong time, or if she was an active member of the fighting. A further indication of her continued political ambitions is the founding in 1961 of a secret women's communist organization. Furthermore, in 1973, Ponnary was appointed Party secretary of Kampong Thom province. Under her watch, this area became known as a very strict zone where party policy was implemented to the greatest degree. A soldier from this region recalled that "In the Kampong Thom region, the Organization [was] led by very severe men [sic]... Their discipline was terrible; there were many executions..."

But doubt remains as to the true nature of the women's organization that she secretly founded in 1961 and that by 1976 was the Association of Democratic Women of Kampuchea. It could be true that the organization was meant to hold real power and influence, but the fighting that drove Ponnary and fellow communists to the countryside in 1965 also sidetracked the mission of the organization. At any rate, it is far from clear that the organization played a significant role in attracting women to the communist cause and it is doubtful that after 1975 Ponnary was an important leader. The Laotian and Vietnamese Communist movements tried for years to make contact with a Cambodian Women's association, since the former movements had influential women's organizations. It was not until 1976 that the Cambodian Women's Association made meaningful overtures to the other groups. From 28 August to 4 September 1976, a five-woman delegation traveled to Vietnam, but while Ponnary was the official head of the Democratic Kampuchea Women's Association, she did not join the delegation. The Cambodian association invited the Vietnamese back for a visit to Cambodia, and on 7



February 1977, the delegation arrived in Phnom Penh. According to the leader of the Vietnamese Women’s Union delegation, Ha Thi Que, Ponnary was not present once during their week-long visit. Her sister Thirith explained that it was she who was “representing the Women’s Association of Democratic Kampuchea.” When Que asked after Ponnary, she was told that Ponnary was sick. Indeed, Phnom Penh Radio’s coverage of the visit did not mention Ponnary and nor did any Cambodian describe Ponnary as the leader of the Women’s Association, even though no one appeared to hold this position. By the end of her visit, Que had the impression that there was no real Cambodian Women’s Association.

There are two possible explanations for this apparent smokescreen. It seems likely that at this point, Ponnary was already displaying symptoms of insanity, if not the fully blown disease. Had she been the true head of the organization, then her demise could have caused the demise of the organization. Alternately, the organization has never held much of a position in the Cambodian communist movement, and her demise did little to dampen its already lackluster position. At any rate, by the time the Khmer Rouge took over the country, Ponnary was well on her way towards a life of insanity. There is some suggestion that her insanity was caused or hastened by learning that Pol Pot had already been married at the time of her marriage to him and that he had fathered a son. Coupled with the sting of her own father’s infidelities, this knowledge may have severely compromised her mind. She waited out the years 1975-1979 under special care in a home outside the city, away from her husband. And for the more than twenty years that Cambodians have worked to rebuild their society, she has remained blissfully ignorant of the havoc wreaked upon her country by her party, her husband, and, most likely, herself.

Her death this year, unlike the inevitable deaths of other leaders of the Khmer Rouge, does not impact Cambodia’s collective memory; her memory was gone long before her death and she would have been

little help to a tribunal. But it does allow us to explore questions of gender and power during the Khmer Rouge regime. The Khmer Rouge, for all their propaganda concerning equality, did not make significant efforts to change the situation of women in Cambodia for the better. They changed the situation in Cambodia, no doubt, but they changed it to a living hell for both men and women. There is some poetic justice in Khieu Ponnary’s downward spiral into insanity. But there is also a sense of justice thwarted. She never had to answer for her sins. She was protected by her dementia. Her sister was able to credit her at her cremation with “good deeds and sacrifices...for her beloved people and nation.” It seems clear that Ponnary, for her involvement in the genocidal regime, was a perpetrator, but one must also acknowledge that she was most likely a victim of the bad deeds of her father and her husband. The other Khmer Rouge leaders who are still alive were not victims, either of people or of insanity. Should they escape responsibility in death, it is likely that the nation will feel cheated and never feel the sense of closure they so desperately desire.

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While teaching [at Chamraen Vichea School], Vorn got to know Mei Phat and Plek Pheun who induced him to join the CIA. On one hand, Vorn served the revolution, and on the other hand, he burrowed into the revolution. In the classes he taught, Vorn propagandized about, and praised, the Americans, persuading people not to go against the Cambodian-American Military Treaty. He also promoted American magazines, convinced students to pursue their studies in the United States of America, to oppose the revolution and eavesdrop on the revolution for the sake of the CIA

In 1959, Vorn became a member of the party committee in Phnom Penh, and in 1963 he entered the party's central committee. During this time, Vorn dared not conduct CIA activities openly. Instead, he tried to ingratiate himself with the party. By the end of 1963, certain "upper brothers" were traveling to rural areas, leaving Vorn in charge of leading Party teamwork in the city. The revolution movement became so massive throughout the country that it led to an outbreak of uncontrollable mass violence against the U.S. embassy in Phnom Penh.

In 1964-65, Vorn became supervisor city-based Party teamwork with Comrade Keu. Vorn was in charge of party work, while Comrade Keu was responsible for youth affairs. Due to the government crackdown by the end of 1964, Comrade An, who was responsible for the workers section, was taken to work in the Southwest Zone, and by mid-1965 Comrade Keu was transferred to Northwest Zone. The new city committee consisted of Vorn as secretary; Comrade Dam Pheng as deputy secretary, and Kim Huot as member. As party members were detained [by the government], there were some vacancies. Therefore, Vorn asked Comrade Thuch Rin for additional work forces.

In 1967, the revolution movement in the Northwest Zone gained its momentum, leading to a rebellion in Samlaut, Battambang province. Early 1968 saw outbreaks in all municipalities and provinces throughout the country. In August 1968, the government began its extreme crackdown on the Khmer Rouge movement

in the city, separating the party networks for awhile. Vorn himself escaped government arrest by hiding in Comrade Khmao's home for a period of 2-3 months. By the end of 1969, with no one left to work, Vorn took Comrade Hang as a substitute, while he himself was required to hold study-meeting sessions in Oral, where he had malaria for several months. This forced him to return to Phnom Penh for treatment until the end of May 1970. After recovery, Vorn moved back to Oral and met with Hou Hun and Hou Nim. They talked for almost an hour. While in conversation, there was a letter from Angkar, telling "upper brothers" to go down to the Phnom Pi Sar in preparation for a journey to Angkar Leu [higher Angkar]. Two or three days after arriving they were separated. Hou Hun and Hou Nim went to meet with Angkar Leu. Vorn received Mok's assignment to be in charge of Southwest Zone with a person named Se, while Ta Mok himself was to lead his forces to continue attacks.

In early 1971, Angkar assigned Vorn as secretary, to prepare the Special Zone in the western part of Phnom Penh. Vorn organized Office 305 in Peam sub-district, nominating Ruos Chedh (a.k.a. Cheat) as Chief-of-Office, Sieng Pao Se (a.k.a. Neak) as chief of economic affairs, and Thi Kim An as chief of propaganda and publication. In July 1971, Angkar ordered Region 25, controlled by Chey Suon, to be included under the Special Zone. This caused controversy over the separation of powers between those in the north and a clique of Sok, Chamraen and Huot Se. The party told SaoPhim to take the people from the north to the Eastern Zone to put an end to the conflict.

In 1973, Vorn went to Region 25 to initiate attacks in the southern part of the zone's battlefield. He was to play an important role in the ultimate struggle planned by the party. Forces in the southern battlefield consisted of two divisions: one of Comrade Nat and the other one of Comrade Roeun. Vorn said he himself was in charge of educating those forces, yet he dared not deviate from the party's guideline, fearing that such a secret would be revealed. Instead, he worked to [build support for



September [bringing the total number to be arrested in Division 170 to 40].

Based on confirmation by S-21 and the Division, [we] have found subsequent [treasonous] activities by the named individuals. And based on the principle set by the Angkar, the network elements of Chakrei must be [arrested]. It was agreed to [arrest and imprison] the named individuals.

[The meeting also] resulted in the decision to [arrest] two more individuals: the wife and a niece of contemptible Chakrei.

Procedures for arrest

1. We must draw from our experience, doing

whatever is necessary to avoid confusing Angkar. Keep firm control of the unit and be secretive. Practically, coordinate with S-21 in order to apprehend [the traitors] while continuing to administer the unit after their arrest [and removal].

2. The division must have people on hand to prevent capture of the warehouse and weapons.

3. For Division 290: S-21 and the division have to take them from the garage.

4. For Division 170: S-21 and the division have to decide on more detailed measures in order to arrest the 40 people. The two women must be considered later on.

The meeting ended at 22:15 hours.

A KHMER ROUGE TELEGRAM

Note: This telegram, archived at DC-Cam (Catalogue No. L01045 (01bbk)), was sent from Comrade Chhon to Comrade Brother Pol in November 1975.

To Comrade Brother Pol with respect,

We would like to report on the withdrawal of people from the East [Eastern Zone] to the North [Northern Zone]. There are some disagreements, and [there is] disrespect for Angkar's advice at the receiving points, as noted below:

On 30 November, both sides agreed to accept the people the East [Eastern Zone] will send to Stung Trang [district] and Preah [Prek] Prasap [district]. Preah Prasap will take [people] from Chhlaung district, and Stung Trang will take [people] from Peam Chileang district and Krauch Chmar district. The region and districts have gathered the number of people we wanted. They have to withdraw from Region 21. We have already transported them to the other side of the river. However, both of the [receiving] points absolutely refuse to accept Islamic people. They take pure-Khmer people only. So the people who were withdrawn on the 30th have big problems.

I immediately advised the region and districts to stop this [action] temporarily and wait for advice from Brother and the Northern Zone. Comrade Pok [a.k.a. Ke Pauk] is probably unaware of these problems. I advised the region and districts to take the Islamic people back

to their villages. According to the final decision of the meeting, we are not to send the Islamic people to Kracheh [province]. The Northwest and the North are to accept them, so that we can keep them away from the Mekong River to help ease the atmosphere. However, they did not accept them. Brother, please make a decision on this problem.

In principle, the zone withdrew fifty thousand people to the North. More than one hundred thousand more Islamic people remain in the Eastern Zone. We only withdrew the people in important places along the river and at the border. We did not withdraw the people from Tbaung Khmum. This withdrawal is the dispersal strategy according to the decision that you, Brother, had discussed with us before. But if the North refuses to accept them, we'll continue to do our best to keep charge of the Islamic people. That will not be a problem.

But we will not have enough people to reach one hundred fifty thousand, if the Northern Zone does not accept the Islamic people.

Wishing you, Brother, good health and success.

Chhon (reporter's name), 30 November 1975

Copied and sent to: ♦ Brother Noun ♦ Brother Yem ♦ Brother Doeun ♦ Documentation

KHMER ROUGE GUERILLA TRAINING MANUAL

Note: This document (Catalogue No. D21931) is archived at DC-Cam and was translated by Bunsou Sour

1. Military nature

1) Squad Chief; 2) Group Chief; 3) Deputy Chief of Group; 4) Handgun group leader; 5) Machine gun group; 6) Insertion of magazine; 7) Insertion of cartridges; 8) Carrying of ammunition; 9) Handgun group deputy leader; 10) Handgun...and a hand-grenade 11) Handgun....and a number of grenades; 12) Guiding way....handgun ...a number of grenades; 13) Handgun...a grenade; 14) Grenade thrower; and 15) Bring a message along with a long gun or a pistol.

2. Military techniques to be trained

1) Grouping: A Group Chief or Group Deputy Chief stands still and raise his/her left hand and calls out signaling gathering of forces. Then the first squad has to stand behind the chief or deputy chief, between home a space of six steps shall be made. And the second or third squad comes next on the right hand side.

2) Lining up a squad: Soldiers must rush to follow their squad chief with the same step space. The first soldier in a row shall raise his left hand, while the followers stretch their left hand to touch the left shoulder of the front man. The remaining men do the same thing until the end of a row.

3) Queuing: Squad members come to the front and check whether they are in a straight queue or not. If yes, they shout to stop, and the soldier drop their hands at the same time, and then report to Group Chief or Group Deputy Chief the number of attendants-how many are present, how many are missing.

4) Right face: Before turning right with the body: Move with the left heel. The right heel with instep. And then move the left leg to join the right.

5) Left face: Before turning left with the body: Move with the left heel. Right heel with instep. And then move the right leg to join the left.

6) About face: Move the right leg backward with a

0.15m-space. Move backward and then join the right leg with the left.

7) At ease: Make a 0.5m-step with the left hand raised and placed on the belt in the front. Place the right hand down along the trouser seam.

8) At attention without weapon: Stand tall and move your left foot to pair off with the right one, heels touching and the insteps stretched. Raise your head up and make your body straight. Drop both hands down, parallel with trouser seams.

9) At attention with weapon: As above, but the right hand, holding weapon, must be placed down with the thumb and fingers holding the upper part of the gun and the butt end adjacent and parallel to the right leg.

10) Saluting with weapon: There are several steps to follow when raising your weapon to your shoulder: 1) The right hand holds the weapon next to the right leg. The left hand takes the weapon by the armpit, with left elbow masking the chest and then the right hand holds the handle. 2) The right hand takes the weapon up to the shoulder, while the left hand moves along to the bottom of the gun butt. The right hand has to be close to the body with the weapon. 3) Put the left hand back.

11) Lowering weapon: There are three ways to lower your weapon: 1) Right hand holds the bottom of the gun butt and moves it down to the waist, while the left hand raises upward to catch the weapon by the armpit with the left elbow covering the chest. 2) Right hand holds the gun on the left hand and then turns it around by the waist. 3) Left hand moves back to parallel the trouser seam. Right hand drops down the weapon with the butt setting next to the toes of the right foot. When the squad is called, raise the weapon by the waist and put the hands forward, in the way mentioned earlier. When the chief orders to lower, resume the original order.

12) Carrying a weapon

his bending knee(s). To shoot a man lying, [you] should aim at his upper throat.

