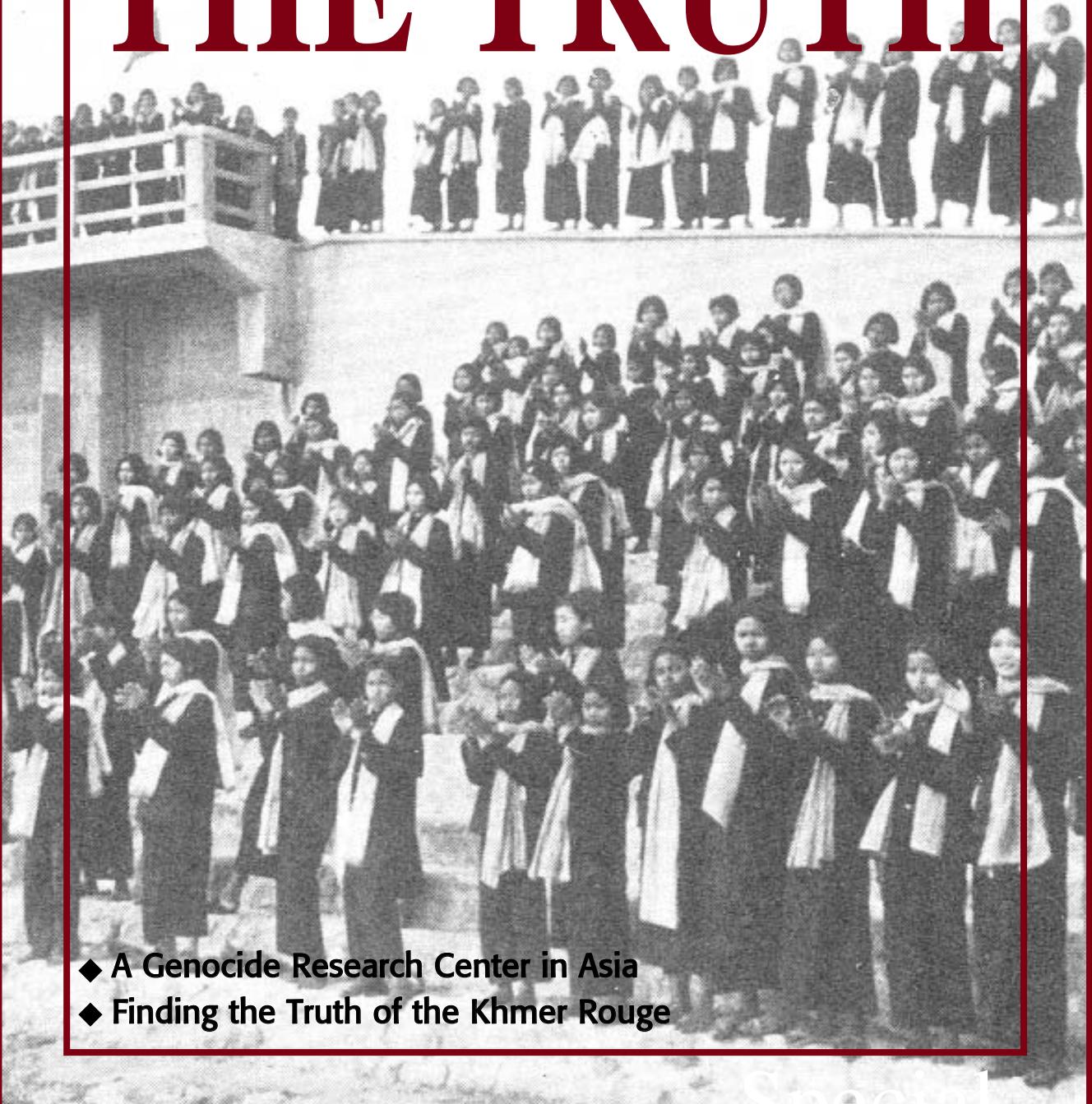


Searching for

THE TRUTH



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

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

-- Kok-Thay Eng

Special
English Edition
Third Quarter 2007

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Villagers visit Tuol Sleng Genocide Museum (S-21)

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EDITORIAL:

A GENOCIDE RESEARCH CENTER IN ASIA

The Documentation Center of Cambodia became an independent organization in 1997. In the past ten years, it has become widely known both in Cambodia and abroad as a strong non-government organization. DC-Cam has always had two objectives: the promotion of justice and memory. "Memory" refers to helping people learn about and understand the tragic period in Cambodia's history under the Khmer Rouge. "Justice" refers to the effort of bringing the leaders of the regime to a legal accountability for their actions. In this vein, DC-Cam has been of invaluable assistance to the Extraordinary Chambers in the Courts of Cambodia (the ECCC, or Khmer Rouge Tribunal) by providing it with documents and information that will be used when the regime's leaders are brought to trial.

On July 18, 2007, Cambodia made great progress in moving toward realizing the principle of justice when the ECCC's Office of the Co-Prosecutors stated that it had sent an "introductory submission" to the Office of the Co-Investigating Judges. The submission requested that five individuals be charged with crimes against humanity and other crimes.

Since then, two former Khmer Rouge leaders have been detained at the ECCC: Duch, who headed S-21 Prison, and Nuon Chea, "Brother Number 2." This is an important step in finding justice for the victims of Democratic Kampuchea. DC-Cam and the Cambodian people are pleased with this development and anxious that the ECCC brings them and the other three leaders (they have not been named yet) to justice soon.

DC-Cam has also made some important achievements toward meeting its objective of memory. It has, for example, collected and kept thousands of Khmer Rouge documents for research, and has helped many Cambodians to search for their

relatives who were lost during the Khmer Rouge regime. Moreover, the Center has interviewed thousands of Cambodians living in rural and urban areas, and produced several books on Cambodian history, which it publishes in Khmer and English. Its magazine, *Searching for the Truth*, is the only world's only publication that is exclusively focused on the Khmer Rouge regime. It is widely read in Cambodia, and many people keep every issue.

Another important accomplishment is the Center's recent publication of *A History of Democratic Kampuchea*, which is the first high school text on the Khmer Rouge written by a Cambodian. Furthermore, Cambodia's Ministry of Education has acknowledged that the text will be important in educating the next generation of Cambodians about their country's modern history. It is our hope that young Cambodians will learn about the genocide in which nearly two million people died and will work to build a society in which starvation, overwork, and summary execution will never occur again.

With support from the Royal Government, DC-Cam is working to transform itself to a Genocide Research Center in the future. This Center will not only serve Cambodia but also all of Southeast Asia. DC-Cam is now making plans for the Research Center, which will have the aim of helping people understand the conditions that give rise to genocide, and thus help them to work to prevent it in the future.

The Theory of Genocide

Historians have taught us that genocide is not a phenomenon of the last hundred years. It has happened throughout history in Europe, Africa, and Asia. Most commonly, it occurs during a war, when the winning side commits atrocities against the side that lost. For example, in the 13th century, after their victory on the battlefield, the Mongols (this

ethnic group now lives in Mongolia, China and Russia) always killed their enemies and destroyed their homes. However, some scholars don't believe that the Mongols' actions constituted genocide because their numbers were small at that time.

Most scholars do agree, however, on a definition of genocide: it is a phenomenon in which one group of people kills another group with the intent of eliminating all of the people in that group. In particular, such mass killing is targeted toward the elimination of a group that has a particular identity, as defined by its race, religion, or ethnicity.

During World War II, the Nazis of Germany killed more than 6 million Jews, Roma (gypsies), communists and homosexuals throughout Europe. Three years after the war ended, the United Nations passed the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Convention made genocide a crime for the first time. It defined genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and/or] forcibly transferring children of the group to another group." This definition is still used today, for example, in the International Criminal Tribunal for the former Yugoslavia.

The Convention has been regarded as an important step toward preventing genocide throughout the world, even though some people have found that it biased because it does not include those groups who may have been of the same ethnicity, religion or nationality as the perpetrators, but instead differ in terms of ideology, socio-economic standing, or politics. This is largely true in Cambodia, where the Khmer Rouge killed their own people. Nonetheless, the 1948 Convention is being applied to the Khmer Rouge Tribunal.

Could Genocide Occur in Southeast Asia?

Today, parts of Southeast Asia are under the threat of genocide. This is a strong statement to make, so a look back at history can help explain it. One of the conditions that has generally been present when genocide has occurred is war, especially in countries that recently emerged from colonialism. For example, genocide in Cambodia occurred during the Cold War when much of the world lined up along ideological lines, and developing countries like Cambodia, Vietnam and Laos became the pawns in this war. Further, these three countries had emerged from wars against French colonialism less than twenty years before they were plunged into the midst of the Cold War between the superpowers of the Soviet Union and the West.

But today, there are no colonies left in Southeast Asia, there is no movement for independence, and the conflicts of ideology between East and West have abated somewhat (although many would argue that they are on the rise again, but this time between the Muslim world and the West). So why is there a threat of genocide in Southeast Asia?

In 1993, about five years after the end of Cold War, American political scientist Samuel Huntington developed a new theory about war in the late 20th century. He called this theory "The Clash of Civilizations." This theory posited that in the future, the main source of conflict in the post-Cold War world would be people's cultural and religious identities. According to Huntington,

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

He cited wars such as those following the break up of Yugoslavia, and between India and Pakistan as evidence of inter-civilizational conflict. His theory has been widely acknowledged by politicians, researchers, and civil society. Some people have used it to explain contemporary terrorism.

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

Globalization is having a strong influence in Southeast Asia. The economic strides that Singapore, Malaysia, Indonesia, Thailand, and Vietnam have made are evidence that much of the region is opening to the influences of the outside world. There are also much closer communication and economic ties among the region's countries. The Association of South East Asian Nations intends to further integrate the economies and societies in the region, thus hastening globalization.

But at the same time, Southeast Asia is home to many groups of people with different cultures, ethnic identities, religions and histories. When these cultures come in closer contact, there is always the possibility that conflicts will arise. For example, the ethnic minorities who live in the northeast region of Cambodia, in central and north Vietnam, and in the south of Laos are coming under increasing influence from outside cultures, which is resulting in a slow erosion in these groups' cultures and identities.

DC-Cam is conducting research on the extent to which the region's ethnic minorities are experiencing a loss of culture and the role of education in keeping group and national identity.

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

East Timor is an example of the conflict between identity and region. On this relatively isolated island, the majority Catholic population, which still retained close ties to Portugal, came into conflict with a large centralized bureaucracy and Muslim culture. As a result, East Timor sought to separate from Indonesia. The people who live there thought that they had a different identity and could not live together with the Indonesian people. Likewise, the Islamic separatist movements and clashes in the Philippines and southern Thailand illustrate how people react when they feel their culture is threatened.

DC-Cam's new research center will seek to examine the roots of, and possible solutions to, the potential for genocide in Southeast Asia. It will do so by cooperating with genocide researchers in universities throughout the world. The Center will also gather and hold documents from other countries in Southeast Asia so that scholars and students can come together and look for ways to fight future genocides.

Kok-Thay Eng is Director of Research at DC-Cam and a PhD candidate at Rutgers University.