20) Shooting standing

1) Move your left leg forward. Jerk the gun to the waist. Place the its point to the front. Sit on [your] right heel.

2) The gun butt rest against the right shoulder. Move [your] body forward a bit. Move finger(s) to the second arm.

3) Close your right eye. Open the right eye and aim against the meter and the post at the gunpoint and shoot.

21) Shooting seated

1) Move left hand forward. Jerk the gun to the waist. Move its point in the front. Sit on the right heel.

2) Bend the trigger, insert cartridge and rest the gun butt against the shoulder. Right elbow raises above shoulder. Move forward a bit. Left elbow places against left knee. Then open the trigger.

3) Close left eye, while open the right one checking through the meter against the post on the edge of the gunpoint. Stop for a while the breath and shoot.

22) Shooting lying down

1) Jerk the gun to the waist. Let down the left knee and left elbow on the earth and stretch the body forward. Stretch the two legs backward.

2) Open the trigger and insert cartridge(s). Place the gun butt against the right shoulder.

3) Close the left eye, while opening the right and aim the target by the meter against the post on the edge of the gunpoint. Stop the breath for a while and shoot.

23) Using bayonet

- 1) Forward
- 2) Turn back
- 3) Right Face and Left Face
- 4) Bayonet upward

24) Explaining how to bayonet

1) Raise the weapon in the manner of military salutation.

2) Wave the gunpoint forward, while the left foot moves forward along with the weapon.

3) Both hands hold the weapon and the right foot moves to join the left one. If another thrust is required, move the left foot forward one more time.

25) Ten hand signals

1) When seeing one person, raise your left hand.
 2) When seeing two to three person... (no explanation)

3) When seeing cattle, raise your left hand upward with the elbow parallel to the shoulder.

4) When seeing vehicle or ox-cart, raise your left hand making a spiral.

5) When seeing a route, raise your left hand stretching straight forward.

6) When you want to move forward, raise your left hand forward.

7) When calling for machine gun, raise your left hand bending upward and downward.

8) When stopping, have your hands crossed.

9) When moving back, raise your left hand, bending backward.

10) When seeing house or fortress, raise your left hand folding up on the shoulder.

26) Seven signals by whistle, trumpet, or drum

- 1) Wake up
- 2) Meeting
- 3) Dining
- 4) Emergency
- 5) Praying
- 6) Sleeping
- 7) Calling boss or chief

27) Secret speech codes

When departing in search of enemy, the boss has to inform his men about the signals so that we and the enemy can be distinguished clearly. However, the words have to be changed day after day. Doing this way enemy could not cheat us by the word we have already used. So therefore before going patrolling, or going to battlefield, there must be a use of verbal signal, e.g, to, “foreigner,” we respond, “national,” only then can we recognize our members.

28) Seven ways of guarding

- 1) Stationary post
- 2) Military post



must shout to have him/her stopped. If we fail to call him on time, we must aim and fire at the enemy to alarm our forces. After that run to join our members not from the front but from the left or right or from the back. Doing so prevent enemy from knowing our real position. At the distance of 200m or 300m, signals must be used to make sure that who is who-enemy or our member. When seeing enemy, call military chief and shout to stop him at a distance of 50m from which we ask the enemy to drop his weapons and raise his both hands. Our weapon is placed by the waist with its point directing forward before going to check the

enemy. The way to check is to go from the left or the right hand side. The two soldiers (guards) must raise the two weapons aiming at the enemy's chest. At night, when we see enemy directing to us at a distance of 50km, we have to communicate. If correct response is made, another step is taken, that is, to ask him more. In case the enemy's answer does not correspond, immediate fire must be opened. The gunpoint must be aimed at the enemy, telling him to drop any weapon he would have and not to move or jerk. If the enemy does not follow our instruction, we have to fire at him since we do not trust him.

33) Three ways of challenging while on night duty

When seeing any person coming, we must challenge them in the following ways:

- 1) Stop!
- 2) Stop! Don't come any closer!
- 3) Stop! Don't come any closer, or you will be shot!

34) Patrols

There are thirteen patrollers assigned to carry out a patrol in front of the squad or group. Before departing, there must be six persons acting as guides paving the way in advance. For paving forest, there must be a distance of 50m, while the open space 100m. Look around, here and there. When seeing something, we must inform our chief or signal by shooting as a state of emergency. Guides shall also be assigned to look at the back to see whether there are enemies moving from the back.

The guides at the back have to position five to ten meters from each other. They must not talk loud and are not allowed to smoke or burn something. In case of fighting, they must deploy as a network. Standing shooting is not advisable, but sitting or crawling based on the self-reliance strategies we have learned.

35) Ten patrolling duties

- 1) Knowing when to go
- 2) Knowing when to come
- 3) Knowing the way out
- 4) Knowing the way in
- 5) Knowing our signals
- 6) When seeing any enemy, ask one person to inform the chief. Hide ourselves completely



Don't be scared of death. Do whatever needs to be done to destroy them.

4) When seeing enemies in a state of vigilance, it is not advisable to do anything to them. Wait until they move further and become tired. When they think that they are out of danger, we must attack. Another point, when we find enemies carrying their wounded and dead, we must attack and kill them to the last.

5) Try to dig holes on the road, cut off bridges, ambush trucks or horses ridden by the enemy. Regardless of the prospect of failure or success, we must devastate them.

6) Try to find a straight path, dig trenches, and install machine guns ready to fire at enemies in queues. In front of the machine guns, there must be punji pits covered with grasses along the both sides of the road. When we fire at the enemies, they will escape by crawling or creeping. So, of course, they have to be killed this way. The same applies to trucks or ox-carts. When we open fire they will try to escape by jumping down and then hit the sharp sticks in the punji pits.

7) Every ambush unit must follow these tactics so that the enemy is very scared of us. They must think that they are always under threat of ambush.

8) Hiding

Hiding is the main tactic to avoid being seen by ground enemies and their pilots, while still being able to see them easily. There are five times to hide:

- 1) When knowing the location of the chief/ commander's post
- 2) When knowing the location of the enemy
- 3) When escaping from the enemy's bullets
- 4) When hiding from pilots
- 5) When knowing the way back and the way in.

Do not turn back right away without seeing the left and right corners. One squad moves back, while two return fire.

9) Changing positions

Changing positions is common. Sometimes we withdraw, sometimes we advance, and sometimes we fire at the enemy at a short distance. Before changing positions, one has to consider four things in advance: To where? Through where? When? How?

Where: find a mound or big tree behind which to hide.

Through where: find a way out of the field or forest so as not to be seen.

When: wait until enemy fire lessens before moving.
How: we either creep or crawl; if our target is far, lie down every 4 or 5 steps.

10) Crossing a creek or stream

Each group must have three or four long-handled knives to fell trees, and hoes or spades to place machine guns. 1) If we encounter a deep creek, stream or river with no bridge, while carrying heavy things and cannot swim, we must find bamboo or wood to make a raft. Collect vines and weave them into a one-Hat width rope, lashing four poles together. Then assign a soldier to swim up to the other side of the river and tie one end of the rope to a big tree. 2) If we are in a battle and want to capture the location from the enemy, one squad crosses the water, while two squads provide covering fire. Here, the first squad ties the rope to the other side. Once the first squad is across, they begin firing, so that the other two squads can cross. Once we are all on the other side, we must deploy accordingly.

11) Fighting in mountains

When we are fighting the enemy in mountains, if we are at the foot of the mountain, we must separate. One squad keeps fighting, while the other two move up through the left and right corners. Search for vines to weave into a big rope. One man is must hold the end of the rope. If the mountain is rocky, the men must climb one after another. When the first man has reached the peak, he is required to secure the rope to a big tree, then those below start climbing the rope. When all men manage to get to the top, deployment must be made to reinforce the first group in the fight.

12) Escaping from encirclement

If the enemy surrounds us while we are eating or sleeping, the chief has to be spiritually strong, shouting for separation of our forces into three sub-groups to counterattack the enemy. If we cannot, a whistle must signal our men to break through enemy lines: the group in the north rushes north, the south rushes south, the left rushes left, and the right rushes



to stay at an open space, we have to lie on the earth. Don't move, but stay still like a cut trunk. Doing this way enemy could not recognize us. If we have two or three trees, we have to deploy our members accordingly. Rush to the tree closest to you. If you cannot run, stay still. If there is creek, stream or river, we must take refuge and wait until the whistle of the chief is blown. Then we come to gather and monitor our members to make sure that no one is missing.

45) State of emergency

During a state of emergency, we must separate to rest, sleep, or eat. Instead, we must divide our members into three angles. In the state of emergency, for instance, when the enemies open fire, our chief has to shout as a signal of division of our troops and turning to the enemies. Lie on the earth (two or three people at one place) with a distance of five meters from each other. If the space is too small, separation is the most suitable way. But parallel line must be arranged. Don't move further, while realizing that our chief and comrades are on the right hand side.

46) Departing for attack

Before departing, each squad chief gets his orders from the group chief or group deputy chief. The squad chief looks after six men, while his deputy controls six men and listens to the chief and knows: the types and numbers of weapons we have, amount of ammunition, types and numbers of grenades, etc.

47) Search for enemy

The group looks at the left and right corners. When encountering enemy, the guide must signal and then we follow. The group and squad have to catch up to the guide before opening fire. Two squads move forward and the third exchanges fire.

48) Withdrawal from attack

After withdraw from the attack, the chief has to whistle telling his men to regroup to review equipment-lost or gained-and then report to the group chief. The meeting must be held 100m from each squad. Before getting involved in struggle, the chief is required to tell his men about where to withdraw and rejoin in any place quiet and far from the enemy.

49) Reporting our withdrawal

The group chief is required to report to the zone military chief.

- 1) When?
- 2) Why?
- 3) How many of us died?
- 4) How many of us wounded?
- 5) How many weapons destroyed? What kinds?
- 6) How much ammunition have we used?
- 7) How many hand grenades have we used?
- 8) What is the balance?
- 9) Other equipment?

50) Reporting the enemy's withdrawal

- 1) Where did the struggle take place?
- 2) Which day?
- 3) What time?
- 4) When did they withdraw?
- 5) Why?
- 6) How many of them were killed?
- 7) How many weapons were captured from them?

What kinds?

- 8) How many hand grenades? What kinds?
- 9) How much ammunition? What kinds?
- 10) Other equipment?

51) Information to report after battles

- 1) Weapons taken from enemy
- 2) Direct the machine guns at the enemy's retreat
- 3) Number of enemy killed
- 4) Number of enemy arrested
- 5) Number of weapons seized from enemy
- 6) Ammunition taken from enemy
- 7) Equipment taken from enemy
- 8) Number of our men killed
- 9) Request for more ammunition
- 10) Request for reinforcements
- 11) Request for more grenades
- 12) Request for support weapons

Bunsou Sour is the Editor-in-Chief of the Special English Edition series of Searching for the Truth magazine.



TUY KIN: A TRAUMATIZED PERPETRATOR

Rasy Pheng Pong

Tuy Kin served as a Khmer Rouge soldier from 1970 to 1979. Her Khmer Rouge past has haunted her for more than twenty years and she suffers from psychological problems that make her too ill to continue her work as a laborer. Today she receives treatment for trauma-induced psychological problems at her homestead in Koh Thom district, Kandal province.

The Documentation Center of Cambodia (DC-Cam), in cooperation with the Transcultural Psychosocial Organization (TPO), launched a pilot project in early 2003 to provide psychological treatment to former victims and cadres of the Khmer Rouge. The project is funded by the Netherlands Embassy in Bangkok. For this project, DC-Cam and TPO chose Koh Thom and Sa-Ang districts in Kandal province as the mission target area. First, DC-Cam locates victims or former low-ranking Khmer Rouge lower-ranking cadres, and second, mental health professionals from TPO assess their mental health. Finally, they implement the counseling process. In the first six months of the project, the mental health team treated 15 people diagnosed with psychological disorders.

On 27 June 2003, with Tuy Kin's biography in hand, the project team; led by Doctor Chhim Sotheara, Director of TPO, along with Doctors Chi Vuthi and Khoam Sok Andet, and myself (Rasy Pong Pheng) of DC-Cam; met with Ms. Kin. Kin described the symptoms of her illness, from exhaustion and fatigue, to feelings of fear and terror. The team of clinicians carefully analyzed this information, along with Kin's responses to their questions. Dr. Chhim returned a week later to treat Kin. He realized that her

psychological problems were compounded by symptoms of schizophrenia and depression, likely caused in large part by experiences as a Khmer Rouge soldier. Prior to her treatment by TPO, Tuy Kin was treated by village-based physicians or traditional medicine practitioners. But it never cured her. Doctor Chhim of TPO explained that her disease will take time to cure. And the treatment itself must involve attention from a professional psychiatrist or psychologist, her community, and especially from her family. The mental health specialists will work to help her understand the cause and effect relationship between traumatic events of the past, and her current psychological problems. This is often quite difficult, since most patients simply think that they are suffering the effects of a physical disease, rather than a psychological problem tied to previous horrific events.

During the period of Democratic Kampuchea (1975-1979), roughly two million innocent people died of disease, starvation, forced labor and systematic execution. Kin was arrested in 1980 on charges of involvement with the Khmer Rouge movement and murder of 300 S-21 (Tuol Sleng) prisoners. She was jailed in Kandal province for a total of 18 months, and her mug-shot is currently displayed at Tuol Sleng Genocide Museum. Today, Kin lives under her neighbors' suspicions about her Khmer Rouge past. Kin says, "I know that some villagers hate me, accusing me of being [a member of] Pol Pot's [clique]. I do not have ill feelings towards them. Although I served as a soldier of Pol Pot, I never killed people." Hor Leang Sri, a village-based physician who used to treat Kin, says, "Before, I hated her very much. I even wanted to take her life because she is a former Khmer Rouge cadre. Other villagers thought this way, too. After I treated her, I stopped hating her. I think she was only an instrument of the Khmer Rouge."

Many survivors (victims and perpetrators) live to this day with psychological scars from that period. Kin says, "I never enjoy happy life at all." Today, Kin receives free treatment for her psychological problems from TPO, and is cared for by her husband and 19-year-old daughter.



Tuy Kin (1977)



Tuy Kin (2003)

Rasy Pheng Pong is the Mapping Project Team Leader with the Documentation Center of Cambodia. He is currently assisting the Center's Forensic Team.

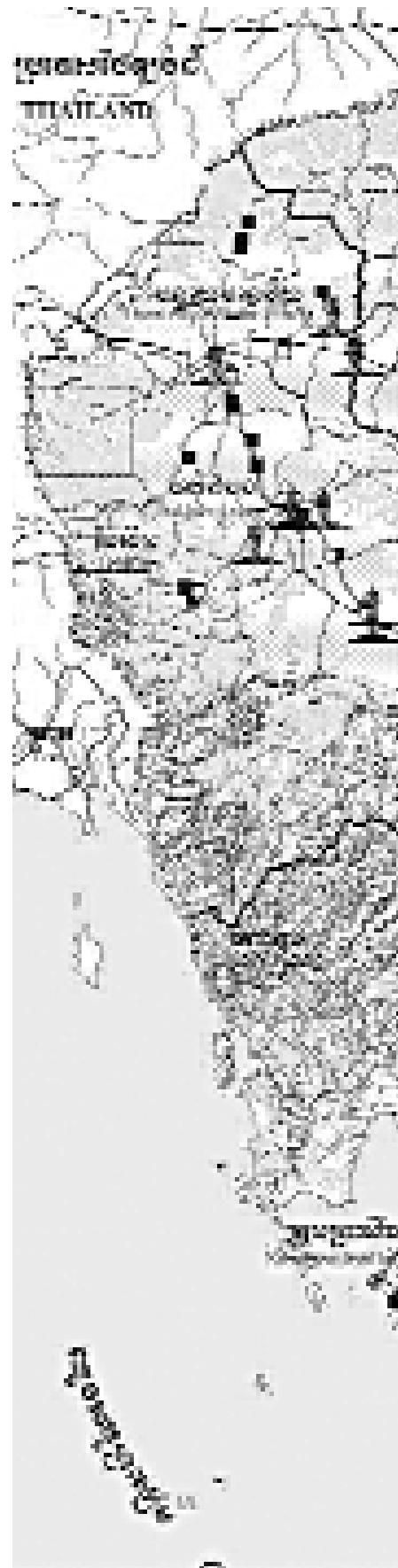
MAPPING THE KILLING FIELDS: GEOGRAPHIC INFORMATION SYSTEMS IN THE HISTORICAL RECONSTRUCTION OF THE CAMBODIAN HOLOCAUST

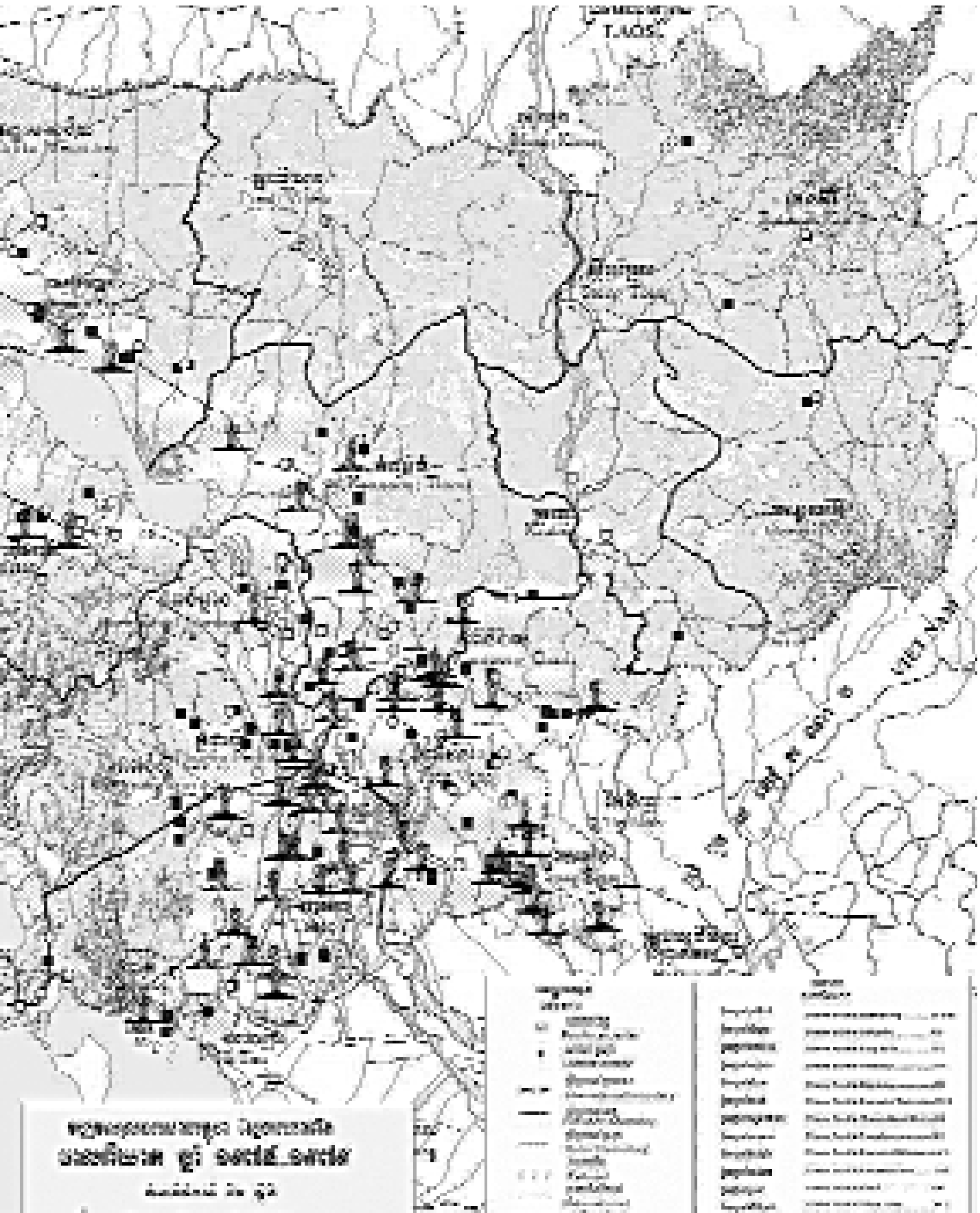
John D. Ciorciari with Rasy Pheng Pong

About fifteen kilometers southwest of Phnom Penh, amid the small farming community of Choeung Ek, lies a quiet field surrounding an old Chinese-style pagoda. For generations, it was home to a peaceful cemetery where villagers performed traditional Buddhist rites for the deceased. It was an unlikely site for some of the most notorious crimes in modern history. However, as the Khmer Rouge revolution upturned Khmer society and culture, the Pol Pot regime soon upturned the earth at Choeung Ek and transformed the tranquil cemetery into the most extensive of Cambodia's "Killing Fields." Between 1977 and 1979, over 16,000 "enemies" of the Communist Party of Kampuchea (CPK) arrived from nearby Tuol Sleng (S-21) Prison, the regime's central Phnom Penh office for torture and interrogation. Every day truckloads of prisoners arrived at Choeung Ek, where they were lined up on their knees, clubbed to death with ox-cart handles, and thrown sloppily into mass burial pits. The stench of poorly covered corpses soon replaced the calm aroma of incense, as many thousands of detainees died without a single trial.

Regrettably, Choeung Ek is just the most infamous of thousands of mass burial sites scattered throughout the Cambodian countryside. Although the Khmer Rouge regime governed for less than four years, an estimated two million Cambodians died under their rule, over one quarter of the country's population. There is a virtual consensus among historians and the general public that mass extra-judicial killing took place in Democratic Kampuchea (DK). Myriad witness accounts and abundant physical evidence make that conclusion inescapable. Nevertheless, historians have differed sharply on how to interpret the abuses of the Pol Pot era. Some contend that the CPK leadership carried out a carefully orchestrated and centralized plan of genocide or other crimes against humanity to achieve racist or ideological ends. Others assert that the abuses of Democratic Kampuchea resulted more from local disorder and score settling than centrally plotted attacks. Scholars also differ as to whether inhabitants of certain areas of the country enjoyed much better conditions than others.

These debates are important from both historical and legal standpoints. To understand how the Cambodian holocaust happened, to prevent future abuses, and to assign legal accountability, it is imperative to discern the respective roles that the CPK leadership and local actors played in perpetrating the atrocities in





various parts of Cambodia. Although many sources of evidence are available to historians and lawyers, this chapter focuses on ways that geographic information systems (GIS), including global positioning satellite (GPS) technology can contribute to an enhanced understanding of the Khmer Rouge period. We begin with a brief overview of the DK regime and its abuses. Second, we describe how the Documentation Center of Cambodia (DC-Cam) has used GPS technology to map the Cambodian “Killing Fields,” along with CPK prisons and genocide memorials constructed by survivors of the Pol Pot era. Third, we proceed to address the importance of this GIS-generated information in reconstructing the history of the DK period and assigning legal culpability to high-ranking officials of the Khmer Rouge regime.

Cambodia’s Reign of Terror, 1975-1979

On 17 April 1975, Khmer Rouge soldiers marched into Phnom Penh, declaring a successful revolution and an end to five years of civil war. Dressed in simple black clothing, and adorned with the traditional red-and-white scarves of the Khmer peasantry, they initially received cheers from war-weary city dwellers. Within hours, those cheers were muted as the Khmer Rouge began evacuating the city and forcing approximately two million people to depart for unnamed rural destinations carrying their possessions on their backs.

As Cambodians streamed out of their capital, revolutionary cadres established a series of checkpoints around the city. Thousands of officers and soldiers from the deposed republican regime of Lon Nol were seized, taken to undisclosed locations, and summarily executed.

The evacuation of Phnom Penh was the first step in the Khmer Rouge program to return to “Year Zero,” erasing history and eradicating the foreign influence that the radical forces blamed for Cambodia’s tormented modern history. “Cleansing “ Democratic Kampuchea meant removing all traces of the former regime, breaking down the traditional landholding class, establishing a pure Maoist agrarian society. By achieving that “Super Great Leap Forward,” the Khmer Rouge promised a self-sufficient and independent Cambodia immune from social injustice and foreign depredation. A clique of shadowy leaders including Pol Pot, Nuon

Chea, Ieng Sary, Mok, and Khieu Samphan led the secretive new regime, which called itself only Angkar (“the Organization.”)

To eliminate traditional social structures and ways of life, the Khmer Rouge scattered urban dwellers to rigidly controlled agricultural communes in the countryside. There, both rural “base people” and “new people” from the city endured strict re-education programs designed to produce the “blank hearts and minds” that Angkar deemed conducive to ideological indoctrination. Intellectuals, ethnic minorities, Buddhist monks, and other perceived enemies of the revolution were often targeted for special abuse. Many families were deliberately separated to ensure primary loyalty to the revolution, and religious rights were drastically curtailed. Money was abolished, almost all ties to the outside world were suspended. Minor infractions, such as stealing food to avoid starvation, were frequently punished by imprisonment or death. While Angkar announced its triumphs over Radio Phnom Penh, Cambodian and resident foreigners died at staggering rates from extra-judicial killing, starvation, and inadequate medical care. Even members of the revolutionary army were not immune. Fears of domestic opposition and of Vietnamese, Soviet, and American infiltration led to frequent purges of the party ranks. By 1979, a considerable fraction of party cadres had been imprisoned, tortured, and killed. Many wound up in the burial pits at Choeung Ek. Others filled similar sites around the country.

Mapping the Abuses of Democratic Kampuchea

Since its inception in 1995, DC-Cam has endeavored to map the Cambodian killing fields. Through interviews and physical exploration throughout the country, DC-Cam has identified over 19,471 mass burial pits in 348 separate clusters. Many of those sites contain--or once contained--the remains of thousands of people. The identified mass graves are located throughout 170 Cambodian districts, and that number is almost certain to rise as additional regions of the country are explored. In addition, DC-Cam has located 185 buildings and sites once used by the CPK for security offices. In general, those security offices served as prisons and interrogation centers. Many also contain



torture facilities. Finally, DC-Cam has discovered 77 memorial structures constructed by survivors of the DK regime to honor the deceased. Like the mass graves, CPK security offices and memorials are scattered throughout the country, with the greatest concentration located in the densely populated regions near the Great Lake of Tonle Sap and Cambodia's major waterways—the Mekong, Tonle Sap, and Tonle Bassac Rivers.

Much work remains to be done before the mapping of Cambodia's Killing Fields is complete. In certain provinces, and in many districts that have already been partially surveyed, there remain sub-districts that have not yet been mapped. Mapping teams still have not visited sites in many parts of Preah Vihear, Uddar Meanchey, and Siem Reap provinces. In many of unexplored sub-districts, preliminary information suggests that mass gravesites exist. However, many such sites are situated in the most remote and inaccessible locations in Cambodia. The scarcely populated highlands in the northeast and southwest of the country have been difficult due to the density of landmines, the presence of malarial jungle, and the scarcity of navigable roads. Some of these areas are also quite dangerous due to the presence of armed bandits and gangs of former Khmer Rouge guerillas, who sometimes obstruct this type of research. The last miles to be traversed by the mass grave mapping teams will be especially difficult. However, further research in these areas will doubtlessly reveal additional mass graves, prisons, and memorial sites.