LETTER FROM YOUK CHHANG:

WHY THE KHMER ROUGE TRIBUNAL MATTERS TO THE CAMBODIAN COMMUNITY: JUSTICE FOR THE FUTURE, NOT THE VICTIMS

My family was evacuated to the countryside during Democratic Kampuchea. One day, the Khmer Rouge caught my brother-in-law stealing rice from the commune kitchen and beat him to death. His wife (my sister) developed a stomach ache later that night and was taken to a Khmer Rouge hospital. There, they told her she was sick because she had eaten that stolen rice, and cut her stomach open to prove it. She also died.

Thirty years later, our family is divided over whether putting the Khmer Rouge on trial would bring them justice for my sister's death. After the regime, the chief of a village where some of my family members disappeared pedaled his bicycle to Phnom Penh to apologize to our family, bringing us bananas and meat as a sort of restitution. No one else in the family would accept his apology, but my mother said it was enough. Her attitude is a very Buddhist one, and his act put her heart to rest. She never wanted me to return to Cambodia and work toward a legal accounting for the crimes committed during Democratic Kampuchea, and never understood why I didn't remain in the United States. Over time, my mother has come to believe the tribunal is a good thing, but feels it will only be effective with the support of the international community.

My niece Theavy takes another view. She was only five or six years old when her parents died and has lived most of her life in the United States. She once wrote me saying, I don't believe that justice is enough for what had happened to my family. No justice in the world will bring my family back. She has never wanted to return or even visit surviving family members in Cambodia, believing that the reality of Cambodia today would be just an illusion

to her.

I take a different view: that the tribunal is important and that we need prosecution before we can ever reach the point of true forgiveness. Justice has already been obtained to some degree: it was meted out at the local level in the 1980s, when people took the law into their own hands and killed many of the worst Khmer Rouge perpetrators. For this reason, I feel that the trials - if they are successful - will not so much bring justice to the victims as give people a perception that justice is possible for the future.

The larger Cambodian family, both at home and abroad, is also divided over the trials. This is because genocide has always been a political act, and always will be. After 30 years, people have largely moved beyond the need for personal revenge. They are concerned about how the trials will affect their futures and the future of their country, but they view justice from very different political perspectives.

The Survivors in Cambodia

There are two camps in this group. The first is survivors who support the tribunal. Most of them have never been out of the country and have decided that at least some of their future lies with the ruling Cambodian Peoples Party (CPP), who they see as liberating Cambodia from the Khmer Rouge and in the 1990s fighting to bring the guerillas to heel when the international community was ignoring Cambodia. As evidence of their party's intent to broker honest trials, they point to the ranking CPP government officials who are former Khmer Rouge and have publicly stated their willingness to appear before the tribunal. They also note the United Nations' inability to bring the Khmer Rouge to the ballot box

in the 1992-1993 national elections, thereby failing to institute rule of law in Cambodia. This group distrusts the international community, and finds the UN at least partly at fault for the country's culture of impunity.

The second camp contains many people who returned from the Thai border camps in the 1990s. They are generally opposed to the government, and believe that national problems like poverty and corruption are linked directly to the CPP. They feel the trials will only serve to polish the ruling party's image. So, they are calling for more international control of the proceedings and would like to see certain CPP officials brought to trial, hoping to drag the current government into the fray.

Cambodian Expatriates

This highly politicized group is also divided. One camp supports the government and is very vocal in its support of the tribunal. Some of them have returned to Cambodia and become engaged in tribunal issues, hoping to improve their economic opportunities by gaining the favor of the ruling party.

Three other groups oppose the trials. The first comprises the supporters of former King Sihanouk, who worry that he might be brought before the chambers (there are such supporters among those who are still living in Cambodia as well). Like the king, they argue that the money dedicated to the trials would be better spent on alleviating poverty in Cambodia. The second is made up of people opposed to the CPP for political reasons; some were able to obtain visas to third countries after the fall of Democratic Kampuchea by adopting a strong anti-communist stance, which they retain to this day (during the 1980s the CPP was closely associated with the ruling Vietnamese communist party). And the last is a small group of immigrants who were Khmer Rouge; they are simply afraid their former lives might be revealed.

The Next Generation

While they are not politicized, the children of Democratic Kampuchea's survivors are a burgeoning part of the population, and their beliefs and

expectations must be taken into account. This group is somewhat more cohesive and well as more nationalistic. Most of them find it difficult to believe that Cambodians could have killed each other; thus, they feel that foreigners must have caused the genocide in their country. Some of them are curious to learn what happened, but don't have what could be termed as a "political agenda." Others are much more interested in finding justice for the victims, and look at the genocide in black and white terms: the Khmer Rouge were always, and will always be, bad. Both groups, however, seem far better able to hold dialogs with each other than the adult survivors.

Opportunities for the ECCC

Perhaps the most burning question regarding the tribunal is whether the government of Cambodia and the UN - both of which have indirectly supported the Khmer Rouge in the past (the government by granting amnesties in return for peace during the 1990s and the UN by allowing the Khmer Rouge to hold their seat at the United Nations for ten years) - can find a solution that helps each of the disparate parties find hope for the future through the tribunal.

Both the Royal Government and UN have arguments for doing what they did, but in the eyes of the survivors and the generation of Cambodians under the age of 25, they have much to account for. Ironically, the tribunal presents a great opportunity both to gain trust and respect in Cambodia. If the government is perceived as open and fair, the resulting public trust would allow it to move forward with its policy agenda. Similar actions on the part of the UN would produce both popular and government support for its activities in Cambodia. Such a visible success would also allow it to further its agenda of preventing, intervening, or prosecuting genocides in other parts of the world.

A very important way in which the ECCC gains people's trust is by engaging the public in a transparent and even-handed manner. Whether or not all these diverse parties like the results is less important than whether their concerns were taken into account in the first place: whether someone

listened to them and took them seriously.

For example, when the king calls the UN side to come and talk with him, they should go. The royalists would be encouraged and everyone else would see that all sides of the story are being heard. If evidence indicates that some of today's CPP leaders should be indicted, then they should be. This will show Cambodia and the world that justice is for all, not merely those in power. Whatever the response of the ECCC, it should be open and public. Cambodia has had enough justice administered

behind closed doors.

It is essential that the ECCC provide some answers to all of these groups about who is accountable and why. The tribunal must leave people with a judgment, something concrete they can take away and debate, and something they feel was done in fairness to all. After all, it is for them that the trials will be held.

Youk Chhang is editor-in-chief and publisher of Searching for the Truth.

REGRET AFTER THE REVOLUTION

Leakhena Tat



Thoeun Age: 58

Ming Thoeun lives along a peaceful path lined with trees in Sambour sub-district, Svay Teap district, Svay Rieng province. She had just returned from the market when I arrived, and when I explained I was from DC-Cam, she did not seem surprised.

She hurried to prepare some food for me and invited me to sit on a wooden bed under her tiled roof, where there was a cool breeze. Seeing her smile and cheerful face, I could hardly believe that she was a former Khmer Rouge cadre.

Ming Thoeun was a middle-rank Khmer Rouge cadre, and she returned to her village after 1979. The people in her village blamed her because she used to serve the Khmer Rouge regime.

Born in 1949 to a middle-class farming family, Ming Thoeun's mother died in 1967 and her father died of throat cancer in 1996. The third of eight children in her family, Ming Thoeun had more education than her siblings. She was not an outstanding student, but she struggled until she reached grade 3 in Yasor Vorman High School (it was recently

renamed Hun Sen Prasaut High School). She can read and speaks a little French.

Propagandizing for the Revolution

In 1970, Ming Thoeun dropped out of school because of the bombing of Cambodia. At that time the situation in her village was dangerous, so the Khmer Rouge came and began recruiting young people to serve the revolution. Ta O-Sa, a sub-district militiaman and his wife Yeay Sa-em, who was the women's sub-district chief, spread propaganda. Ming Thoeun and other teenagers believed them and agreed to join the Khmer Rouge. At first, Ta O-Sa and Yeay Sa-em assigned her to be the women's chief of Sambou sub-district.

Next they sent her to propagandize in Chheu Teal village, Korky sub-district, Svay Teap district. Before she and the other five members of her group went out to propagandize, they would be instructed by a female sub-district chief named Yeay Sa-em or a female provincial chief. Ming Thoeun's work was to gather all of the people in a village and take their names. She also had to help to arrange the meeting and report on the people attending.

Working at a Hospital

In 1972, Ta O-Sa sent Ming Thoeun to study medicine in Rom Duol sub-district. There were 30

or 40 students from different villages who studied with her. The course lasted three months and was taught by doctors and other medical professionals from Vietnam and Cambodia. The group studied from 7 a.m. until 11 a.m. and then divided into small groups for discussion. Sometimes Ming Thoeun had to study at night if there were many lessons. In addition to general medicine, she learned how to clean and bandage wounds, administer medicine, and give injections. After the course was finished, the trainees were assigned to hospitals.

Ming Thoeun was sent to work in Prasaut Hospital, which was run by Hul. Although it had two buildings, it was not a real hospital. Ming Thoeun and two others were assigned to clean wounds for a week, and then give injections for a week. Most of the 30 to 40 patients in this hospital were wounded soldiers. While she worked at the hospital, Ming Thoeun had three meal times a day, and received permission to visit home when the doctors went out to collect patients from the battlefield.

Military Training

When the Khmer Rouge almost controlled Phnom Penh in January 1975, Ming Thoeun's family was evacuated to Prey Tating. But Ming Thoeun was not allowed to accompany them. Instead, she was sent to undergo military training in Region 24, under Sor Phim. Three battalions of women trained there. Ming Thoeun was assigned to be a sub-monitor in unit "K," which had 10 to 13 members. The women had two trainers, Loeu and Ly, who taught theory. The cadres were not allowed to carry guns; they were only allowed to watch their instructors showing them such things as how to release a magazine. Ming Thoeun was soon allowed to carry a gun during practice, but the guns were taken away after that.

In addition to military training, Ming Thoeun had to build embankments and dams. Although she did not have to worry about having enough to eat, Ming Thoeun was concerned about her safety. Some of the people in her group, including one of her monitors whose name was Teanh, were taken

away by the Angkar.

Working on a Lathe

In 1975, the Angkar dispersed the female troops. Ming Thoeun's battalion was the first group to leave; it traveled by ship across Prey Veng, arrived at Neak Leung, and then continued on to Phnom Penh by car. In fact, Ming Thoeun was not scheduled to be in Phnom Penh at all, but one of the members of her group disappeared, so she was ordered to go instead.

When she arrived in the capital, Ming Thoeun rested for a night at Dok Rasy's house in Chbar Ampov, and then went to Tuol Kok, where Ta Loeu was waiting for her. There were four work units at Tuol Kok: lathe, sewing, gunpowder and logistics. Ming Thoeun was in the lathe group, which had 10 members. After her training was completed, Ming Thoeun started to work on a lathe to make guns; the group had only one lathe. Although she had enough food, she had much work to do and no time to visit home.

In June 1976, Ming Thoeun married a man named Buth Han, who was a monitor in the lathe group. She did not love Buth Han; instead, she loved a man named Sang, who was a monitor in the gunpowder group. Sang had asked to marry her, but she refused because she knew that one of her friends, Phal, loved him as well. Phal married Sang, and a month later, she decided to marry Buth Han. Ming Thoeun stated that she was not forced to do so. On their wedding day, the Angkar read their biographies aloud and then the couple stated in front of the Angkar that they would live together forever.