Once discovered, sites are recorded by use of a hand-held Trimble GeoExplorer GSP reader, which measures positions by reference to the World Geodetic System established by the United States Defense Mapping Agency in 1984. The coordinates of each site are fed into the Cambodian Geographic Database (CGEO), a digital database managed with the CDS/ISIS for Window software program. The database then generates a series of maps showing the locations of the various sites identified. With Arc View software, the CGEO can display a nation-wide map or more specific maps of provinces, districts, or individual villages. The countrywide map below shows an overview of the historical findings on Khmer Rouge prisons and

execution sites to date. The Arc View program can produce more detailed maps on specific areas of the country and permits the user to add or subtracts the locations of rivers, roads, administrative boundaries, and the locations of political offices. These markers reveal the precise locations of each identified mass gravesite, prison, or memorial.

As field research proceeds, the CGEO will continue to grow and shed further light on the geographic distribution of CPK abuses. This GIS database already constitutes the most comprehensive available resource detailing physical evidence of the atrocities of Democratic Kampuchea. The remainder of this chapter explores why the CGEO is important in reconstructing the history of the 1975-1979 period, assigning accountability for the regime's abuses, and preserving memory of the Cambodian tragedy.

The Historical Debate:

Anarchy or Centralized Terror?

Although the existence of mass atrocities in Cambodia during the DK period is beyond doubt, there has been sharp disagreement on how to interpret the available historical evidence. These widely divergent views reflect the difficulty of obtaining accurate information about Democratic Kampuchea, which with few exceptions sealed itself off from the outside world. The debate also reflects the fact that analysts of the Pol Pot era have been deeply divided in their interpretations of available data. The fierce politics and emotion surrounding the Indochina Wars has only compounded academic disputes. This section describes how GIS technology and the mapping data can help to resolve certain important historical issues.

The Death Toll

Historians have locked horns over myriad issues of DK history, including some of the most basic factual issues. For example, there is considerable scholarly debate over the number of people killed in Cambodia between 1975 and 1979. Michael Vickery estimates that roughly 750,000 died, attributing the rest to U.S. carpet-bombing and the 1970-1975 civil war. David Chandler estimates that one million perished, while Ben Kiernan, Stephen Heder, Judith Banister, and Paige Johnson put the figure between 1.5 and 1.8 million

In detailed recent analysis, Heder presents a more nuanced study of the relative roles of high-ranking and local CPK actors. He criticizes Kiernan and others for overstating central control and planning in Democratic Kampuchea and “Nazi-fying” the Pol Pot regime. He acknowledges that an elaborate chain of command and system of meetings and reports have the leadership in Phnom Penh meaningful capacity to steer events in the provinces. However, based on extensive interview research, he asserts that local commanders often abused power, committing unauthorized atrocities that central leaders were unable to effectively control.

Again, GIS technology cannot provide a panacea to resolve this complex historical debate, but it can contribute to a more accurate understanding. If the Khmer Rouge regime exerted strong central control and pursued similar policies across Democratic Kampuchea, one would logically expect to see a relatively even distribution of mass gravesites and prisons throughout the populated areas of the country. By contrast, if local actors were responsible for much of the killing, it stands to reason that some areas would suffer from much greater abuse of power than others. It would be quite an extraordinary coincidence if local CPK officials in all regions of Democratic Kampuchea exceeded their authority to a similar degree.

Thus far, mapping data support the first view. Using GIS technology, DC-Cam has plotted the locations of all of the villages and city quarters that staff members have visited over the past seven years. Interviews have revealed that the vast majority of those villages and quarters--which number several thousand--were inhabited between 1975 and 1979. Plotting the locations of those villages and quarters does not provide an exact measurement of population density in Democratic Kampuchea, but it does provide a good visual approximation. By superimposing a lot of village locations on a plot of mass grave and prison sites, one can visualize the rough “density” of Khmer Rouge terror across various populated areas. To date, this GIS “density map” shows a remarkable consistency across most of the areas studies.

Most of Cambodia’s population has long lived in the fertile lowlands surrounding the Tonle Sap and the

country’s major rivers. The areas with fewer explored villages generally fall into two categories. Most of those areas simply have very low population density. The thickly forested Cardammon Mountains in the west and jungles of the north and northeast are the main examples. Other unexplored areas fall into insecure regions where landmines, unexploded ordinance, poor roads, and (until 1999) Khmer Rouge guerrilla insurgents. Some of these area will become accessible in the coming months and years and will yield important additional data.

One can see that mass gravesites are spread quite evenly across the surveyed communities, which reflect most of the populated areas of the country. Extensive interview research confirms that the vast majority of these burial pits were filled between 1975 and 1979. The GIS map shows plainly that no zone in Democratic Kampuchea was spared of mass killing. This data does not prove that most killings resulted from centrally orchestrated policies, but it provides circumstantial evidence to that effect. Only in a few remote regions in the north and northeast of the country have DC-Cam researchers found significant populated areas without mass graves.

This data defies the thesis that most killings were results of counter-insurgency measures or local officials run rampant. The DK regime was surely not faced with a uniform threat of insurgency in all populated parts of the country. Nor is it likely that local officials in almost every populated region exceeded their authority and carried out unauthorized executions on a massive scale. If the central government was powerless to excesses, and if zone or lower-level leaders acted with relative independence, one would expect much greater variation from zone to zone, region to region, district to district. GIS technology presents a very different picture and suggests a profound role for the central government.

This view is reinforced by the striking correlation between the locations of mass graves and former CPK security offices. Many burial pits are immediately adjacent to security offices, which served as the main administrative sites for the provincial penal system in Democratic Kampuchea. GIS technology makes that



“imperialism,” Soviet “revisionism,” and Vietnamese “hegemonism.”

However, GIS mapping data does not exclude the possibility that protected groups were sometimes targeted for attack based on religion or ethnicity as well. When superimposed on demographic data, GIS maps can also provide visual and statistical insight regarding the disproportionate impact of killing in regions inhabited by certain protected minority groups. For example, findings to date reveal that certain areas in Kampong Cham province contain particularly large numbers of mass graves. Given the large number of Cham Muslims resident in those areas, the data supports Kiernan’s assertion that Chams in eastern Cambodia tended to suffer statistically disproportionate abuse under the regime. Similar clusters of mass graves exist in parts of Prey Veng, Svay Rieng, and Takeo, where many ethnic Vietnamese lived, and around Phnom Penh, heavily populated by ethnic minorities and supporters of the deposed Lon Nol regime. This apparent correlation, coupled with other sources of evidence and with forensic studies, could establish that certain minority groups suffered statistically higher execution rates than the majority population. Disproportionate impact would not prove that certain groups were singled out for abuse, but it would contribute circumstantial evidence to that effect. It would also suggest the possible occurrence of genocide, which prohibits only attacks based on religious, racial, national, or ethnic grounds.

“Widespread or Systematic” State Action

In order to constitute crimes against humanity, killings must also have been “widespread or systematic” in nature, and they must have constituted state action. The term “widespread” usually connotes the existence of large numbers of victims, while “systematic” abuses are those planned and directed against certain types of individuals. The requirement of state action is normally interpreted to mean that abuses must have been instigated or tolerated by governmental authorities.

The sheer number of mass graves revealed in GIS maps reveals beyond dispute that killings were “widespread” between 1975 and 1979, apparently meeting the requirement that crimes against humanity be “widespread or systematic.” Some legal experts

have argued that even a large number of abuses must be somewhat systematic in nature to meet the definition of the crime. As discussed above, the presence of strikingly similar mass graves in so many areas of the country suggests a centrally guided plan of terror. In addition, the close proximity of so many mass graves to CPK security offices reinforces the bulk of documentary and testimonial evidence that many killings in Democratic Kampuchea were carried out as part of a “systematic” process of state action involving imprisonment, interrogation, and execution.

Why is the Label of the Khmer Rouge Offenses Important?

The label applied to the crimes of the Khmer Rouge regime is more than academic matter. It also has profound political, and arguably moral, importance. Although genocide is often touted as the most abhorrent of offenses, crimes against humanity are certainly not far behind. In the public perception, they rank above mass killing as something more coldly plotted, more diabolical. Many victims of the Khmer Rouge regime may be unsatisfied by a legal judgment that DK leaders were guilty of only “ordinary” murder. The scale and character of atrocities in Democratic Kampuchea demand special categorization. To achieve genuine reconciliation in Cambodia, the public must perceive justice to be done. That is not a reason to reach false legal conclusions, but it is a reason to use available evidence, including GIS data, to prove crimes against humanity to the extent that they were committed.

GIS Technology and the Promotion of Accountability

By presenting thousands of identified mass graves and scores of DK prisons--many with remnants of primitive torture devices--provide harrowing reminders of the need to establish accountability. In addition to revealing countless instances of killing and other atrocities, the burial sites and detention facilities makes it implausible--and indeed practically inconceivable--that any DK leader was unaware of that members of the party were carrying out mass killing and other criminal acts between 1975 and 1979. Further, the overwhelming physical evidence supports a strong inference that Khmer Rouge leaders failed to take effective countervailing action. This combination of



apparent knowledge and complicity is enough to establish guilt under the doctrine of superior responsibility, applied in the Nuremberg court and the international tribunals for the former Yugoslavia and Rwanda.

Even more ominously, the mass gravesites and prisons provide compelling circumstantial evidence that CPK atrocities were part of a centrally orchestrated plan ordered, aided and abetted by the DK leadership. The similarities among prisons, mass grave sites, and witness accounts from distant and disconnected provinces are simply too great and too consistent to be attributed to coincidence. The apparent orchestration and direction of mass crimes from the central leadership makes the imperative of legal accountability even greater. UN and Cambodian officials should take these appalling and decaying mounds of evidence as further moral and practical incentives to establish procedural mechanisms that will build a rule of law in Cambodia and deliver credible justice to the survivors of the Pol Pot regime.

Conclusion:

Preserving Historical Memory

As discussed above, GIS technology can be helpful in developing a more accurate understanding of history and in establishing accountability for the myriad abuses of the Pol Pot regime. However, it also offers one final and very important function. GIS technology helps DC-Cam publicly disseminate part of the history of the DK era in an inexpensive, highly accessible manner. Preserving the memory of CPK becomes more and more important over time. As physical evidence of mass burial pits and security offices gradually deteriorates, it is imperative that public memory of the Pol Pot regime be preserved. Indeed, the tragedy of that dark period will be greatest if it is forgotten. Cambodians and others can best prevent the recurrence of mass human rights abuses by remembering, understanding, and dealing with the difficult legacies of the past.

Historical studies are most useful if they can be effectively shared, and according to the old adage, a picture is worth a thousand words. The power of images cannot be underestimated in preserving the public recollection of historical periods and events. Whether

via posters, magazine and newspaper photos, or Internet pages, GIS technology makes the results of the mapping project easy to display. The maps leave a striking, visual impression of CPK terror and are easily comprehensible to viewers of all ages, literacy and education levels. This makes GIS technology extremely useful as a means to preserve collective memory of the Cambodian tragedy. One large version of the map is now featured at the Tuol Sleng Genocide Museum in Phnom Penh. Many others have been distributed to local communities throughout the country and to interested person abroad. GIS technology thus helps to ensure that the truth about the magnitude of the abuses of Democratic Kampuchea can be known to Cambodians and to the world.

Lastly, GIS technology can help preserve historical memory of the Pol Pot era by helping interested persons visit the country's many memorial sites. Few of those sites are advertised to the public, but it is important that they not be overlooked. Scalable GIS maps can show the street locations of the 78 memorial sites identified to date. Such maps make it easy for scholars and members of the public to visit the sites.

GIS maps of the country's many genocide memorial sites provide a visual reminder of the process of reconciliation in Cambodia. Beside the mass graves and prisons that reveal the unimaginable crimes of the CPK, one finds testimony to the courage and resilience of the survivors of Democratic Kampuchea. Preserving the memory of their suffering and ultimate survival will be as vital for Cambodians in the future as it is for historians reconstructing the country's troubled past.

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FORENSIC ANALYSIS OF THE REMAINS OF KHMER ROUGE VICTIMS

Rasy Pong Pheng

The Documentation Center of Cambodia (DC-Cam) has been working on a project with a team of North American forensic experts to analyze bones from Cambodian genocide memorials. The forensic team has traveled to Kampong Speu, Kampong Cham, Kandal and Takeo provinces and Phnom Penh municipality. Two of the forensic specialists, Dr. Michael Pollanen and Dr. Kathy Gruspier have long experience investigating crimes against humanity, including previous work in East Timor. They have been working with DC-Cam to collect forensic evidence documenting the genocide committed by the Khmer Rouge from 17 April 1975 to 6 January 1979, which resulted in at least 1.7 million dead.

For many years, the Cambodian genocide perpetrated by the Khmer Rouge has been ignored by the government, save for some token efforts made by the People's Republic of Kampuchea (PRK) regime in 1979, after the ouster of the Khmer Rouge. However, despair over the government's neglect of the issue has been replaced, recently, by tempered feelings of hope as government of Cambodia and the United Nations (UN) agreed to establish a mixed tribunal. The draft agreement was signed on 6 June 2003 at Chaktomuk Conference Hall in Phnom Penh. Ironically, this is the same location at which the PRK's Khmer Rouge tribunal was held after the ouster of the KR.

From 14-24 June 2003, the forensic team worked at two memorials: Wat Ampe Phnom in Ampe Phnom village, Svay Kravann sub-district, Chbarmorn district, Kampong Speu province; and near Athruos mountain, Phnom village, Phsardek sub-district, Ponhea Leu district, Kandal province. The forensic research, combined with previous DC-Cam archival and mapping research, resulted in the documentation of systematic massacres carried out in similar manners, from one place to

another. In Kampong Cham, Kampong Speu, Kandal, and Takeo provinces, the analysis revealed that victims were hacked with knives or axes, clubbed with hoes, and shot in the head. The analysis also revealed that victims were male and female of all ages.

Poor bone preservation is a constant problem. At Skun and Nokor pagodas in Kampong Cham province, where many bones are kept, most bones were friable and decaying rapidly. Only a small number of the bones were intact enough for analysis. In Kampong Cham, the team traveled by boats to Trea Py and Koh Phal execution sites in order to search for unexcavated mass grave pits. But the team had to return empty-handed, because the pits had already been excavated or some parts of them had slid into the Mekong River.

In the last few days of the analysis, the team analyzed skulls and other bones stored in the Tuol Sleng museum. They analyzed them thoroughly, taking many photographs. They found that similar types of torture were carried out at Tuol Sleng, as in the provincial sites analyzed. The more we understand about the Khmer Rouge regime, the closer Cambodians are to finding truth, for which survivors having been waiting such a long time. The forensic investigation in the Kingdom of Cambodia has piqued interest in such research among students and others. And DC-Cam plans to design and construct an educational forensic exhibit at Tuol Sleng Genocide Museum. The display will graphically educate a wide-range of people, Khmer and foreigner, young and old, about the gruesome methods of Khmer Rouge torture and execution.

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MAK TORK: THE LEGACY OF THE KHMER ROUGE REVOLUTION

Sochea Phann



Mak Tork

Koh Thom district is located along the Bassac River (a tributary of the Mekong) in Kandal province and borders Vietnam. Almost all villages in Koh Thom district fell under Khmer Rouge control in April 1970, and the villagers were considered to be “liberated Khmer.” A DC-Cam research team visited Po Rama village, Koh Thom district and met a man named Mak Tork. He lives in a hut on a small rice field, which barely sustains he and his children. He said that he moved there after he married since it was his wife’s home village. After the death of his wife three years ago, he planned to move to his home village, but does not yet have enough money.

Mak Tork was born in 1960 in Prek Tamem village, Prek Sdei sub-district, Koh Thom district, Kandal province, about three or four kilometers from where he lives now. His father’s name is Nou Mak and mother’s, Srot Ut. She passed away 1972. According to Tork’s biography made during the Khmer Rouge regime, he joined the Khmer Rouge Revolution on 13 January 1973. He was introduced to the Khmer Rouge by Khien. In the Khmer Rouge regime, Koh Thom district was called District 18, and Kandal province Region 25. However, Tork thought that he joined the revolution in about 1972. He joined the revolution because a village

chief named Leum propagandized that they would liberate the country from the Lon Nol regime. He said, “No one forced me to do so; I did it voluntarily. Like other people, we wanted the King to return.”

Mak Tork joined the revolution, the only person in Prek Tamem village to do so, and his parents encouraged him. First he was a soldier in a unit in Koh Thom, under the command of the district unit commander named Ta Kat. The unit headquartered in Khporb village, Sampeou Poun sub-district, Koh Thom district and was under the command of Region 25. Tork had the responsibility of preventing Vietnamese people from smuggling. A year later Tork visited his home, and wanted to stay. “I preferred to farm rather continuing my duty in the army,” he explained. However, in July 1973, Tork rejoined the revolution when the US and the South Vietnam bombarded Koh Thom district. Tork said that the war started in Koh Thom in 1970 and destroyed many homes. [Nguyen Van Thieu]’s soldiers entered the village and stole people’s food. As a result, he joined the [Khmer Rouge’s] Southwest zone army in order to fight against the Americans and the Lon Nol army more strenuously. Tork was in Battalion 117 (Hun), Regiment 127 (Chhun), Division 12, Special Zone (Ta Nat and Pin). At first he patrolled in Prek Ta Em village, then in Boh Ankanh, Prek Bra, Champuh Kaek and Koh Krabei villages. His unit trained him in politics and battle tactics, taught by Launh and Chhan. His unit won many battles, like the battle of Kuol Torting.

During the Phnom Penh offensive in 1975, his unit attacked from the east bank of the Bassac River through Koh Krabei and Champuh Kaek villages toward Chbar Ampeou bridge. After the KR took control of Phnom Penh in 1975, Battalion 117 received an order to defend the Cambodian-Vietnamese border, in Svay Rieng province. However, Tork did not go. He was assigned to farm and dig water channels in Prey Sar under the supervision of S-21 prison guards. There he met some





It takes us days and nights to complete the work. Farm dikes are everywhere, just lie close to it we'll be safe. We know where the mortar shells will fall just as they are shot out of the cannons." Tuy heard it and reported to Duch. Duch, Ho and Chann were about to shoot Tork, but Tork threatened them with a hand grenade. After that, Tork's group fled in a separate way from Duch's. Later, Tork was told that Ho and his wife had their throats cut open with the sharp edge of the stem of palm leaves.

Later Tork met Ta Mok and traveled with him days and nights, without food, through mountains until they reached the Thai border.

of his village neighbors, like female Comrades Tai Kry and Pen Sreng, who were accused of having unclean biographies and avoiding responsibility by visiting their homes. They were forced to work very hard, days and nights, and were given little food. "I left my home and parents to serve the nation, but what I got was torture," complained Tork. Besides hard physical labor, Angkar demanded that they join a denunciation meeting, in which they criticized each other.

Tork was sent from S-21 prison in 1978 to work at a medicine manufacturing section at Takhmau hospital. He was nervous because he knew that normally when someone was sent out of the prison, they were killed. Luckily, he was not. At the hospital, Tork saw the Khmer Rouge burning corpses in the midwife building of the hospital. Up to two or three truckloads of corpses were burnt at a time and then taken from Phnom Penh and buried. Each time they burnt bodies, the Khmer Rouge prevented people from watching. Tork assumed that the corpses were of prisoners from Tuol Sleng.

In January 1979, Tork fled along with Pen Sreng and his other friends. He met Duch at Boeng Tnaot village and joined the flee with Duch. "Duch ordered youths to dig trenches," he said. Tork said he complained that "We are so tired of digging these useless trenches.

Because of the Khmer Rouge's propaganda and the fear for the Vietnamese, Tork dared not return home. In 1980, he and twenty other friends climbed down the mountain to farm in Ampil village. Because the farm was not productive, they entered a refugee camp along the Cambodian-Thai border.

Tork arrived home in 1981, where he found only his father and older sister. Tork married in 1981 and has four children. Today he's a widower. His work is farming. He doesn't care about social issues anymore. He is so disappointed with what happened. He is poverty-stricken, even his present house is built on the land of his wife's relatives. He does not know what his children's future will be. His children are not properly educated, nor is he. He said, "When I was young, I did not go to school; I had to run away from the war and later joined the revolution."

This is the legacy of the past which Cambodian people inevitably have to endure. What should we do about this? How should the problem be solved? Should we let people continue to live in such miserable conditions because of the past?

Sochea Phann is a member of DC-Cam's Promoting Accountability Project.

DOES THE LOSS OF LIVES IN THE KHMER ROUGE REGIME RELATE TO THE BUDDHIST LAW OF “ACTION AND RESULT”

Dany Long



Khieu Yen

Khieu Yen is 78 and lives in Svay Sranoh 1 village, Roka-ar sub-district, Kang Meas district, Kampong Cham province. She has four children, 3 daughters and a son. Today she lives with her eldest daughter who was able to escape the Khmer Rouge’s massacre. Yen recalled that

in 1972, her son, Sok Nin (revolutionary name Phann), left home to join the revolution with his friends, was a messenger for Division 310. Yen’s third child, daughter Sok Yim, joined the revolution in about 1973 through the introduction of Comrade Hang. She served as medical staff Hospital 98, Division 310.

And her youngest daughter, Sok Siyim, was introduced into the revolution by her brother in 1976, and also worked in Hospital 98, Division 310.

Three months after 17 April 1975, Nin returned home to take Yen, Siyim, a nephew named Nhem Tol, and younger female cousins named Ming Hoeun and Phon to Phnom Penh to work as medical staff. In Phnom Penh, Yen cooked for her children. In 1977, Yen, who was not accustomed to living in the city and she missed her oldest daughter Yoeun, asked her son to bring her back to the village. She returned by boat. Two months later she was told that Angkar had detained Nin. She was very shocked, but she could do nothing since it was all she could do to avoid being arrested as well. In addition, cousin Hoeun said that Yim was executed for moral offense.

Nhem Tan, 62, Tol’s father, said that in late



Nhem Tan

1979, he visited Tuol Sleng museum, which a few months earlier had been a notorious prison, in order to look for his missing younger brother and son. Two hours after walking through the rooms of the stinking prison, he found three mug shots of Nin on a wall. The first shot reveals Nin’s hands were tied to the back by the elbows wearing trousers and short shirt. In the second shot the KR put a piece of board in front of him saying “crime of betraying collective.” The third shot he wore shorts and his hands were tied to the back by the elbows. Tan also saw photographs of Eoun (secretary of the North Zone), his wife and three children. He assumed that Eoun’s arrest led to the arrest of Nin. At that very moment, he said, if he saw a KR he could kill them, but for now he waits for justice by the rule of law.

Shortly after 7 January 1979, a fortuneteller told Yen about what happened to her children. The fortuneteller said that among her three disappeared children, only Siyim was still alive, while Nin, Yim and Tol had died. Whenever she goes to the pagoda, she always says prayers to her dead children. Yen said, “It is hard to describe the grief and nothing will ever replace my children.”

26 years have passed, but Yen cannot forget her children. As a devout Buddhist, she believes the death of her children is “action and result.” “This is the result of my children’s action in their previous lives to die so young,” she bemoaned. Is Yen right to blame “action and result” for the loss of her children?

Dany Long is a member of DC-Cam’s Promoting Accountability Project



SPECIAL COURT FOR SIERRA LEONE

Suzanah Linton

Since 1991, a particularly vicious civil war has been raging in Sierra Leone between its government and the rebel Revolutionary United Front (RUF). The winds of peace seemed to have prevailed when the warring parties signed the Lomé Peace Agreement on 22 May 1999. In addition to a general ceasefire, this granted amnesty to the RUF rebel leader Foday Sankoh and his followers, appointed him Vice-President and made provision for the establishment of a truth and reconciliation process. When signing the Lomé Agreement, the Special Representative of the Secretary-General appended a statement that the United Nations understood that the amnesty provisions of the Agreement would not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law. Shortly thereafter, the United Nations Mission in Sierra Leone was established to help implement the Lomé Agreement and assist in the disarmament, demobilization and reintegration process.

However, fighting between government and rebel forces resumed in violation of the agreement. RUF attacks on United Nations peacekeepers, in particular its abduction of five hundred of them, hardened the position of the international community and renewed the impetus to restore rule of law in Sierra Leone through the means of criminal justice. Following a request for assistance in prosecuting those responsible for the atrocities by the Sierra Leone government, the Security Council requested the Secretary-General to enter into negotiations with Sierra Leone with a view to concluding an agreement on the establishment of a special court for the prosecution of atrocities.

NEGOTIATING THE SPECIAL COURT

Sierra Leone's law does not incorporate international crimes such as crimes against humanity and after a decade of sustained armed conflict, the country was not financially placed to establish a new regime for such prosecutions and to implement it in accordance with international standards. International assistance was

thus required to ensure the correctness and credibility of any judicial proceedings. The international community was however reluctant to establish another ad-hoc tribunal due to the cost implications.

On 4 October 2000, the Secretary-General reported to the Security Council on his negotiations with the government of Sierra Leone (Sierra Leone Report) and appended a draft statute for the court (Special Court Statute) and agreement with Sierra Leone. The Security Council accepted the majority of the proposals, but suggested several changes in relation to the personal jurisdiction of the court, its size and funding. As a result, the current vision for the court is that of an internationalized tribunal, separate from the Sierra Leonean criminal justice system, that will be jointly administered by the United Nations and Sierra Leone. In accordance with the Security Council Resolution 1315 of 2000, the Statute directs itself toward the prosecution of those who bear the greatest responsibility; particularly those leaders who, in committing such crimes, had threatened the establishment and the implementation of the peace process in Sierra Leone. It is expected that the court will only try between five and thirty people, juveniles and adults. In a novel development, it will also have jurisdiction to address "any transgressions by peacekeepers and related personnel in Sierra Leone" where the Sending State is unwilling or genuinely unable to carry out an investigation. The agreement recognizes the primary responsibility of Sending States to discipline their peacekeeping troops, and exercise of the Special Court's jurisdiction must be authorized by the Security Council on the proposal of any state.

It will have jurisdiction over crimes against humanity, serious violations of Common Article 3 and Additional Protocol II, serious violations of international humanitarian law and selected provisions of Sierra Leone law. It will be staffed with both local and international judges and prosecutors. Its temporal jurisdiction will cover crimes committed since 30 November 1996, the signing of the Abidjan Accords,

the first comprehensive peace agreement between the Sierra Leone government and the RUF. As the conflict is ongoing, there is no cut-off date.

The Special Court will have concurrent jurisdiction with the primacy over Sierra Leonean courts. Under Article 8 (2), it has the power to request that any national Sierra Leonean court defer to its jurisdiction at any stage of proceedings. The obstacle to prosecutions created by the amnesty provisions of the Lome Peace Accords has been removed, for the Sierra Leonean government has agreed to a provision in the Statute that such amnesties will not be a bar to prosecution.

This is an internationalized tribunal that will only be established once there is sufficient funding, raised through voluntary contributions. Relying on individual states to contribute towards the cost of establishing and operating the Special Court is risky and could jeopardize the very creation of the court. As a result of compromise reached between the Security Council and the Secretary-General, an agreement will not be entered into with Sierra Leone establishing the court until the United Nations Secretariat has obtained sufficient contributions to finance the establishment of the court and twelve months of its operation. In addition, pledges equal to anticipated expenses for the following twenty-four months are also required. The estimated budget of the court over three years set at US\$ 114 million, which has now been scaled down to US\$ 16.8 million for its establishment and first year of operation and US\$ 40 million for the next two years. At time of writing, it appeared as if the reduced budget for the establishment and first year of operation would be met and that steps would be taken to conclude an agreement with the government of Sierra Leone on the establishment of the court.