Their wedding could be considered as a good one during Democratic Kampuchea: there was wine and all workers in the lathe factory were invited to join in the ceremony. Ming Thoeun said that her husband really loved her and would never let her leave him. Even when the Angkar nominated her to take a gunpowder training course in China, he refused to let her go, afraid that they would never reunite.

He told her, "We will go together, or we will die together."

Working at the Munitions Laboratory

A year after they were married, Ming Thoeun and her husband were separated when she was sent to work in a sewing factory. But when the Angkar noticed that she was intelligent, they transferred her to a gunpowder factory in Chamkar Doung, which was controlled by Hou. Although the work was not difficult, Ming Thoeun constantly faced danger; she had been placed in the factory's laboratory, which conducted experiments in using chemicals to produce gunpowder. Each time she entered the laboratory, she was scared; she had seen a worker named Tuk lose her hand when some chemicals exploded.

Ming Thoeun worked with five men in the laboratory; their monitor was named Ren and the instructor was named Chav. She worked from 7 until 11 in the morning and then again from 1 until 5 in the afternoon; then she continued again until 10 or 11 at night. She could make 3 or 4 batches of chemicals per day; they were used in producing grenades and landmines.

Ming Thoeun did not try to learn where the chemicals came from. She kept her head down, working hard and never making contact with anyone in her group. When it was time for work she worked, when it was mealtime she ate, and when it was time for a rest she rested.

The experiment group met once a week, and whenever there was an important meeting like a branch party meeting, Hou made the opening speech. The purpose of the meetings was to reinforce the party line, report on the results of the group's labor, and then have each member confess their mistakes. Then, if someone had made a big mistake, it was reported to the Angkar.

When Ming Thoeun worked at the laboratory, she was kept very busy and had no time to see her husband, even though the Angkar allowed couples to meet every ten days. She also stated that she

seldom saw any top leaders at her workplace, but once, Noun Chea (the man called "Brother Number 2") and two of his two guards came to observe the laboratory for about 15 minutes. They talked with Hou about the benefits of producing gunpowder.

Death of Ming Thoeun's Husband and Child

On the night of 28 August 1977, the Angkar called Buth Han to join in a meeting; Ming Thoeun was not present at the time, but heard about it from Buth Han's guard Ron. Before Buth Han left, he told Ron to instruct Ming Thoeun not to follow him. He disappeared after that. Ming Thoeun tried to ask her neighbors and co-workers what had happened, but the only answer that she got was "Your husband went to work. Don't follow him."

Two days later, a Jeep arrived at the laboratory. The men in the Jeep told her to follow her husband, and there was no need to take anything with her. Ming Thoeun, her friend Phy, and four others rode across Ta Khmao and came to the Prek Huo re-education center, which was headed by Sok. But



when they arrived, Ming Thoeun did not see her husband as the Khmer Rouge had promised. Both Ming Thoeun and Phy were 7 months pregnant at the time.

Ming Thoeun looked around and noticed that all the women with her were the wives of cadres. But she had no idea of why they were sent to the re-education center. All Ming Thoeun knew was that two days before her arrest, she had stopped working because she had been given nothing to do. "I wondered why because I always worked," she said. Her daily work at that point was making fertilizer, and watering and cutting plants.

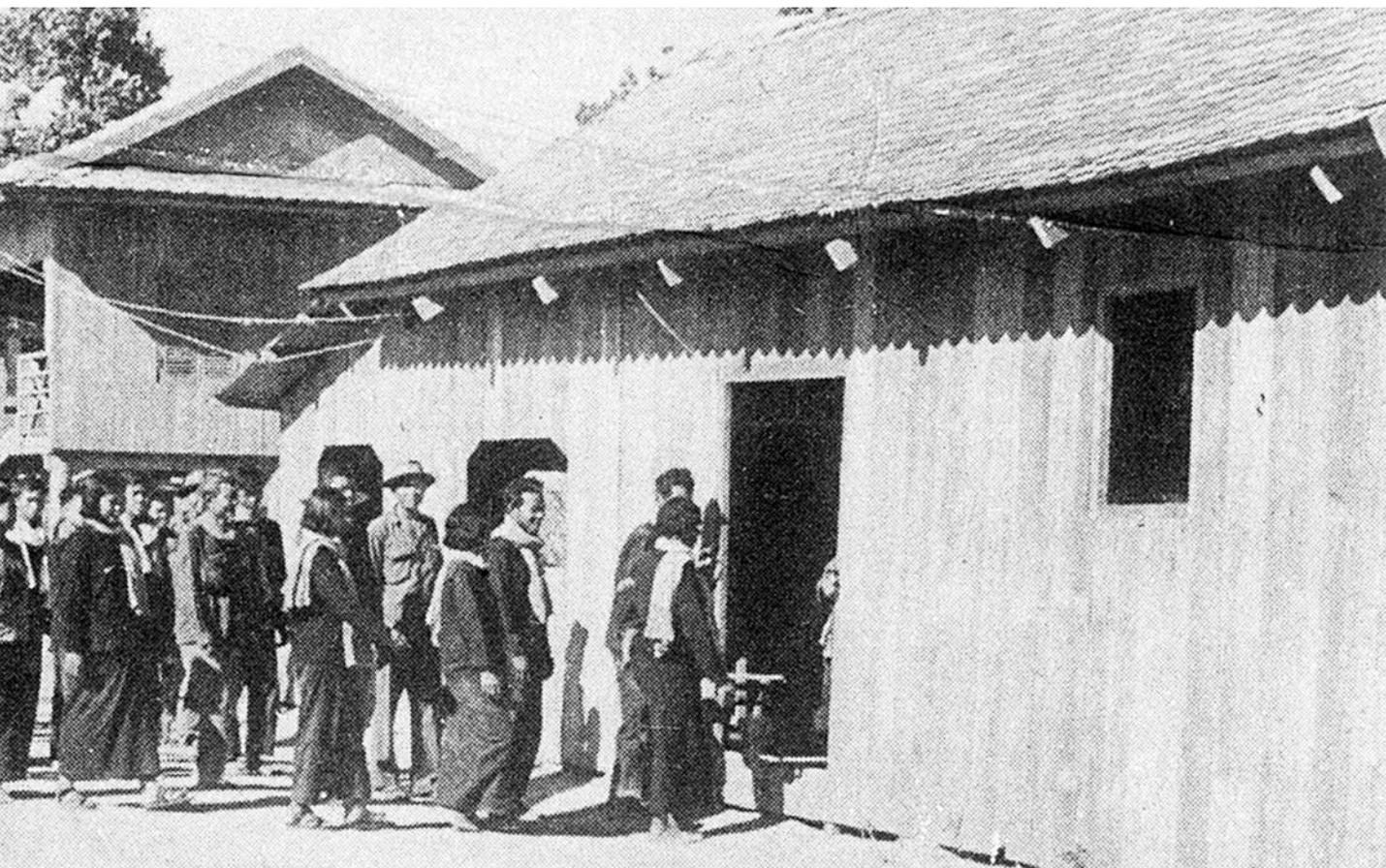
Later on, the Angkar asked her name and place of birth, and then took her photograph. Then she was placed in a house with 12 other women. Her life became more difficult each day because the Khmer Rouge gave the women very little food and much hard work to do. Two weeks after she delivered her baby, the Angkar sent her to do light work such as planting potatoes, cutting grass, and looking

after children. One month later she was sent her to pull out seedlings and transplant rice near Prey Sar.

Even though there was a doctor at Prey Sar named Mean Sovann to look after them, many children died. Ming Thoeun worried a lot about her 7 month-old son because she worked outside the re-education center and did not come home until 11 at night. Her son died of cholera. The woman who looked after her son disappeared at the same time. Ming Thoeun heard children crying every night, and sometimes she saw the Angkar walking mothers away, but she did not know where they were taken, only that they never came back. In addition, Ming Thoeun saw the Angkar walking an old man away; they had tied him up and chained him to a car.

Escape to Battambang

When the liberators attacked Phnom Penh at the beginning in 1979, the 13 women in Meng Thoeun's group tried to escape but they were arrested by a female commander. Later, the group was taken to Prolay Ta Prom in Battambang



province. At that time only three of the women in the group were still alive: Ming Thoeun, Vet and Siem. But the woman commander continued to watch them.

When they reached Prolay Ta Prom, Ming Thoeun had a bit of luck when she met a friend who used to study with her. His wife gave her food and shelter for a while. Afterward, she met a kind old man who gave all three women a place to hide from their commander. One day, when the commander ventured out, a middle-aged man chopped her into pieces with a reaping-hook. Ming Thoeun was very frightened when she saw this. But later, the women realized that they were finally safe and could return to their families. Ming Thoeun walked for six months and arrived at her home village in July 1979.

Looking Back on the Revolution

Ming Thoeun had joined the revolution in order to save her country from danger but, after many years of struggle she had only regret. She had faced danger, nearly lost her life, was separated from her husband and her son had died. However, Ming Thoeun never gave up on the idea of looking for her husband.

Ming Thoeun decided to visit her husband's homeland in Prey Veng province. It was difficult to get any information about Buth Han because she didn't know who his relatives were. When she finally found them, she learned that they didn't know anything. She then visited Phnom Penh, where she went to the Tuol Sleng Genocide Museum. She looked at every photograph there, hoping to find Buth Han's picture, but did not see it. She never learned whether her husband had died or survived.

Making a New Life as a Teacher

In 1981, the Ministry of Education announced it was looking for educated people to serve the government. Ming Thoeun passed the teacher's exam, but before she could begin working, she had to study at the pedagogy school in Svay Reang province. After she finished, the ministry sent her to teach grade 4 in Ka-cheay primary school, Ka-cheay village, Rormang

Thor-kaul sub-district, Svay Teap district, Svay Reang province, which was far away from her village.

Ming Thoeun lived in a house near a pagoda and was able to visit home once a month. Besides teaching, Thoeun got up in the early morning to cook food for the monks and helped the nuns do light work in her free time. The monks gave her rice and food because she worked hard. She earned a salary of 70 riel per month, and sometimes was able to send money to her father to support the family; sometimes she also bought fruits to them.

In 1991, after she had taught for 14 years, Ming Thoeun asked to be transferred to teach at Banteay Primary School near her house, so she could live with her family. Two years later, she changed her occupation and began working in an office where she supervised workers and controlled inventory.

Still Haunted by the Khmer Rouge

Even though the Khmer Rouge regime was destroyed, the past is still very much on Ming Thoeun's mind. She was happy when returned home to see her father and all of her relatives who were still alive. But some of her neighbors insulted her because she used to be a Khmer Rouge cadre. Ming Thoeun became depressed at this, because she also considered herself a victim. However, she couldn't argue with the people who accused her, either in her village or at her job. She often heard people whisper, "Thoeun used to be a Khmer Rouge." She also heard some teachers say, "Why did they send her to a training course when she used to be a Khmer Rouge?"