STRUCTURE OF THE SPECIAL COURT

Unlike the internationalized tribunals of Cambodia and East Timor, Sierra Leone's Special Court will be created by a treaty between the United Nations and the Sierra Leone government. It is neither 'grafted' onto the existing criminal justice system, part of a peace-keeping mission nor created as an organ of the United Nations. Rather, it is a 'treaty-based sui generis court of mixed jurisdiction and composition'. The most

immediate obvious advantaged of this is that it avoids problems caused by a weak underlying criminal justice system.

Its judiciary will consist of a minimum of eight judges (rising to a maximum of eleven should a second trial chamber be warranted by the caseload) sitting as a trial chamber and an appeals court. Article 20 attempts to ensure jurisprudential consistency by requiring the Appeals Chambers to consider the jurisprudence of the ICTY and ICTR Appeals Chamber. Each trial chamber is to comprise a panel of three judges, two appointed by the Secretary-General, with particular focus on judges from member states of the Economic Community of West African States and the Commonwealth; the remaining judge is to be 'appointed by the Government of Sierra Leone', which does not necessarily mean it will appoint one of its own nationals. The Appeals Chamber will comprise of five judges, two of whom will be appointed by Sierra Leone and the rest by the Secretary-General. This is therefore a court controlled by the United Nations.

The Chief Prosecutor of the Special Court will be an international appointed by the Secretary-General, while the Sierra Leone government, in consultation with the United Nations, will appoint a Deputy. Likewise, an international will be appointed Registrar.

SUBSTANTIVE LAW

Article 2 adopts a definition of crimes against humanity that contains elements of all of the ICC, ICTY and ICTR definitions, but is at the same time, distinguishable from each. For example, the ICTY and ICTR both identify 'rape' as a potential crime against humanity; Article 2 of the Special Court Statute is posited between this and that of the ICC and identifies 'rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence' as potential crimes against humanity. Unlike the ICC Statute, the 'other forms of sexual violence' here need not be of comparable gravity to those that are listed, nor do the 'other inhumane acts' have to be of similar gravity to the offences listed. The 'missing' crimes such as enforced sterilization, forcible transfer of population and other severe deprivation of liberty in violation of fundamental rules of international law, present in the ICC Statute, could



of weapons. The Security Council has modified this to conform with what is seen as ‘the statement of law existing in 1996 and as currently accepted by the international community’, the ICC Statute’s definition. As a result, Article 4(c) now allows for the prosecution of those who conscript or enlist children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities.

The final group of offences prosecutable at the Special Court are a selection of crimes under Sierra Leonean law—sexual offenses against young girls drawn from the 1926 Prevention of Cruelty to Children Act and offenses relating to wanton property damage under the 1851 Malicious Damage Act. Resort to domestic legislation was a recommendation of the Security Council in Resolution 1315, to cover situations which are either not, or are inadequately regulated in international law.

Individual criminal responsibility under the Special Court’s Statute, contained in Article 6, mirrors that of the ICTY. Also replicated are the ICTY’s provisions on official capacity, command responsibility, superior orders, non bis in idem and rights of the accused. However, in light of the possible resort to Sierra Leonean law, individual criminal responsibility in relation to those crimes is to be determined in accordance with national law. Unlike the Serious Crimes and Extraordinary Chambers regimes, it has here been correctly recognized that the applicability of two systems of law requires that the elements of the crimes are governed by two different bodies of law and that this should also be reflected in the rules of procedure followed. Hence, although the Rules of Procedure and Evidence of the ICTR are to apply mutatis mutandis to proceedings at the Special Court, the judges are empowered to amend or adapt those rules to the specific needs of the court and can have resort to Sierra Leone’s 1965 Criminal Procedure

Act. In light of the extent of atrocities committed by child soldiers, the Statute contains numerous provisions relating to juvenile justice. According to the Secretary-General, the Special Court’s Statute has had to strike a balance between the Sierra Leonean government and civil society, and the international and local NGO community. The government and civil

society clearly want juveniles to be held accountable for their actions, while NGOs object to any kind of judicial accountability for children below 18 years of age for fear that such process would place at risk the existing child soldier rehabilitation program. Several options were considered in relation to juvenile justice, but the one that has been adopted for the Special Court grants it jurisdiction over juveniles between fifteen and eighteen years, and then only in particularly serious cases, where the acts could include him or her within the ambit of those ‘most responsible’ for the carnage in Sierra Leone. It is believed that very few juveniles, if any, will in fact come before the court. The Security Council has stressed that other institutions, such as the Truth and Reconciliation Commission, are better suited to deal with juveniles.

In the event that juvenile prosecutions are undertaken, Article 7 requires that the matter be handled in a child-specific manner in accordance with international standards of human rights, in particular, the rights of the child. The Prosecutor is obliged to ensure that the child rehabilitation program is not placed at risk, and that where appropriate, resort should be had, where available, to alternative truth and reconciliation mechanisms. Juveniles will not be sentenced to imprisonment if found guilty, but may be subjected to various measures, such as guidance and supervision orders, community service orders, counseling and correctional training. A special chamber dealing exclusively with juvenile justice is to be created, with at least one sitting and one alternate judge having the necessary expertise in this area; it would appear that this chamber may operate under different procedures which take into consideration the needs of juvenile justice. Suitably skilled staff will also be recruited in the prosecution.

Suzanah Linton practices International Law and has worked on accountability for gross violations of human rights in many countries, as well as at the International Criminal Tribunal for the former Yugoslavia. She worked in Cambodia in 2001/2002, has published several legal studies on accountability for the Democratic Kampuchea era. She is finalizing another case study entitled, Reconciliation in Cambodia.

EXAMINING THE CAMBODIAN VIEW OF A KHMER ROUGE TRIBUNAL

Khamly Chuop

Note: This paper was written prior to the UN's adoption of the mandate for Extraordinary Chambers to address the atrocities of the Khmer Rouge from 1975-1979. The mandate (Draft Agreement) was signed by the UN and Cambodia in March of this year.

INTRODUCTION

Many people are seemingly unaware of the Khmer Rouge atrocities committed in Cambodia from 1975-1979. Tragically enough, since the Holocaust in World War II, the world has seen a staggering number of genocides and other crimes against humanity, of which, Cambodia's experience is but one. For example, similar crimes were perpetrated in Guatemala, Haiti, Sierra Leone, Rwanda, and the former Yugoslavia, each resulting in the murder of innocents numbering from several hundred to several hundred thousand, or more.

Even among these horrible numbers, the Cambodian case stands out. The Khmer Rouge atrocities were committed over a period of almost four years. The long, horrific reign of Pol Pot's Khmer Rouge resulted in staggering numbers killed, making Cambodia's genocide one of the 20th century's most awful events, ranking in enormity with Hitler's Nazism and the Hutu's extermination of Tutsis in Rwanda. Author and Southeast Asia historian David Chandler has called Pol Pot's murderous revolution, "...the prairie fire of revolution..." and, "...one of the fiercest and most consuming in this century of revolutions." It is for this reason that the Cambodian case should be fully understood for history's sake, to prevent it from happening again.

As these tragedies have occurred, international laws have been developed and the use of war crimes tribunals has progressed to prosecute those responsible. Although war crimes tribunals have been a regular part of international politics for decades, they, and international tribunals, can still be considered to be in the

early stages of development. They have not occurred often, and when they have, they have not necessarily been successful. In Cambodia, the challenges of the relative youth of international tribunal development are exacerbated. The Cambodian government and the United Nations have been negotiating a Khmer Rouge tribunal since 1997. Both sides have contributed to the tedium of negotiations and deserve criticism. Problems came to head in February 2002 when the United Nations backed out of the tribunal talks completely. Only last month [month and year] was a key UN General Assembly passed a draft resolution urging UN Secretary-General Kofi Annan to restart negotiations. Although not officially a mandate, it shows that a mandate will likely come to pass in the near future. [And it has. Since this paper was written, the UN and Cambodia have signed a draft agreement to prosecute the crimes committed during the period of Democratic Kampuchea. Although as of October 2003, the Cambodian government had yet to ratify the agreement.]

This paper aims to fulfill two objectives. The first is to provide some theoretical background with which to analyze a potential Khmer Rouge tribunal. The second is to describe the views of Cambodians with respect to a potential KR tribunal. The theoretical background comes from several sources and includes discussion of basic international political theory. The view of most Cambodians is that a tribunal is necessary. The main reason for this, a strong desire for truth and justice, is examined; along with views on the Cambodian government and the legal system. This paper offers insight into why Cambodians favor a tribunal, and describes some of the doubts Cambodians have about the government and the legal system.

POLITICAL THEORY ON WAR CRIMES TRIBUNALS

It is important that the discussion of a Khmer Rouge

tribunal be placed in theoretical context. This provides a larger backdrop on which to view the arguments for and against a tribunal. There are two main arguments against war crimes tribunals, both of which claim that backlash against a tribunal causes socio-political unrest. The first argument is that a tribunal would perpetuate conflict. The second argues that a tribunal can cause political instability. Prime Minister Hun Sen himself has argued many times that the country could be thrown into a civil war if former Khmer Rouge leaders are brought to trial. Although the Khmer Rouge was ousted from power in 1979, they were an active rebel group

until at least 1997. Therefore, Thomas Hammerberg, special representative of the UN Secretary-General on Human Rights in Cambodia in 1999, said, “the Government’s concern that arrests and trials might cause unrest should be taken seriously, even if it appears to be contradicted by the official assurance that the Khmer Rouge is finally defeated.”

There are five arguments in support of war crimes tribunals. They each concern the building up of a sturdy peace. Some, but not all, apply to the Khmer Rouge case. The first argument in support of a war crimes tribunal is the idea that by doing so, threatening leaders



H.E Mr. Sok An

will be purged. This would not apply much to Cambodia's case, as the men that would likely be put on trial may not be in positions of leadership. Although not official leaders, they may be leaders of unofficial Khmer Rouge organizations. The argument can be made that by purging former Khmer Rouge leaders, any present organization of the Khmer Rouge will probably be weakened.

The second argument is that a tribunal would deter future war crimes. In the overall scheme of things, placing the Khmer Rouge on trial may deter other individuals from partaking in similar acts. Although there have been instances in the past where individuals

changed their actions because of the threat of being held accountable, it is unknown whether a tribunal will have that effect on former Khmer Rouge cadres.

The third argument supporting war crimes tribunals is that they help rehabilitate renegade states. Again, this argument will have to be modified in the Khmer Rouge case. Instead of a renegade state, holding a Khmer Rouge tribunal could help rehabilitate the Khmer Rouge party itself, if one still exists. This argument applied more prior to the final surrender and dissolution of the KR in 1997.

The fourth is that by having a tribunal, blame can be placed on individuals and not ethnic groups. In the case of the Khmer Rouge, the issue of ethnicity does not necessarily relate since the crimes perpetrated here were Khmer on Khmer. However, placing blame on key individuals is pertinent to the KR case. A tribunal should focus on former KR leaders (especially senior and mid-level) who are directly implicated in the most serious atrocities. It is

important to make the distinction between those that gave orders and those that carried out those orders. It is argued that if it were not for key leaders, the regime's rule would not have been as murderous. A tribunal aiming to place the blame on key individuals greatly applies in the Khmer Rouge case.

The fifth argument is that a war crimes tribunal establishes the truth about wartime atrocities. The establishment of truth is not only a theoretical argument, but one that also comes intuitively. Youk Chhang, founder and director of the Documentation Center of Cambodia (DC-Cam) has spoken about this very issue. In an interview with Peter Lloyd of the Australian Broadcasting Corporation he said, "...it's not a matter of punishment, it's a matter of bringing out the truth, of laying down the foundation for the rule of law. It's a matter of relief for the survivor to judge, so that he can move on, to forgive, forget what happened." For Mr. Chhang, bringing out the truth is more important than punishing the perpetrators.

And some argue that failure to hold a tribunal actually denies the existence of an atrocity. And denial of an atrocity is part of the atrocity itself. In an attempt to avoid such a fate in Cambodia a project entitled, Seven Candidates for Prosecution: Accountability for the Crimes of the Khmer Rouge (Heder and Tittmore 2000) was undertaken. The objective of the project was to provide evidence that would help in the prosecution of former Khmer Rouge leaders. Heder and Tittmore stated that, "without a tribunal there would never be legal documentation of responsibility for the Cambodian killings." This underscores the importance of holding a KR tribunal, not only to Cambodia, but to the international community as well. It is through a tribunal that truth and justice will be found. Having a tribunal is logical and is more socially beneficial than denying people truth and justice. If victims are denied a tribunal, this is a denial that an atrocity ever took place, and is part of the atrocity itself.

THE CAMBODIAN VIEW

Truth-Justice-Hun Sen-The Cambodian Legal System

All Cambodians alive today have been touched directly or indirectly by the atrocities committed by



this time, Cambodians make food offerings at temple so that their ancestors will not go hungry in the afterlife. During Pchum Benn in 2002, [former] Phnom Penh governor Chea Sophara, who lost 27 relatives to the KR, stood at the Choeung Ek killing fields and said, “There is no question the Khmer Rouge leaders must be tried, otherwise the spirits of the victims will never be appeased.”

Another holiday is the national “Day of Anger.” The objectives of this national holiday are to renew calls to try those responsible for the genocide, and to pray for and remember dead relatives. Last year about 3,000 Cambodians attended the Day of Anger ceremony at Choeung Ek. It is clear that Cambodians feel that having a tribunal to find the truth is for the benefit of the living and the dead. Trying former Khmer Rouge leaders help to alleviate the suffering of survivors, as well as the suffering of the dead. In some ways it seems that the suffering of their dead relatives is more important than their own because it is they who have lost the most and have been taken away from this world. It is also because they no longer have a voice, and it is up to those living to find the truth and seek justice.

In addition to helping to provide a sense of peace, of closure, for the living and the dead, the truth will educate the generations of today and tomorrow to help ensure that these atrocities will never be repeated. Youk Chhang said in a Times Educational Supplement, “There is a lot of ignorance. Many of today’s children cannot believe it happened. They cannot accept that children killed their own parents in their country.” A history of the KR is not taught in Cambodia’s public schools. Therefore, a Khmer Rouge tribunal would also help to educate the younger generation.

At last year’s Day of Anger ceremony at Choeung Ek a student said, “I do not know much about the Khmer Rouge, but I know the meaning of genocide from my studies in school. Whoever is responsible for genocide must be prosecuted to ensure it never happens again.” Her statement helps to illustrate that, people want and need to know what happened, and that, thankfully, some young people are aware of the extreme importance of knowing to make sure history does not

repeat itself.

In an interview with American National Public Radio (NPR), Nellie Pelourge of the Cambodian human rights organization Licadho said, “...that a trial would allow the atrocities to be documented so that they’re never forgotten.” She also said, “I think it’s very important for all of us to know our history, whether good or bad. We need to get a sense of who we are.” With this statement, she touches on the fact that Cambodians are still trying to understand their identity, their history. Most Cambodians want to share what happened to them so that it can be recorded in history. To have been abused and to have that forgotten, to have suffered over a million deaths and have those forgotten, and to think that future generations may know nothing of the suffering under the KR are terrifying thoughts. Finding the truth will prevent these things from happening. The truth will help the living and the dead find peace, and will ensure that the suffering endured by the victims of the murderous Khmer Rouge will never be forgotten.

Justice

Standing next to a grave at Choeung Ek, Keap Vibot, a 17-year-old student, said, “I’m angry when I see this. Where is justice?” Many Cambodians have this question; people believe that those responsible should be punished. This is the type of justice that is discussed here. And since the meting out of justice depends directly on the legal system and the government under which it operates, Cambodians’ views on Prime Minister Hun Sen, the government, and the legal system are also discussed in this paper.

Pol Pot’s 1975-1979 Khmer Rouge killed at least 1.7 million Cambodians through overwork, starvation, disease, and systematic execution, during three years and nine months of brutal rule. It is clear by the extent of the killings and the effects of the regime on the survivors and the country as a whole require that those responsible must be punished. The purpose of any trial is to find the truth and dispense justice. This is a large reason that Cambodians support a Khmer Rouge tribunal.

A source of much discontent among Cambodians’ is the fact that countries that have experienced genocides fairly recently, like Rwanda, Sierra Leone, and the



former Yugoslavia, have gotten, or are getting justice, whereas Cambodia continues to wait after almost a quarter-century. Lao Mong Hay, director of the Khmer Institute for Democracy, told NPR that he doesn't understand why there can be an attempt for justice for the atrocities in Bosnia and Rwanda, but not for Cambodia. Youk Chhang wrote, "In Sierra Leone, the United Nations is assisting the establishment of a special tribunal and even in Belgrade, former home of a genocidal regime, the largest Serb party decided to expel those who were responsible for the heinous crimes committed in the 1990s." Mr. Sak Sam Bon, a teacher, told NPR how he spent four years digging canals during the Khmer Rouge-era, and how the Khmer Rouge killed his mother and two siblings. He also spoke of an overwhelming need for justice among people in Cambodia. Mr. Sak Sam Bon's comments illustrate how he, like so many other Cambodians, has gone through so much, and yet nothing has been done to punish those responsible for it, to find justice.

This need for justice is made more pressing because of the amount of time that has passed since the atrocities of the Khmer Rouge. Vann Nath told NPR he's waited for more than 23 years for justice, yet only two Khmer Rouge leaders are in jail. Youk Chhang told the Australian Broadcasting Corporation, "...now, it is time for Cambodia to prove by action that they are serious about bringing the Khmer Rouge to justice." It is indeed time that the perpetrators be held responsible.

Justice is needed for Cambodians, and for the international community. And an international tribunal would illustrate to the world that one cannot get away with genocide and other crimes against humanity. Thus, the Cambodian government is obligated to its people and the international community to respond to the calls for an international tribunal. In a Washington Post article, Mr. Chhang was quoted saying, "Allowing [the Khmer Rouge leaders] to escape justice is just too painful of a thought to contemplate. How can the killers of so many go unpunished? How can our government let that happen? How can the world let that happen?"

Although justice is sought through any tribunal, it is very clear that the people of Cambodia want real

justice, not imperfect justice. Lao Mong Hay said, "It would be better to have no trial than a flawed one. What's the point of holding a trial if it won't bring about real justice?" Sam Rainsy, leader of his self-named opposition party (SRP) to Prime Minister Hun Sen's ruling Cambodian People's Party (CPP) says concerning the UN withdrawal of the tribunal talks this last February that, "The UN is right to withdraw from this travesty of justice that Hun Sen wants to implement." Although some would argue that a flawed trial is better than nothing, others are adamant in their opposition to a "show trial." They fear that demands made by the Cambodian government will prevent a tribunal from meeting international standards of justice, fairness, and due process of law.

Hun Sen

Cambodians' faith in Prime Minister Hun Sen and the government can be characterized as "limited." Since negotiations for a Khmer Rouge tribunal began, Hun Sen (of the CPP) has been leading negotiations with the UN. It was he that initially asked the UN for help in creating a tribunal to try former Khmer Rouge leaders in 1997. But, both Cambodians and the international community have observed Hun Sen's obvious reluctance and ambivalence towards a tribunal, which has been displayed by the lengthy time periods that it has taken to agree on certain parts of a tribunal and some controversial and contradictory remarks by him.

Sam Rainsy (of the opposition SRP) has been one of the loudest voices in the debate over a Khmer Rouge tribunal. He has spoken openly about his views of Hun Sen and the Cambodian government and his views are shared by many others. He has said, "So long as Hun Sen, [Senate President] Chea Sim, and the present CPP leaders are in power, [we can] never hope to have any fair trial, any credible trial of the Khmer Rouge." Lao Mong Hay shares this view and says, "Hun Sen has never really wanted a tribunal. He was just supporting it for his own political gain."

There is doubt about Hun Sen and his desire for a Khmer Rouge tribunal. Mr. Sak Sam Bon told NPR, "...a tribunal is a must, but not when [a tribunal] depends on the [whims of the] ruling party.... Our government,



MOVING ON REQUIRES LOOKING BACK

Alex Boraine and Paul van Zyl

In the wake of conflict, violence and human rights abuse, one would expect those committed to peace to embrace the idea of reconciliation. Yet the notion has become controversial in some quarters—not because of its true meaning, but because it has been exploited by those with cynical agendas and shady pasts. The leaders of abusive military regimes in Central and Latin America have often invoked reconciliation to mean, “forgive and forget.” An enforced national amnesia that masquerades as reconciliation should obviously be rejected by anyone who seeks to build a sustainable peace.

On the other hand, a proper understanding and implementation of reconciliation is crucial in coming to terms with a divided and violent past. Real reconciliation requires an honest examination of history to uncover and recognize past crimes. Rather than silencing and marginalizing victims, it demands that their voices be heard and their suffering acknowledged.

Argentina’s new president, Nestor Kirchner, expressed this eloquently in his inaugural address, stating that he intended to rule “without rancor but with memory.” Justice and accountability are also central elements of genuine reconciliation. Reparations should also be provided to victims, not only to compensate them for their losses, but also to send the message that violations are no longer acceptable.

Without truth, justice and reparations, victims and their communities will feel that the new order has failed them. Condemned to the perpetual status of victim, they can become vulnerable to unscrupulous leaders who seek to exploit their anger and insecurity. Both Rwanda and the former Yugoslavia reveal the deadly consequences of allowing a sense of historical grievance to be manipulated by nationalist and racist politicians. Without genuine reconciliation, yesterday’s victims can all too easily become today’s perpetrators. The recent apology and guilty plea by Biljana Plavsic, former leader of the Bosnian Serbs, at the International Criminal Tribunal for the former Yugoslavia, can play an important role in dispelling the myth that Serbs have been victims only and bear no responsibility for recent conflicts. By accepting punishment and expressing remorse, Plavsic has opened the door to real

reconciliation in the region.

Reconciliation also requires a changing of the old guard. In societies where venal leaders have spawned abusive institutions, a secure peace will not emerge until the police, the military, courts and other organs of government undergo fundamental change. If the combustible mix ethnic and religious groups in postwar Iraq is to hold together, it will require the creation of state institutions that have completely shed the repression and sectarianism of the past.

It is obvious that massive discrepancies in wealth and power lie at the heart of man’s intractable conflicts. Those who retain disproportionate privileges in the aftermath of violence often fail to recognize that re-conciliation cannot be secured in a context of ongoing inequality.

While nothing can excuse the reckless, cynical and counterproductive policies of President Robert Mugabe in Zimbabwe, they would be less accepted if, after independence, whites had adopted a more progressive approach to an equitable distribution on wealth.

In this context, it is amazing to consider how far South Africa has come in building a “rainbow nation” committed to reconciliation. But Zimbabwe should serve as a cautionary lesson for whites who continue to control the majority of South Africa’s wealth. Real reconciliation involves painful sacrifice, including a commitment to remedying the inequalities that endure after the fighting stops.

Lasting reconciliation requires far-reaching legal, political and economic change. But it also depends on the actions of leaders who played a prominent role during the conflict. Visionary leaders, like Nelson Mandela or Aung San Suu Kyi, are able to show magnanimity even when it would be both understandable and expected for them to demand retribution. But rapprochement will not lead to reconciliation unless this generosity is reciprocated by a commitment to address and remedy a legacy of abuse by those responsible for it.

Alex Boraine is president, and Paul van Zyl is director, of country programs at the International Center for Transitional Justice.

could not find them, I would be punished. At the time, whenever I made a minor mistake, I would be panic. Later I found my cows in a herd of others.

In 1976, the Khmer Rouge began to select members for their mobile units. One of my brothers, who was a few year older than me, joined the village's mobile unit, while I continued to tend cattle. We were very delighted when we were able to meet once a month.

In 1976, we had to get up at 3 a.m. I had to collect the dung of my cows, put it in compost holes, and then report to my group leader on how much I gathered. Cowboys also had to carry one cubic meter of earth before going to bed. We worked in groups of three: one dug earth and the other two carried the earth away. Some nights, we were told to catch rats or transport hay.

In 1977, the Khmer Rouge forced the people to work harder. As far as I know, they killed more people during the period from late 1976 to 1977. People began starving because groups were given only three cans of rice to make a watery soup. They tried to supplement their soup with leaves of yam and other plants. We all became so bony thin that our knees rubbed against each other when we walked; it was very painful. People had a saying: "Knees twist and rub against each other, creating fire."

Unable to resist hunger, I began to steal food. I climbed coconut trees and then used a stick to pierce the skin of the coconut. I did not pick the fruits, as that would leave evidence behind. I picked jackfruits and hid them at the banana plantation, and returned later to eat them. I stole bird eggs from nests and ate small frogs I caught. One day when I was picking banana at the plantation, a sub-district chief named Dum arrived on his bicycle. My friend and I dashed away, jumping over thorny bushes. We were panic-stricken; our hands were shaking, but we got away with it. I remember my father stole a coconut from a tree behind our house. He put rice in it and threw it into a fire. It produced smoke that kept insects away from the cows. There was only a little cooked rice, but we shared it among our family members. It was delicious!

Because I had a natural talent for whistling, some people asked me to whistle for them at night. As a reward,

they gave me some food to bring back home. When I had free time, I helped my mother in the fields. I wanted to lighten her work, but I became exhausted quickly. In the afternoon, I tied my cows in the stable and waited for my mother on the road in case she needed me to carry her baskets. My mother was the weakest woman in her group of eight. She always walked behind the others.

In late 1978, some people complained about my father, saying that he could not keep a secret. In the regime there was a saying: "keep quiet, live longer." My father was not a quiet man; he said whatever was on his mind. Someone became angry with my father and reported him to the sub-district chief. The chief then summoned my father to meet him that night, telling him to prepare to leave; he was going to receive education the following morning. My father came home to tell us before he left. My mother was grieving, but did not cry. My older siblings were all sad. My father said, "Don't worry, but tomorrow they will kill me." He reminded my mother to take good care of us since he could no longer protect us. He brought with him one black shirt and trousers to wear when he died. He left home at 7 p.m. To our amazement, he returned at 9 p.m., telling us the Khmer Rouge would not kill him unless he made another mistake.

Different groups of Khmer Rouge administered my village. The first group was kind and very young. They called old people *nhorm*, in the way a monk would address the laity. A month later the Khmer Rouge sent new cadres from far-flung places to head my district. These people were killers. In late 1977 and early 1978, the third group, called the "center people," arrived. These people were also kind [like the first group]. When they came, they took curtains down from the theatres to make clothes for the villagers. They also returned clothes that had been taken from the people. But a few months later, the Khmer Rouge Southwest cadres came. These cadres' eyes were formidably red (many Cambodians believe that someone who is very vicious and eats human flesh has red eyes).

In late 1978, the Khmer Rouge summoned all of our villagers, young and old, to watch a movie. The area where the movie was shown was roped in so no one could

THE FIERCE LOVE BETWEEN MOTHER AND DAUGHTER

Joanna Rebecca Munson

The love between mothers and daughters can be fierce. It can be powerful, and in the face of adversity, devastating. In the tragic paring down of her family, Pom Sarun found herself, in the last months of 1975, left with the survival of her mother and her daughter in her hands. She was their lifeblood, she is their savior. It was she who finished her work in the rice fields, on the dam, fishing the Tonle Sap, as quickly as possible in order to steal away and scavenge for food for her family. Snails, palm water, extra rice, bananas, mushrooms. It was she who, as group chief, generously doled out food for her team and did not take more for herself, in fact accepting only the leftovers. In thanks, her team kept secret her daily forays into the forest and the field to nourish her dying mother and stick-thin daughter. Of course, in the awful calculus of the Khmer Rouge regime, no amount of effort on her part, no Herculean feats of cunning and daring, could save them. The equation just did not work. More work did not equal survival.