Later, the Ministry of Education nominated Ming Thoeun to be a school principle, but she refused, knowing that many people would be unhappy about her promotion. Today, she is not married and lives alone. In addition to being a good teacher, Ming Thoeun helps her siblings to transplant and sell seedlings so they can have a better life.

Leakhena Tat is a staff writer for Searching for the Truth

A SURVIVOR OF THE CHAMPU KHA-EK PAGODA KILLING SITE

Sopha Ly

Even though the Democratic Kampuchea regime ended almost 30 years ago, suffering has not ceased for many of its victims. The scar on Saban's neck is a daily reminder of his life during the regime; it is also something the children in his village can look at and believe that torture and execution actually occurred when the Khmer Rouge held power.



Saban, Age: 50

Born in Svay Rieng's Kampong Rao district, Saban was the third of the six children in his family and the eldest son. Today, he is over 50. As I watched him climb down the steps of his house to greet me, I noticed that he walks slowly and that

his face is sad. This man had been imprisoned during Democratic Kampuchea and had been able to survive in January 1979 when Cambodia was invaded and the Khmer Rouge were ousted.

Kampong Rao District in the 1970s

After the 18 March 1970 coup that deposed King Sihanouk, Cambodia's prime minister was General Lon Nol. But his forces were only able to control parts of the country; most of Cambodia's provinces and the rural areas were controlled by the liberation forces of the Khmer Rouge. At that time Cambodia was in chaos.

Many of the villages lying along the national road in Kampong Rao district were controlled by Lon Nol forces, but some villages in the rural areas were held by the Khmer Rouge. The dry season witnessed frequent clashes between Lon Nol soldiers and the liberation forces, so people were living in terror. Some of the residents of Kampong Rao decided to leave home and seek safety in a town or city. Others ran for 1.5 km to hide in a ditch

when there was fighting. Not many villagers died at this time because someone would shoot one or two rounds of artillery to warn them that they should leave the village. However, many houses, pagodas and schools were damaged.

When Saban's house was hit in 1970, it was totally destroyed and his mother died. Saban and his siblings continued to live with his father. When his village came under the control of the Khmer Rouge a little later, Saban had to drop out of school. He was 15 at the time and in the 10th grade.

In 1972, his father, Sek Khun, was appointed to the position of village chief, while Saban became the head of a 20-youth unit. Their work was to cultivate plants to support the soldiers on the front line and to dig channels at Prey Steang village in Kampong Rao district. His group was then ordered to collect rice at the Vietnamese border for two weeks. After their work was done, Saban's unit was allowed to return home.

Saban Loses his Position

After the Khmer Rouge gained control of Cambodia in 1975, Saban was placed in a mobile work brigade in Kampong Rao district. The people in his unit who the Khmer Rouge deemed to have a "pure" background were assigned to be group or collective chiefs. Collective chief Rek Pann explained to them that "people who have a trend [a connection to the Lon Nol government] will live differently from those with no trend."

Saban learned that he had been transferred to a mobile work brigade rather than becoming a village or youth chief because the Angkar found out he had a "trend." His trend was his connection to his father, who had been arrested several times. He was first arrested in 1970, when he was erroneously accused of hiding weapons in his home. The second arrest was in 1972, when he was charged with having

a connection to the White Khmer (Khmer Sar). He was imprisoned in Svay Tayean security office, but was later released. In 1975, the Khmer Rouge accused him of being connected to Lon Nol.

At the time of his last arrest, Saban's father was living with his second wife in Svay Rieng province. The day was 17 April 1975, and he wanted to meet Saban. When his wife said she would not allow him to go, he replied, "I am willing to die if I could meet my son for an hour." Saban and his father met the next day at his aunt's house in Svay Tayean sub-district. They stayed together for one night. At around eight the next morning, the collective chief brought him to a local pagoda where the Khmer Rouge had an office. When they arrived, Saban knew that his father could not survive since a man who had been ordered to arrest his father earlier was also there. Saban and his older sister felt helpless and betrayed when their father was arrested because they had tried to work very hard for the revolution.

One of the Khmer Rouge's policies was to eliminate the feudal and capitalist classes in order to create a pure society in which everyone is equal. But they still separated the base people (mostly peasants living in rural areas controlled by the Khmer Rouge before April 1975) and the new people (those from the cities), and treated the base people far better. The new people, who had been evacuated from the cities, were made to work harder than the base people, but were given less food.

Saban's three younger sisters were base people, and so were allowed to stay with their grandmother in their village. Saban and his older sister and brother were sent to work in a mobile brigade, which moved around. They would stay in one place for two weeks to a month before they were allowed to return to their village.

Kampong Rao District, 1977

In late 1977, all of the people in Kampong Rao district were evacuated to live in Svay Chrum and Svay Rieng districts. While Saban's three small sisters and grandmother were evacuated to Svay

Rieng district, he and his two older siblings still worked in the mobile brigade.

The Angkar then appointed Saban to work as a stretcher bearer for five months. When the Vietnamese troops began attacking the Khmer Rouge, Saban returned to his mobile brigade, which worked along the national road. But soon the Vietnamese began chasing his brigade, so they ran to the west and became separated. Saban then returned home to live with his grandmother.

Evacuation and Arrest

In 1978, the people of Svay Rieng were evacuated to the western part of country (Kandal, Kampong Chhnang, Pursat and Battambang provinces). Saban's family arrived in Kandal province on 17 August 1978. Eight days later, Saban was arrested without knowing why. While he was digging a canal, Tron, the collective chief, told him to come out. A few days earlier, Tron had borrowed Saban's



Left: Saban, his older sister and grand-aunt

watch, but had him arrested on the day he was to return it.

First Tron brought him to the Dei-Id sub-district office, where Saban's hands were tied. A militiaman there asked how many members were in his traitorous group. Saban was shocked to hear this question since he had done nothing wrong. Then, at midnight two militiamen walked him and an old man, Tei Sat of Svay Tayean sub-district, to Champu Kha-Ek pagoda; they arrived at about 4 in the morning. Tei Sat was also accused of being in a traitorous group.

Torture and Interrogation at Champu Kha-Ek

The next morning, a security guard cuffed Saban's hands and feet, and then took him to an interrogation room about 5 meters from the prison. The interrogation room was in an old stupa. After shackling Saban's legs, two interrogators asked him "How many people were in your network and what was your position in the network?" Saban replied

that he was not in a CIA network and he had no such position; he was only a mobile work brigade boy. Because his answers did not satisfy the interrogators, they tortured him. For the first month, he was tortured almost every day. Each time, he was interrogated for about 30 minutes to an hour. Usually they beat him or covered his head with a plastic bag.

When Saban could no longer put up with the torture, he gave his interrogators a false answer. He did not hope that he would survive, but at least his false answer would ease the torture for a while. "I was about to die so I confessed to end my suffering. Seven times a day, I wished I would die. They hit us as if it were a game. Other prisoners wanted to die as well." Later, Saban found a proper answer. He said, "I was really assigned to a network. My network was at the sub-district and collective." The interrogators then pressed on, asking him, "Where is your network?" He then lied again, saying that, "Angkar asked those in my network to go away to study." Saban gave answers like these because he did not want other people to suffer like him.

After this, he was not tortured as severely. He answered the same questions almost every day. The interrogators asked: "Are you in a CIA network?" Later on, Saban understood why the interrogators asked such questions: cadres from the Southwest Zone were accusing people from the East Zone where Saban lived of being allied with the Vietnamese, who the Khmer Rouge considered to be the enemy. From day to day, Saban's torture grew lighter. A month later, he was not tortured, but was still a prisoner. During his time in the prison, he saw the security guards bringing in new prisoners, who were not allowed to leave their cells.

Four Months and 10 Days in the Prison

The pagoda held three kinds of prisoners. Saban was in the serious offense group with 43 others. This type of prisoner was not allowed to work; they were handcuffed at all times, and could not even bathe. They were, however, allowed to stand up a bit in order to relax. Saban said he was able to sleep for the first 15 days, but after that his



nights were sleepless because his body was full of lice. Each day, he had two meals of boiled rice, boiled corn or boiled water grass. He received little to eat because he was the ninth person in the fourth line, so his food was taken by those ahead of him. He had only one plate of water to drink and bathe in each day. Every two or three days, one or two prisoners died in the cell; most of them had been imprisoned for a long time. In this situation, Saban always thought of death.

Execution

On 6 January 1979, some militiamen and the chief of the security office brought the prisoners whose offenses were serious to be killed in a forest about 10 meters from the temple. They took Saban out of his cell around noon. Saban was certain he would be killed because some of the other prisoners told him that people being walked in this way were taken to be executed. Five security guards escorted the prisoners to the killing site, where Saban saw a 2 meter-square grave.

Saban and two other prisoners were the first to be killed. The militiaman told him to sit on the edge of the hole with his hands behind his back and his face to the grave. Saban was then hit with a metal pipe and fell to the ground. "I could not open my eyes and could not speak, but I could hear what they were saying. One of them said, "Do not shoot; otherwise people will hear." A militiaman then cut Saban's neck with a knife to make sure he was dead. Although Saban was aware that his throat was being cut, he felt no pain. Afterward, the militiaman threw his body into the grave.

When the other prisoners saw this, they cried for their parents, but the militiamen killed them anyway. Saban did not know the perpetrators; he only knew they were from the security office where Sun was the chief and Thlang was the deputy chief.

Saban regained consciousness at around 3 in the afternoon and realized that two of the many bodies in the grave were on top of him. He claimed that he saw 43 dead prisoners in the grave. He managed to untie his hands and then tried to move

the bodies. But the blood began flowing from his neck and he lost consciousness again. He awoke at midnight, but this time stayed in the grave for one day and one night.

The next day, he saw the Khmer Rouge cadres coming to the grave in a rush, as though they were preparing to run. Before leaving, they asked "If anyone is still alive, help has arrived." A prisoner named Ry raised his hands. The security guards took Ry from the grave, but then threw him into a pond. Seeing this, Saban decided to continue pretending he was dead.

A Three-day and Three-night Adventure in the Jungle

After the cadres left the grave, Saban ran. He came to a field where he saw two boys tending cows and asked them for rice. The two boys told him to wait. Something told him not to trust the boys, so he hid. After a while, the boys returned with security guards. Saban immediately ran for the jungle. All he could find to eat there was sugar cane and some potatoes he collected from the fields.

On the third night, he came out of the jungle to sleep in a cottage on a villager's farm. Coincidentally, two Khmer Rouge security guards came to the cottage. Seeing that Saban was sleeping, they asked, "Why are you sleeping here?" He turned his back and replied, "I was very tired of walking." Then they asked him, "Where are you going?" He said "I don't know where to go, but I want to wait until daylight." The two men then asked him, "Where are your children?" He replied "I don't know where they have gone." One man said, "Leave him alone; he cannot not live for long."

Saban escaped to the jungle again after they left. Seeing many people walking, he decided to join them as far as Prek Pra. People asked him how he had been injured. He told them that he fought with the Vietnamese at Nak Leung because he was afraid that those people were Khmer Rouge. But the people did not believe him and said that he looked as if he had been cut with a knife. He found a scarf to bandage his wound and continued his journey.

Rescue

On 12 January 1979, Saban met Vietnamese troops, but before that he met one of his older sisters. He recognized her from the color of the krama (scarf) that the Khmer Rouge had given to people to show they were from Svay Rieng province. Saban told her to inform his family about his situation because he was waiting for a doctor.

Then he left for the forest again, where he met an old and kind man. The man told him to go to Thnol Kaing Hospital. However, he dared not meet the doctor because he was afraid of encountering the Khmer Rouge. But when he saw many people walking on the road, he felt safe and came out. There was no more fresh blood coming from his wound, but he had difficulty eating. Every time he ate he used his hands to close the wound, otherwise the food would come out of the wound. "Every time I ate I used my hands to help the food flow into my stomach," Saban recalled.

The United Front for the Salvation of Cambodia soon declared that everyone could go back to their home village. Some people carried rice and salt to their homes. Saban met a soldier of the Front who brought him to the Vietnamese soldiers to tell his story. The Vietnamese did not believe him and told him to bring them to the killing site. At the mass grave, they found two more survivors, a man and a woman. The Vietnamese sent the three to Sala Krao Hospital for three nights and then on to a hospital in Saigon. Unfortunately, the other two died in the Vietnamese hospital.

Saban stayed in the Saigon hospital for six months. None of his family members knew where he was and he also did not know if anyone other than his sister had survived. Then he met Khao Sat (today, he is a deputy chief of Kampong Rao district) and asked him to tell his family that he was alive. On 20 July 1979 Saban was sent back to Svay Rieng Hospital because his health had improved. This gave him the opportunity to search for his relatives, who he had not seen in more than a year. He learned that five of his siblings were living together; one

had died during the Khmer Rouge regime. Because there was no medicine in Svay Rieng, Saban returned to his village for traditional treatment.

Impact

After Saban recovered, he became a farmer and married a woman from his village. Today, they have six children. Even though his wound has healed, it has still affected his health and daily life. He cannot perform heavy work like he used to. He regrets this because many of the men in his village work on construction projects for additional income.

Saban looks after the children while his wife sells little things at a school. He still has difficulty breathing and tires easily. Sometimes, he dreams about those security guards, and sometimes in his dreams he is back in prison.

Even though he did not visibly display anger when talking about the Khmer Rouge, Saban's words indicate his feelings: "They made my family suffer many times, from my father to his children." He feels that the Khmer Rouge harmed him without reason because he never did anything wrong. He has only one request to make of the Royal Government of Cambodia and the United Nations: prosecute the Khmer Rouge accordingly to the law. Saban is willing to be a witness and is not afraid that the former perpetrators will take revenge on him. This story is his opportunity to file a complaint to the Tribunal to see justice for his family.

Sophal Ly is a team leader of the Searching for the Truth Magazine Team.

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THE NEED FOR AN EFFECTIVE ECCC OUTREACH STRATEGY

Norman Henry Pentelovitch

The Extraordinary Chambers in the Courts of Cambodia (ECCC) will soon begin the trials of senior Khmer Rouge leaders and those most responsible for crimes committed during the era of Democratic Kampuchea. Like other "hybrid" tribunals, the ECCC is based in the country where the atrocities took place and includes both national and international personnel. This is different than the International Criminal Tribunals for the Former Yugoslavia and Rwanda which are located outside of those countries. The principle reason for establishing a tribunal in the country the crimes took place is so that the affected populations can witness and find a basis for reconciliation within a fair judicial process. Legal proceedings, however, can only serve this function if people are made aware of their existence and relevance. This is why it is of paramount importance that courts such as the ECCC develop an effective public outreach strategy.

Outreach has been defined as "a process of establishing sustainable, two-way communication

between [a] Court and [affected] communities" that "promote[s] understanding and support of the judicial process" and "aims to clarify misperceptions and misunderstandings and to enable affected communities to follow trials." As stated by former UN Secretary-General Kofi Annan, outreach is "integral" to the ECCC's work because it is "a means of meeting the broader expectations of the Cambodian government and international community to contribute to reconciliation in Cambodia."

ECCC Outreach Strategy

ECCC outreach is conducted through the Court's Public Affairs Section. This Section comprises only 6 people and operates on a budget that must divide funds between public affairs activities (press and media relations) and outreach (booklets, radio spots, travel to public forums, etc.). Although Public Affairs officers have said that the current budget is adequate, many Court observers believe that this is not the case. The discrepancy of views may be due in part to the Public Affairs Office's perception that



it does not need to develop a targeted strategy or strong internal capacity for outreach.

ECCC officials have described the outreach strategy as having two parts. First, a campaign of "sensitization," to be followed by efforts to keep the public informed about Court proceedings. The first half of the strategy appears limited to merely informing people about the existence of the Court. This does not seem to include explaining the Court's mission and procedures. The "sensitization" portion of the strategy has been implemented primarily by the distribution of printed materials through existing NGO networks. The second half of the strategy assumes that by the time Court proceedings begin, Cambodians will have a general sense of how the Court works and be able to follow its developments. Both parts of this strategy fail to sufficiently take into account the ways in which most Cambodians receive information and ignores their lack of familiarity with complex judicial processes. It also places an inappropriate level of reliance on the assistance of NGOs.

Focus on Printed Materials

The Public Affairs Section has undertaken a number of outreach activities to date, most of which use printed materials. A booklet entitled "An Introduction to The Khmer Rouge Tribunals" has been published in both English and Khmer and has been distributed in various ways, including through NGOs and dispersal in marketplaces. The Court also created a series of four posters depicting scenes of different aspects of court proceedings. Two official websites have been created and promotional stickers that say, in both English and Khmer, "I support the KR Trials" are handed out. Public Affairs officers and other Court staff have met with villagers at NGO events such as the Public Forums held around the country by the Center for Social Development (CSD). Finally, Public Affairs officers have made appearances on radio programs hosted by a number of NGOs including the Women's Media Center. Once the trials are underway the Section plans on airing select portions of the trial proceedings in various

mediums, including radio, television, and via web cast.

The Public Affairs Section's outreach efforts are intended to reach the "general" population of Cambodia. However, because of its heavy reliance on printed materials most of its activities are more likely to reach literate, urban Cambodians; those with more time and education and, who may already have some basic understanding of judicial processes. Given that roughly 85% of the Cambodia population live in rural areas which have the lowest literacy rates, there is a clear problem with the reliance on printed materials as the primary form of outreach. Rural Cambodians also have limited familiarity with formal court systems. Posters and pictures of judges, witness stands, and court rooms without additional explanation likely mean little to this segment of the population.

A recent, limited survey by the Documentation Center of Cambodia (DC-Cam) found that a majority of the sample's rural population wanted to learn about the ECCC through broadcast sources; including television (19 of 31 respondents) and radio (15 of 31 respondents). This survey, and a prior survey conducted by the Open Society Justice Initiative, also found that television is increasingly used for entertainment purposes in Cambodia and that radios are a popular and effective way of communicating information to broad groups of Cambodians, many of whom take radios to work with them. These findings are preliminary but suggest that Cambodians may prefer to receive - and be most open to hearing - information from broadcast sources.

Over-reliance on NGOs

The Public Affairs Section primarily relies on NGOs to conduct outreach on its behalf. There are a number of reasons this strategy is problematic. First, it compromises the appearance of independence that is fundamental to NGOs which, by definition, act separately from government institutions. Indeed, many NGOs have been highly critical of the ECCC. By relying on NGOs to conduct outreach, the ECCC is essentially asking them to become auxiliary organs of the Court. Few NGOs are willing to do

this and it would be also inappropriate for them to risk compromising the integrity of their role as independent observer and critic.

Another problem with relying on NGOs for outreach is detailed in the DC-Cam survey: Cambodians want the Court to speak to them directly. The report found that the majority of rural Cambodians interviewed preferred to learn about the Court from "official" sources. That is, ECCC or government officials, not NGOs. What is particularly striking about this finding is that many of these same interviewees initially learned about the ECCC from non-official sources, either an NGO or a radio news program. This result indicates that, although Cambodians have received helpful information about the ECCC from non-official sources, they still prefer to hear information from the Court itself.

A third problem with relying on NGOs for the bulk of outreach activities is that NGOs and the ECCC do not necessarily share the same goals or constituencies. The ECCC's constituent base is the entirety of Cambodia. On the other hand, no NGO's primary mission is to inform the Cambodian people as a whole about the ECCC. NGOs have neither the budget nor the obligation to create a comprehensive set of messages that would be understandable and useful to a broad range of Cambodians. Additionally, most NGOs tend to have their own networks of contacts in provinces and villages, and so are aware of and focus on only those aspects of the Court that their constituencies find important. For example, DC-Cam has focused on collecting documentation whereas the Khmer Institute for Democracy has, among other topics, focused on training judicial police officers. Even NGOs that disseminate information across all of Cambodia do not and should not be expected to focus all of their time and effort on just the Khmer Rouge tribunal.

Suggestions for Improved Outreach

To improve the effectiveness of its outreach efforts, instead of relying almost exclusively on the piecemeal activities of NGOs, the Public Affairs Section should expand its internal expertise and

capacity and develop a more targeted outreach strategy.

Even without an expanded budget, the ECCC could immediately implement several measures that would improve the effectiveness of its outreach policy. For example, the ECCC could appoint a specific person to be a liaison with the NGO community and develop a set of internal policies for interacting with NGOs. Although the ECCC should not rely on NGOs to conduct outreach on its behalf, it should try to benefit from their outreach expertise. For example, the Cambodian Human Rights and Development Association (ADHOC) have one of the most extensive networks of contacts throughout Cambodia, with an office in practically every province. The ECCC's NGO liaison could learn how ADHOC developed this network and implement techniques found to be the most effective and efficient for disseminating complicated information in a timely manner.

Norman Henry Pentelovitch, Georgetown University Law Center, 2007 DC-Cam Summer Associate.

MISSING BROTHER

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

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

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

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FROM VIOLENCE TO ACCOUNTABILITY

Phalla Prum

As many as two million Cambodians lost their lives during the 1975-1979 Khmer Rouge regime. Yet, nearly 30 years later, most of the victims still don't understand why the Khmer Rouge killed so many people and they find it difficult to believe that it was possible for Khmers to kill other Khmers.

For many years after the regime collapsed, it was not possible to seek justice in Cambodian courts for atrocities committed by the Khmer Rouge because the country was immersed in a civil war. The international community had turned its attention to the Cold War and did not intervene to stop the violence in Cambodia and help stabilize the country. Nearly two decades had passed before the Royal Government of Cambodia sought to establish a special court that could deliver some justice to the Cambodian people.

Justice for Cambodians is not simply about the hybrid tribunal set up by the United Nations and Royal Government in 2006 to prosecute a handful of the regime's senior leaders. Other methods can be employed to supplement the efforts of the Khmer Rouge Tribunal and bring some measure of justice for the victims. After a brief introduction on the regime, this essay will explore the question of why the Khmer Rouge, especially the low-level cadres, killed. It closes with some ideas on how to make these criminals accountable and finally bring justice and reconciliation to Cambodian society.

Background

After French colonialism ended, Cambodia was governed by King Sihanouk's Sangkum Reaster Niyum and enjoyed a period of peace. However, Cambodia could not escape the influence of the Cold War, even though King Sihanouk tried to retain his country's stance of neutrality. He also seemed to support the communist countries by letting the North Vietnamese use Cambodian soil to fight with the South Vietnamese. While his reputation was

declining, one of his generals, Lon Nol, staged a successful coup d'état against the king on 18 March 1970.