Her mother, Thou Am, had been a cook for the Prince's wife in Phnom Penh. Before that, she sold sweets in the marketplace in Prey Veng province, after her husband, Pom Soum, had abandoned the family in 1953. Her humble beginnings were a blessing, for she guided for the well-educated and city-raised Sarun through the horrors of the Khmer Rouge. She taught her to farm and to be a competent villager. She taught Sarun to hide the education she had received in the best schools in Phnom Penh.

Sarun, born in 1950, and her two older brothers had moved to join their mother in Phnom Penh in 1956. They were raised with the Prince's family and, despite their mother's social class, attended and graduated from schools comprised almost entirely of upper class students. After primary school, Sarun received three certificates for her work in the lycee. After four years, she received

her "diplome," after another one year, she received her baccalaureate 1 and then two years later, in 1968, her baccalaureate 2. She excelled in school. In 1968, she began a one-year teacher training course in order to become a high school teacher. In 1969, she began her studies at both the Faculty of Pedagogy and the Faculty of Law. Her oldest brother worked as a technician for a sugar factory and her younger brother was a bridge installation technician.

Having refused to marry until she completed her teacher-training course, Sarun was married in 1970 to a Chinese-Cambodian who and spent the better part of three years trying to persuade her to marry him. She was not in love with him. But her mother reminded her that Sarun's family was not rice, and her mother was alone in the world. And Tain Hak Khun was a well-educated bachelor from a very rich family. He had studied business administration in Peking and then Hong Kong, and come back to Cambodia in 1965 to administer the family's various businesses, including their restaurant Kok Meng, their perfumed and clothing store, and their jewelry store. He loved her fiercely, but with a jealousy and protectiveness that threatened to stifle her ambitions. He did not want her to work, he did not want her to study, he did not want her out in the world. In order to make him happy, Sarun began working for his import/export business, but she refused to end her studies. In 1971, she gave birth to a baby boy, Sambot, who was followed one year later by a baby girl named Pich Chan Mony. That tiny girl she held in her arms in Phnom Penh, very much alive and kicking, would die quietly of starvation in Sarun's arms five years hence, her last words whispered through the mesh of hammock. "Mum, I am hungry."

Sarun would have graduated from the Faculty of Pedagogy and the Faculty of Law in 1975. Instead, the Khmer Rouge arrived. Her brothers and their wives had

kilometers away, where she could exchange her jewels for rice, cane sugar, and bananas. Later, under cover of darkness, Sarun would steal away from the cooperative, with the jewelry hidden in a kramar beneath her too-large black shirt. She would have a bamboo jug tied around her body in which to collect crabs and keep palm water. Two kilometers to the west of the camp, train tracks bisected the landscape, with Khmer Rouge soldiers policing it in groups. Sometimes she would wait two or three hours before it was safe to cross. Sarun says, “I do it alone. I believe, I trust only my self, since I can keep myself alive until now.”

The night her mother died, Sarun returned from the Muslim community with rice, cane sugar, and banana to feed her week mother. Her mother was lying in bed with her head to the east, and her granddaughter, daughter, and a cousin surrounding her. As the others slept, Sarun began to cry and the tears fell onto her mother’s skin. Her mother said to her, “Do not regret the jewelry. We can only buy the things if we have the life. When we die, we cannot take these things with us. You have to sell all the things that you have to get the life.”

She said, “You have to sleep, daughter. You work so hard and have only a half-hour to sleep more. No need to wait up with me. There are many people around me now.”

Her last words to Sarun were, “Do not hit your daughter. Be gentle with her.” She said this because the girl had been born the same year (the year of the Pig), same day, and same month as Sarun’s youngest brother, who had drowned in the river at age six. Now Pich Chan Mony was almost six. Her mother believed that the little girl was his reincarnation and worried about the girl’s fate.

After the death of Thou Am, Sarun carried her daughter, papoose-style, on her back while she worked. Her daughter could not walk, so skinny was she. Sarun walked with a child on her back and her belongings on her head. One day she was so tired that she told her daughter, “So, daughter, you walk.” Her daughter scolded her, “But I cannot walk.” One night before her daughter died, Pich Chan Mony begged for sugar. Sarun climbed the palm tree, a kramar around her waist, a knife secure

in its folds, and a bamboo jug to collect the water. She boiled the palm water and made sugar, and then cooked rice with the sugar and maize. She cooked this food to help the swelling in her daughter’s limbs. The next day, it rained and rained. Her daughter slept in a separate hammock from Sarun. Tired, hungry, scared, sad, Sarun tried to sleep. “Mum, I want to sleep with you.” Sarun was up from her hammock, across the hut, and then with daughter in her arms, back into her own hammock to rest. “Mum, I want to go to toilet.” Tired, hungry, scared, sad, Sarun hit her daughter. One slap on the head. One slap only. Two hours later, her daughter was dead.

She was given one day off of work to bury her daughter. Later, she was sent far away from the cooperative to work, since she no longer had any dependents to take care of. Of children’s death, Sarun remembers two stories: sometimes when a child would die, the family would not tell anyone, in order to continue receiving the child’s food rations. Second, she recalls that if a child died, sometimes they would cut the body up into small pieces and fry the flesh, in order to exchange the meat, which they pretended was from mice or other small animals, for rice and other food. Three or four months after her daughter’s death, it is harvest time and there is more food for everyone. If only her daughter had held on.

Around April of 1977, Sarun was assigned to marry Choeth Sarath. She says, “Because I have no children, like that, they select by themselves that we need to marry this, this, who.” Before 1975, Sarath was a Lon Nol soldier. He was married to the sister of a Khmer Rouge soldier, and this caused problems. Sarath was imprisoned, but he escaped and came to work in the same cooperative as Sarun. Sarun recalls, “We stay like brother and sister, no love...He and me never touch because I am not happy and very tired.”

In August 1977, Sarun decided to escape to a Thai border camp, but she became sick from malnutrition and malaria. “Now I recognize I near die,” she remembers, “Sometimes I know nothing around me.” She could not stand or even sit. But she recalled what her mother had told her, that she had to be an optimist and that the jewelry should be used to “buy the life.” Sarun begins to test the Khmer Rouge nurses to see who would accept

the jewelry in exchange for better food and protection, and not kill her for possessing it. “Sometimes they like, sometimes no, they kill us. So I do the test, one week, two week.” She watched one nurse who had continued to wear makeup, despite the Khmer Rouge control, “she wears the makeup and she likes herself.” One day Sarun said to her, “I am near death. I have one souvenir to give you, and when I die, this is the price you can pay to hire someone to bury me near my mother’s grave.” She was being deceptive, since she did not really want to be buried near her mother, but rather wanted to pay for the protection of the nurse. At first the nurse refused. Sarun told her that if she said it was a mistake and killed Sarun for it, that was okay, but if not, then she should keep the jewelry. During the next week, Sarun was given better food, and at the end of the week she was selected to be transferred to a larger and better-equipped hospital. Of the seven people transferred, only Sarun was not a Khmer Rouge cadre. Of the nurse, Sarun says, “I think she is not the pure Khmer Rouge. Sometimes family is Khmer Rouge, so children just follow.”

The hospital Sarun was transferred to was reserved for Khmer Rouge soldiers. The doctors were Chinese and the food more plentiful and better than anything in the cooperatives. Sarun says with a laugh, “There I became well and looked so nice!” It was here that Sarun accomplished her “achievement,” as she calls it. Her eyes light up in the telling. The hospital was divided into work groups, just like the cooperatives. Of the seven groups, the third group was the most corrupt, “very stingy”. They were supposed to be administering to the pregnant women, but would instead use the supplies for themselves. Since arriving at the hospital, Sarun had been very careful to conceal her education and background, acting as if she could read and write only a few words of Khmer. Now she decided to use her education to expose the corruption. On small pieces of paper, she wrote a note condemning the practices of the third group. She gave one note to a doctor’s daughter who slept next to her, who in turn gave it to her father, without revealing its author. Other notes she passed surreptitiously around the hospital. Soon the leaders of the third group were exiled from the hospital and sent to work in cooperatives.

Sarun laughs at the memory of her achievement.

Three or four months after arriving at the hospital, Sarun was sent back to her cooperative. But she never got there, “I run away and visit the graves of my family. I see bones but never scared.” Instead of returning to her work group, she ran to the home of a middle-aged Khmer Rouge female cadre, who had been her group chief at one point. Sarun says, “In one hundred people, maybe one, two are gentle. She like me because I work hard, industrious.” The chief had explained to Sarun how to find her, should she ever need her help. It took Sarun three nights and four days to make it to Battambang, but before she was able to reach the woman’s home, she was arrested. She told the soldiers that she was the group chief’s daughter, as the chief had instructed her to do, and they dragged her off to the chief’s home. The group chief accepted her into her home without hesitation.

It was now 1978, and Sarun worked in a cooperative near Battambang until she was transferred with three friends to work at Phnom Sampeou. The fall of the Khmer Rouge regime to the Vietnamese on 27 January 1979 found her and her three friends living together in Battambang. One year later, when she went to ask the government for a job, she met Sarath again. Sarath, with his excellent Vietnamese language skills, had been promoted to a high position in the new Vietnamese-installed government. Even though they had not lived as husband and wife previously, they decided that since they had been through so much, they might as well stay together. Sarun’s son came to live with them in 1980, and another son was born in 1981, followed three years later by her last son. At each birth, Sarun cried constantly for her daughter. She could not stop the tears.

During this time, Sarun worked for the public schools as a teacher, and then became director of the high schools in 1987. She held this position until 1994, when she transferred to work full time at the Cambodian Brewery Limited as a sales supervisor for Region 1. Teaching was her passion, but she refused to become involved in the system of corruption, and she could not earn enough money without it. Today, Sarun works long hours in order to keep her sons in school in America. She loves them deeply, there is no question.



Yet in the retelling of her life, Sarun's mother and daughter play the leading roles. Their absence is only physical; in the heart and mind, they are present and very painful. They are present in her thoughts, always, constantly. The love between mother and daughter is a fierce one, and, in the face of death, it can threaten to consume the living. But throughout her life, Sarun has fought the elements, worked as hard as she can, making the best of every situation. She has refused to be consumed,

and in fact her love for her daughter led her to welcome me, a foreigner, into her home, because she saw the ghost of her daughter in my face. A stronger woman I have rarely witnessed. In her own words, "If someone can do, I can do. If can climb the palm tree, I can. If 53 or 54 years old, I can. I am not scared about this."

Joanna Rebecca Munson is a fellow at the University of Chicago.

Letter from Readers:

SONGS BRING BACK MEMORIES

Thank you very much for all the hard work you and your great team have been doing in Cambodia to collect, document and preserve all the information about the Khmer Rouge and evidences of their incomprehensible atrocities against the people of Cambodia. The significance of your mission and work is invaluable and you and your team deserve my sincere respect and gratitude. I happened to stop by your official website and had an opportunity to listen to the KR songs that you have put online. It brings back a lot of sad, unforgettable memories. I was totally brought back in my mind to Cambodia of 1975-1979 to relive the tragic experiences of the Khmer Rouge, while listening to the songs. The songs do, indeed, bring back lots of [memories] of places and of friends, some of whom were not lucky enough to make it to see the light of freedom! Please kindly let me know how I can get more Khmer Rouge songs and music. Do you have plans in the future to put more songs on your official website? Once again, Sir, please accept my sincere appreciation. May God bless your work and protect you. And also may you always be healthy to continue to fulfill your honorable mission!

Sincerely,

Heang Suy Siek

WHAT IS THE IMPORTANCE OF TAKING REVENGE?

Whatever happened, serious or trivial, is now many years old. The country has partially changed its face. If we kill the people who are connected to the Democratic Kampuchea regime or punish them to life imprisonment, we should ask ourselves if the lost lives and properties be recovered? No. Therefore our immediate needs are:

1. A tribunal which conforms to international standards of justice has to be formed quickly and commence its process in accordance with national and international wishes. Do not find excuses to let time pass by uselessly. International standards of justice are important because the regime committed the crimes against humanity.
2. After the trials are completed and the guilty have been convicted, the government should send a letter to the King requesting an amnesty for them. Then Cambodian people and the international community will be satisfied, because they will have seen eyewitness testimony and the decision of the trials.

What is the importance of taking revenge? Working together like combined threads of rope, we reconcile from now on and the country will develop. The past is a lesson to avoid.

Nou Hun

Magazine of Documentation Center of Cambodia

Searching for

THE TRUTH



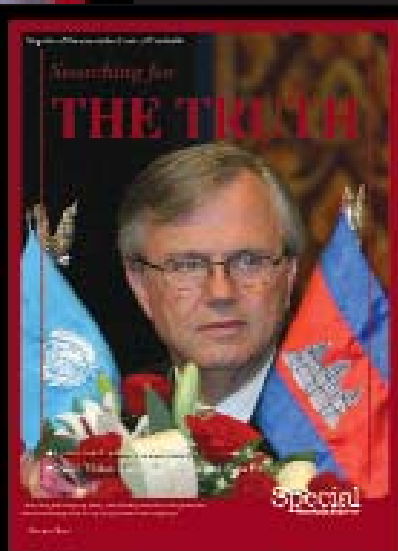
■ The Khmer Rouge: A History of Violence

■ The Khmer Rouge: A History of Violence

Special
English Edition

On November 17, 2003, the Documentation Center of Cambodia (DCC) published its first English edition of the magazine, *Searching for the Truth*. The magazine is published quarterly and is available in both Khmer and English.

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"One must remember that more than twenty-three years have passed since the fall of the Khmer Rouge, and the victims continue to wait for truth and justice, while former Khmer Rouge leaders live in freedom and prosperity among their victims." Khamly Chuop

Documentation Center of Cambodia would like to appeal to governments, foundations and individuals for support for the publication, *Searching for the truth*. To contribute, please contact (855) 23 21 18 75 or (855) 12 90 55 95 or by Email: dccam@online.com.kh. Thank you.

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