The Lon Nol government was caught in a bloody civil war with the communists, known as the Khmer Rouge, for nearly its entire period in power (1970-1975). The revolutionaries enjoyed massive support from the poor, which enabled them to overthrow the Lon Nol government. The official name of the Khmer Rouge was the Communist Party of Kampuchea, which took control of Cambodia on 17 April 1975. Soon after they took power, the Khmer Rouge forced about 3 million people in Phnom Penh and other cities into the countryside to start agricultural work. Thousands of people died during the evacuation.

The Khmer Rouge held radical Communist ideals. They wanted to transform Cambodia into a rural, classless society in which there were no rich or poor people. They thus abolished money, free markets, normal schooling, private property, foreign clothing styles, religious practices and traditional culture. Schools and universities, places of worship, commercial sites, and government buildings were shut down or turned into prisons, reeducation camps, or storage facilities. There was virtually no transportation available to those who were not Khmer Rouge officials. Leisure activities were severely restricted, and only officially sanctioned entertainment was allowed; it was coupled with propaganda.

The Khmer Rouge leaders tried to change Cambodia by replacing what they felt were impediments to national autonomy and social justice with revolutionary energy and incentives. Because they believed that poor Cambodians had always been suppressed and enslaved, the Khmer Rouge sought to liberate and empower them so they would become the masters of their lives and country.

The Khmer Rouge gave privileges to the base people (those living in the areas controlled by the Khmer Rouge before 1975), most of whom were poor. The new or 17th April people (those who had been living in the cities when the Khmer Rouge took over) were made to work harder and were often targeted for killing. The Khmer Rouge also killed many of their own soldiers and party members, who they accused of being traitors or opposing their rule.

Today, the Khmer Rouge leaders still deny any responsibility for the killings. They say the low-ranking cadres killed of their own accord. However, most of these cadres say they acted under the orders of high-ranking officials.

The Reasons for the Killings

Scholar Michael Taussig developed a concept of violence by analyzing the relations between the officials of a colonial company and South American Indians. Many of the Indian workers who collected rubber for the company were forced to work day and night and were tortured (some of them were crucified upside down). The perpetrators (the whites) sometimes hacked the peaceful Indian workers into pieces and killed their children by throwing them against trees and walls. Those too old to work were killed and processed into food for the company's dogs.

How would we, as the witnesses to these terrible actions, respond? All of us would likely say that those who committed such horrible acts should be condemned. But there is another perspective, that of the perpetrators, who felt they had a legitimate excuse. Taussig notes that the company's staff lived in constant fear of death from Indian attacks, conspiracies, uprisings and treachery. More important, they were very frightened after hearing stories of the Indians' cannibalism. In order to save themselves, they felt they needed to kill. Generalizing from this case, when people live in a terrifying world, the only way they can survive is by committing terror themselves. When people are confronted with death, it is a natural reaction to act to save their own lives.

This view can also be applied to the Khmer

Rouge, whose cadres felt they were also victims of the regime and constantly feared for their lives. Men and women working in the same company were ready to report their colleagues in order to save themselves. Nearly 600 of the 1,700 comrades working in the notorious S-21 prison were killed. There was a purge that began in 1977; historians believe that if the Vietnamese had not reached Phnom Penh in January 1979, the purges would likely have continued. Many Khmer Rouge cadres were worried about their fate when they saw their friends being taken away to be killed. They tried to show their loyalty to the state by committing violent crimes; otherwise, they would be branded as enemies and would be killed, just like their victims.

Against a backdrop of violence and conflict, fears and suspicion also took root among the Khmer Rouge leaders. As Bun Chan Mol said, they did not trust those who worked with them. They were afraid their colleagues would kill them and take their positions. The purges of Khmer Rouge leaders that took place between 1977 and 1978 were the result of officials' fear of a coup, so they began arresting their enemies. Thus, they drew a clear line between "we" and "they" to ensure that "we" survived.

In the case of Democratic Kampuchea, "we" referred the nation, people in the peasant class, the revolution and its army, and the collective system. "They" included those judged to be imperialists and members of the feudal-capitalist class such as royalty, those serving the Lon Nol regime, the rich, and those who lived in the city or a provincial town. In the eyes of the Khmer Rouge, this latter group was dangerous and had to be annihilated if the regime was to survive for a very long time.

In order to commit so many killings, they likely acted in a way suggested by Appadurai, who said that it was first necessary to reduce the enemy to a subhuman status. By creating a distance between themselves and their victims, it was easy to view them as garbage or lower forms of life. The perpetrators of S-21 prison helped transform their victims to a sub-human status. They smelled bad, had skin

diseases and lice, and were emaciated; in this condition, they were different enough that it was easy for the cadres to consider them to be less than human. The interrogators and guards called the prisoners *vea*, a pronoun that is considered insulting because it is applied to animals. Sometimes, prisoners were forced to pay respect to the image of a dog (which Khmers consider to be a low-class animal). When the prisoners did this, it allowed the interrogators to conclude that they were "inferior."

Essayist Susan Sontag argued that prisoners have been humiliated in every culture. We know this happened in Nazi concentration camps but it also occurred in Iraq's Abu Ghrab prison, where Americans did what "they are told, or made to feel, that those over whom they have absolute power deserve to be humiliated, tormented." They committed atrocities because they were made to believe that the prisoners they were torturing were members of an inferior race or religion.

Justice for the Cambodians

Justice is understood differently by different people. Some would define justice as prosecuting people for the crimes they committed. Others see justice as a process that could end the suffering they have been enduring. It has been almost thirty years now since the Khmer Rouge were defeated. But not one member of the Khmer Rouge has yet to be charged for crimes they committed, much less brought to justice. This is because there have been conflicts on the issue of whether they should be prosecuted under an international or domestic court.

In addition, Cambodians are still living with few human rights. Scholars Judy Ledgerwood and Kheang Un found that none of Cambodia's governments - whether the country was ruled by the French, the King, the Communists, or the Republic - allowed people a life under which human rights were respected. Even the senior leaders of the current government give priority to meeting basic economic needs over human rights; they also claimed that the effort to bring the former Khmer Rouge to justice would provoke another civil war, thus making the

human rights problem one of national security and stability. This issue became a trigger point: many people argued that the hybrid (international and domestic) tribunal would not provide enough justice for the Cambodian people since the government had earlier hesitated to prosecute the Khmer Rouge and that it wanted to influence the tribunal. In addition, some Cambodian officials have stated that the interests and ideologies of the superpowers caused them to forget truth, justice, and human rights, and to ignore the infamous regime that killed millions of Cambodians.

Scholar Craig Etcheson has noted that the government's stance has shifted more than once. In 1995, the ruling Cambodian People's Party reaffirmed its long commitment to bring the perpetrators to justice. Because of the weaknesses of the domestic judicial system, on 21 June 1997 the first co-prime ministers, Prince Rannaridh and Hun Sen, sent a letter to the United Nations Secretary-General requesting international assistance in setting up a tribunal. But once most of the Khmer Rouge leaders had surrendered to the government, the Prime Minister changed his mind, declaiming that Cambodians should "dig a hole and bury the past." However, after seven years' of negotiation, the government agreed to a tribunal.

Some scholars have noted that weaknesses in the tribunal may mean that justice is not assured in some cases. Historian Steve Heder and others have voiced their concern about the political influences on the tribunal. Heder stated that past judgments of the Cambodian courts, in which decisions were determined before a trial, indicate that bias will be present in the tribunal. Citing the examples of hybrid tribunals in East Timor and Sierra Leone, Charles T. Call has raised the issues of low capability and political influence, and stated that Cambodia's hybrid tribunal may not produce real justice.

Some people are pessimistic, feeling that the trials will never occur because the Cambodian government will block the process or cease cooperating with the United Nations. In any case, it is clear

that the government intends to prosecute only a handful of Khmer Rouge leaders. What should be done, then, about the cadres who tortured and executed people during the regime?

The purpose of the law that established the Extraordinary Chambers in the Courts of Cambodia "is to bring to trial senior leaders of Democratic Kampuchea and those most responsible for crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979." Steve Header has concluded perhaps 60 people will be brought to trial: 10 senior leaders and 50 "most responsible" persons. However, there are less than 10 people who are still alive who could fit into the category of "senior leader" and it seems that the "most responsible" category is too large. Perhaps a dozen or less cases will be brought to the court.

One thing is clear: the tribunal's jurisdiction does not extend to low-level cadres who killed others. Again, this presents a dilemma, depending on whether the problem is being viewed from the perspective of the cadres or victims. Many cadres lived in fear during the regime; afraid that if they did not obey or made mistakes, they would be tortured or killed. This perspective would lead to the promotion of what is called "restorative justice," where people would be helped to understand that these cadres were also victims, and acted because they were brainwashed by propaganda or in an attempt to save their lives.

But looking at this problem from the victims' perspective, one could say that such people always claim they were acting on orders from above in order to escape punishment. For example, former S-21 guard Him Huy said that his chief asked him to kill a few people in an effort to show that he was loyal. He said he had no choice about killing those prisoners in order to save his own life.

Promoting reconciliation is one way to deal with such a complex question. Religion could help

greatly in this process. Most Khmers practice Theravada Buddhism, which teaches forgiveness, reconciliation, forbearance and compassion. The Buddha said, "Hatred never stops hatred, but by love alone heals." Society has interpreted this concept to mean that people should be sympathetic toward wrongdoers and help them to walk on the correct path. In the words of Venerable Yos Hut Khemacaroo, "Buddhism teaches us to win over bad deeds by doing good deeds, to win over a grudge by not bearing a grudge, to embrace love, forgiveness and pity, to win greed by being kind, and to win falsehood by always speaking the truth." Samdech Preah Sokinthea Thibdei Bour Kry, supreme head of the Sangha of the Thommayut Nikay, explained that reconciliation is permissible. He gave an example of Ang Kuli Mear, a cruel man whose goal was to kill 1000 people. After he had killed 999 people, he decided that his mother would be his final victim. The Buddha interrupted him and stopped him from committing this evil act. Following this example, Bour Kry urged reconciliation, saying that if the Khmer Rouge were educated in appropriate social ways, all people can live together. To him, education means teaching people to give up bad deeds and practice good deeds.

A number of scholars have pointed to several mechanisms that would allow transitional justice to cope with the problem of reconciliation. These include truth commissions, reparation, vetting, memorials and traditional ceremonies, historical projects and writing, and activities at the community level.

A truth commission is necessary to complement criminal trials, especially in Cambodia, where many people still do not understand much about the regime. A truth commission is simply a way to uncover the truth about what happened. Its main task in Cambodia would be education, since many people want to know the truth.

Many people believe that traditional ceremonies are the essence of the reconciliation process. Ritual ceremonies are very important in the daily life of people in all countries. They have also become

important for most countries that are emerging from conflict and use them in dealing with their legacies. In Cambodia there are a few important ceremonies that could help healing people's social wounds.

One of these is Phcum Ben (Ancestor Day). In this important Buddhist celebration, people dedicate acts of merit to their ancestors. Because people believe that even though their ancestors are dead, their spirits still remain with their families to protect them from bad things such as cruel diseases. But sometimes, the spirits punish their families or community for ignoring them. So, people hold this ceremony to prevent a bad blessing. Once they hold the ceremony, they receive good fortune and their ancestors' spirits will make a peaceful journey in the cycle of life and death. Thus, such a ceremony would allow people to move on emotionally by reconciling among themselves. The next steps would be to reconcile with their neighbors as a community and then move toward national reconciliation.

For example, when I asked many survivors who they have reconciled after the Khmer Rouge regime, they responded that they always pray for their relatives who disappeared. Even many Cambodians living abroad send money to their relatives to pray for their lost family members.

Bangskaul is another ceremony that people use to transfer merit to their ancestors' spirits. People offer alms to monks, who then perform a ceremony to transfer merit. This ceremony could be very important for people whose relatives died in the Khmer Rouge regime, for those who died did not receive a death ceremony. People believe that as a result, those ancestors would become malicious ghosts. Thus, this ceremony is one of the best options Cambodians could use to calm those spirits and prevent them from disturbing the life of the community.

In terms of reparation, the ECCC and Royal Government of Cambodia have not indicated that the victims would receive monetary compensation. But it would be very welcomed by the victims, who are poor and need this kind of support. As Prince Rannariddh and Hun Sen said economic need is the most important one for the Cambodian people. However, it would be impossible to give reparations in Cambodia, where almost every single family lost one or more loved ones. Therefore, collective reparation such as education, health, and infrastructure would be helpful in improving peoples' standards of living.

Phalla Prum is a DC-Cam staff member who is pursuing his master's degree at Rutgers University in the USA.

KHMER ROUGE HISTORY AVAILABLE ON AIR

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

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

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

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

MY HOPE FOR THE KHMER ROUGE TRIBUNAL

Sokoeun Kong

Forty-four year old Hol Vy lives in Prek Rokar sub-district, Kandal Stung district, Kandal province. Her parents died of old age, but seven of her eleven siblings disappeared during Democratic Kampuchea. She hopes that the Extraordinary Chambers in the Courts of Cambodia can find the reasons for her siblings' deaths.



Hol Vy received only a rudimentary education because when she was a child, her village was in constant turmoil. Prek Rokar sub-district was a battlefield for the liberation forces (they later became the Khmer Rouge and told people they supported King Sihanouk after he was deposed) and the Lon Nol soldiers. Even though her village was very close to Phnom Penh, she had never been there and was never in contact with her relatives in the capital.

Since Lon Nol had staged his 1970 coup to oust King Sihanouk, the Khmer Rouge evacuated her family and other villagers many times to escape the fighting. When the fighting would cease temporarily, the villagers would return to their homes. Every time they moved, the villagers brought rice and other food, and some of their belongings with them. Sometimes, they had not yet cultivated their rice, so they had to come back to look after their paddy, as well as their pigs, chickens, and other property.

Eighteen people living in Hol Vy's village were conscripted. Some of her siblings were made to join army. In 1973, her oldest brother was forced to leave the monastery where he had been a monk to serve as a Khmer Rouge militiamen.

In 1975, when the Khmer Rouge soldiers took control over Cambodia, Hol Vy's family and the

rest of the people in her sub-district were not evacuated because they were considered to be old (or base) people. Base people normally had more food and more easy work conditions than the new or 17th April people. In the same year, Hol Vy received a letter saying that her oldest brother had died on the battlefield and was buried in Kandal Stung district. During the Khmer Rouge regime, this place became what was called a "re-education center," but today is known as Sa-ang Prison.

Hol Vy was assigned to work as a regional medic because she was a base person and many of her siblings were soldiers.

In 1977, the Communist Party of Kampuchea began to fall apart because the personnel in its various zones did not trust each other. Both paranoia and killings began to increase. Both new and base people were asked about their family background and were made to complete "biographies."

At about this time there was a secret meeting and Hol Vy was dismissed from her post and told to work in a children's unit. She did not know what was wrong because she was only 17. Later, she realized that she had fallen under suspicion because she had relatives who had lived in Phnom Penh. In addition, her cousin was imprisoned in Sa-ang Prison because she had been accused of a moral offense.

Life for Hol Vy was not different from those other children; she was told to perform such work as cutting grass for fertilizer and digging large holes. Because she was the oldest in her work group, the Angkar told her to lead the group, but she still had no right to attend core meetings.

Soon her family was separated. They were not allowed to live together any longer and all of them were sent to work in different places. Even though her grandmother was very ill, the Angkar did not allow her to visit.

Hol Vy has much regret because many of her

family members were lost during the Khmer Rouge regime, and she does not know why. Today, only four of her siblings are still alive. Hol Vy married her cousin, Ko Yen, age 42, and they still live in the village where they were born.

Hol Vy hopes the tribunal, which was established to prosecute the senior leaders of the Khmer Rouge regime, can uncover the truth about the deaths of her relatives. Because there has been

cooperation between the United Nations and the Royal Government of Cambodia, she strongly believes that the tribunal is sure to bring justice to her and all Cambodians who survived that black regime.

Sokoeun Kong is a DC-Cam staff member who works on the Victims of Torture Project.

BUDDHISM: NOW AND THEN

Terith Chy

On a hot sunny day, I was traveling to visit my family, who I greatly missed after spending a year studying abroad. Along the way to Kampong Thom province where I had spent my childhood (my family has lived there since the 1980s after the fall of the Khmer Rouge), I was abruptly awakened from a nap by a sharp voice. A few seconds later, I saw that it belonged to a dark-skinned woman who was sitting in the second row of our bus. It took only moments to learn what had made her so furious.

In her mid-40s, the woman wore a violet long-sleeved shirt and plain black pants. She was talking on her cell phone, complaining about the loss of her mangoes. They had been stolen by her field watchman, whom she had raised and fed for 17 years. "217 kilograms of mangoes were looted in just one day," she said. The person she was talking to was the man who was to buy her now-stolen mangoes. The woman was telling him that she only wanted to make the thief - a man she had trusted for almost two decades - confess; she had long considered him to be her nephew and did not want him to be punished in a court of law. The watchman had confessed to the local police that he had taken the mangoes.

After she finished her phone call, she turned to an older woman sitting in front of her. "In total, about 500 kilograms of my mangoes were stolen," she said. She then began complaining about her

lazy husband, who only cared about going out and gambling. "My husband does not care about anything. He cares only about taking 10,000 [riel] for morning coffee and breakfast, and going out to gamble on cock-fighting."

Just a few days ago, her husband lost US \$400 on cock-fighting. "I have high blood pressure and diabetes, and my husband doesn't help me with anything; he only causes more trouble," she continued, "I always try to do good deeds. Why do I have such bad karma?"

"You have not done any bad deeds in this life, but you might have committed some in your previous life," said the woman sitting in front of her, who was also wearing black pants and a long-sleeved shirt. A Buddhist monk sitting to the right of the sad looking lady echoed this sentiment, saying this might have been the result of her sins from a past life. He told her that she should continue to do good deeds so that she would not have so much unhappiness in her next life. With this the lady seemed to calm down, which indicated her acceptance of the explanation, which employed the Buddhist concept of karma.

This story highlights the importance of the role of Buddhism in this once war-ravaged society. The Khmer people turn to Buddhism as a source of comfort when their lives have become full of misfortune. But this religion was gravely persecuted

thirty years ago under the Khmer Rouge regime, whose constitution allowed no "reactionary religion" In reality, all religions practiced in Cambodia were persecuted and banned, namely Buddhism, Islam and Catholicism.

It is ironic that, while this regime persecuted Buddhism, some of its leaders had spent a portion of their lives living and studying in pagodas. Pol Pot, Brother Number One and the regime's top leader, claimed "to have spent six years in a monastery, two of which as a monk." Nuon Chea, also known as Brother Number Two, was also a monk and had spent time studying and living in Wat Benjamaborpiti in Bangkok. Even Nuon Chea's Thai name - Runglert Laodi - was given to him by a Thai monk. Military leader Ta Mok, known as Achar Choeurn, was also a monk at Wat Maha Metrei in Phnom Penh before he joined the Khmer Rouge.

The fact that these top leaders of the Khmer Rouge had been ordained Buddhist monks did not mean that Buddhism was spared, let alone honored, during Democratic Kampuchea. Buddhist monks were disrobed and sent out to work. Ta Mok and some of his friends are reported to have shouted to a monk at Maha Metrei pagoda, "There is no need for you to build a temple. You should build bridges and roads instead. For our youth will demolish your temple and use the materials to build something else more useful."

During the regime, hundreds of pagodas were destroyed or turned into animal pens, kitchens or prisons. Out of Cambodia's 50,000 monks, only about 800-1,000 returned to the temples after the collapse of the Khmer Rouge regime. It remains to be seen whether any of the Khmer Rouge leaders indicted by the Khmer Rouge Tribunal will be charged with crimes against religion.

Today, religions have again become a source of help and solace for Cambodians. While Duch, the head of the central-level Tuol Sleng Prison during Democratic Kampuchea and the first person to be indicted before the Khmer Rouge Tribunal on charges of crimes against humanity, has become a Christian,

Nuon Chea has turned back to Buddhism. He told a reporter in 2006, "I am old now. I hardly need any sleep anymore so I wake up very early in the morning, sometimes as early as 3:30 a.m., and turn on the radio to listen to Buddhist preaching."

Buddhism has also played an important role in offering peace of mind to victims of the Khmer Rouge. Like the woman on the bus, Buddhism has helped a rape survivor of the Khmer Rouge regime, Taing Kim, to sleep more peacefully now, less tormented by traumatic and violent nightmares of the past.

For poor students who wish to continue their education in the cities and are unable to afford or find a place to stay, Buddhist pagodas offer them shelter and, thus, a great opportunity to have a brighter future. For Heng Chaila, a student from Kandal province who is a volunteer at the Documentation Center of Cambodia (DC-Cam), the pagoda not only gives him a room to stay in and a chance to continue his university degree in Phnom Penh, but also a place that offers peace of mind.

Yi Vanchann, another DC-Cam student volunteer from Takeo province, decided to live in a pagoda because he thinks he would have to allocate a lot more of his time to household chores if he were to live with his relatives in Phnom Penh, which would allow him less time for his studies.

The recent practice of Buddhism, however, is being strongly criticized. A researcher of Buddhism who did not want to be identified in this article is quite skeptical about some of the current practices in Buddhist pagodas. Some monks have now turned Buddhism into a business that gives them a source of financial gain, he says. "Some monks have their own Land Cruisers while others have become politicized," he complained.

Terith Chy recently obtained his masters degree in human rights from Hong Kong University. He is currently on leave from the Center and is working at the United Nations High Commissioner for Human Rights in Bangkok.

LOVE AND MARRIAGE UNDER THE KHMER ROUGE REGIME

Sok-Kheang Ly

"During the Khmer Rouge regime, some youths chose to serve in the army rather than obey the Angkar's orders to marry a woman they did not like," said Mr. Yin Kap of Kampong Trach district, Kampot province.

The Khmer Rouge regime brutally governed Cambodia from 1975 to 1979 under the non-democratic state of Democratic Kampuchea. Their rule left approximately one-quarter of the population dead from systematic starvation, overwork, untreated diseases, and execution. They prohibited many economic, religious, and social institutions, and tightly controlled the remaining few they kept.

Love and marriage were among those controlled by the regime. Displays of affection were punishable moral offenses and marriages were arranged by the Angkar. This meant that the Angkar chose who a person would marry; it did not matter if one did not like the person or had never met them.



Villagers watch the film, *Behind the Walls of S-21: Oral Histories from Tuol Sleng Prison*.

There have been two conflicting views about marriage during the Khmer Rouge regime. Some believe that people were forced to marry, while a minority viewed it as their destiny. Relying on the traditional concept of *kou prenh* or "destined mate," the latter group believed it was their destiny to marry their spouse, even under the arrangement of Khmer Rouge cadres.

In general, however, marriage ceremonies (which were not ceremonious in the least) during Democratic Kampuchea were not moments of happiness and joy. Dressed in the usual black pajama-like clothing, couples were married in groups

without any of the traditions or customs typical of Cambodian marriages.

After a long drive through a red dusty gravel road, DC-Cam's Film and Public Information Room (PIR) teams reached a village chief's house in Kampong Trach district, Kampot province. The purpose of their visit was to show two documentary films produced by DC-Cam, *The Khmer Rouge Rice Fields: The Story of Rape Survivor Tang Kim* (2004) and *Behind the Walls of S-21: Oral Histories from Tuol Sleng Prison* (2007).

Sitting under the shade of bamboo trees and blue tents, the village chiefs of Kampoul Meas and

Snam Ko villages welcomed DC-Cam staff as they spoke to a crowd of approximately 160 villagers. The staff briefed the villagers on DC-Cam's work and projects, and talked about the importance of film screenings in encouraging people to speak out about moral offenses and related

matters that took place under the Khmer Rouge regime.

The PIR team had been screening the film *The Khmer Rouge Rice Fields* across Cambodia for the past several years. With the release of the Center's second film (*Behind the Walls of S-21*) in February 2007, it began showing both films. The purpose of these film screenings is to generate dialogue on the sensitive topic of male-female relationships during Democratic Kampuchea, and to elicit accounts of sexual violence such as rape. Insights about marriage and what the Khmer Rouge considered "moral offenses" came from both the discussions after the film screenings and the interviews conducted by

the Film Team.

Kim Houn, 65 years old, said that she has never heard about forced marriages when living under the Khmer Rouge regime. She did, however, acknowledge that moral offenses took place in her cooperative. She recalled that a couple, Ping and Sorn, were found guilty of having an affair without the Angkar's consent. Realizing that they would be sentenced to death, they fled to Vietnam.

Kung Huon, 59 years old, revealed that his brother Kung Muoy was executed on charges of sexual misconduct with an April 17 woman who worked in the kitchen. Huon regretted that the Angkar had not arranged a marriage for his brother before the "sexual misconduct" took place.

There is no doubt that the KR regime's "moral offense" was a euphemism for "sexual abuse," a serious crime punishable by death under Democratic Kampuchea policy. Chum Meas, 52 years old, explained what qualified as a moral offense. An offense could stem from something as ordinary as friendly communication between a man and woman. In cases of "sexual misconduct," the consequence could be severe punishment.

Some villagers knew about instances of forced marriage. Ben Khchang, 80 years old, asserted that the Angkar was in control of who married whom. The arranged couple could not refuse; if they did, they were sure to be killed. Fifty-five year old Pang Houn, a former soldier, further emphasized that refusal meant death, as in the case of his friend's brother who was executed because of his objection to marriage. Pang Houn himself was approached

several times by cadres about getting married. One night, a young messenger told him to go to the communal kitchen to see a cook. A unit chief then asked him whether or not he agreed to marry the cook. His response was, "It is up to Brother [the unit chief]."

Chan Sokh, 71 years old, also spoke about mass marriages arranged by the Angkar. A cadre would address the new couples, saying they should show the Angkar deep gratitude because they did not spend any money to celebrate their wedding. The couples then had to stand up and announce, "I voluntarily accept him [or her] forever."

Chan Sokh strongly opposed arranged marriages. She pointed out that in traditional Cambodian weddings, couples paid respect to their ancestors and honored guests were warmly welcomed at a reception. In contrast, the Khmer Rouge brought together couples who did not love each other or did not know each other and married them without following any wedding traditions.

Forced marriages also caused such frustration that some people tried to avoid them. Yin Kap, 64 years old, remarked that "During the Khmer Rouge regime, some youths chose to serve in the army rather than obey the Angkar's orders to marry a woman they did not like."

Certainly forced marriage was generally seen as unacceptable; nonetheless some couples remained together after the regime. Pang Houn, a former soldier, disclosed his personal story and the concept of kou kam (meaning "bad karmic mate" or a mate that causes you suffering or hardships):

"...in 1979, after the Vietnamese fully defeated the Pol Pot regime in Kampot province, I sought to break up with my wife many times. But she refused, pleading with me to continue living with her as a family. It was due to her love and honesty that I agreed to stay with her. I believe that she is my kou kam; I accept my kou kam."

Sok-Kheang Ly is the team leader of DC-Cam's Living Documents Project.



Villagers watch the film, *The Khmer Rouge Rice Fields: The Story of Rape Survivor Tang Kim*.

LITERATURE AND GENOCIDE IN CAMBODIA

Jennifer Law

The primary potential benefit of the Khmer Rouge Tribunal (KRT) lies in its ability to affirm and create the ideals of a just society. The KRT is concerned primarily with affirming the view that certain practices of Democratic Kampuchea (DK) are unacceptable in a just society. These practices include, but are not limited to, mass murder, mass displacement, implementation of slave labor, destruction of human relationships, and the destruction of culture and religion. By placing the perpetrators of these acts on trial, the KRT effectively labels them as crimes.

Because the current government of Cambodia is sponsoring the trials, it places itself in dialectic opposition to these crimes. It thus seeks to create itself in the image of a just society. The implication of this image is that the society engaging in the prosecution (the Kingdom of Cambodia) and the societies otherwise supporting the trials are therefore just societies. However, it is important to remember that the conclusions affirmed by the trials (i.e., what is unacceptable in a just society) are not necessarily to be practically and actively applied either by the ruling regime or by the international community.

To draw an analogous example, the United States endorses the Universal Declaration of Human Rights. This document was largely derived from the conclusions of the Nuremberg Trials. It is widely agreed to represent the ideals of a just society and as such serves as a primary reference for international law. These trials (actually, military tribunals) assessed the criminal nature of the actions of senior officials of the Axis powers during the period 1939-45. The judgment given was that the actions of these officials (including mass murder, mass displacement, and cultural destruction) were crimes. Consequently, this judgment was affirmed by the United Nations

and was expressed as the Universal Declaration of Human Rights.

Yet despite public endorsement of the Declaration, the United States consistently violates its principles. For example, according to Article 5 of this document, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." However, many actions of the United States are not in accordance with this article and indeed show a blatant disregard for it. Recent examples include the abuses at Abu Ghraib prison in Iraq and the experiences of those subjected to the CIA's policy of extraordinary rendition. Torture is even officially sanctioned - as can be seen in the training manuals of the School of the Americas (now the Western Hemisphere Institute for Security Cooperation), a US-sponsored training camp for the Latin American military.

Thus, a society can simultaneously endorse an ideal and disregard its practical application. It is for this reason that I believe the term "image" is justified when discussing the potential benefits of the Khmer Rouge Tribunal. I do not use "image" to suggest that those conducting the trials are concerned with simply "appearing" just. Rather, I think the term "image" is warranted because these trials are primarily concerned with affirming the criminal nature of past actions rather than the active implementation of just policies. I believe, however, that the image of a just human society, even if its ideals are not always practically applied, is beneficial for several reasons.

The first benefit of the image of a just society is the feeling of stability and security it engenders. This feeling is actually essentially illogical. The fact that the current Cambodian government, or even the international community, condemns the "crimes against humanity" described above provides little

immediate recourse should another DK-style regime be instituted. This point is well illustrated by the fact that the Universal Declaration of Human Rights, which condemns crimes against humanity, was created in 1948, nearly 30 years before the ascendance of Pol Pot's Khmer Rouge. Yet its existence, its principles, did nothing to stop the crimes committed in Democratic Kampuchea. It is the philosophy of the regime in power, not the judicial ideals of any other regime that is of immediate practical importance.

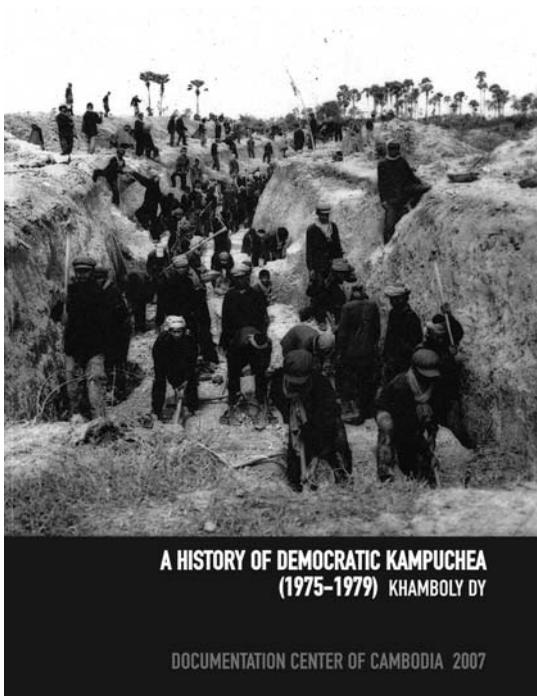
However, simply knowing that such practices are condemned is enough to give people the security they need for day-to-day living. As our lecture notes point out: "faith and trust in the benevolence of the world... is essential for everyday living." People need to believe that they will not be subjected to arbitrary death and torture in order to go about their lives.

In terms of the KRT, the image of a just society has both domestic and international implications. Domestically, the image of contemporary Cambodia as a just society could be extremely beneficial to the survivors of DK. If the Khmer Rouge leaders are convicted, it would let the survivors know that their suffering was a crime: that their suffering was a morally wrong imposition upon them. It would

enable them to categorize what happened to them as a crime. If what happened to the survivors is not categorized as a crime, then two options remain to them for the classification of their suffering.

The first option is that the suffering was deserved. The second is that their suffering was nothing more than a result of chaos, an arbitrary occurrence. Both of these categorizations are much more difficult for the survivor to come to terms with than the view that they were victims of a crime. People have a need to confirm their innocence in order to come to terms with their suffering. This trend can be seen in the refusal of responsibility for the DK atrocities from the lowest to highest ranks of the Khmer Rouge. Roy Baumeister notes: "Many perpetrators regard themselves as victims. In their accounts, in their recollections, and probably even in their most sincere gut feelings, many perpetrators see themselves as people who have been unjustly treated...". The second categorization, that the suffering was a result of arbitrary chaos, is perhaps even worse. Accepting chaos is not only to accept past suffering, but to accept that future suffering cannot be prevented.

This idea is the subject of some of Cambodia's most heart-rending poetry. Sath Bunrith, in "The



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

DOCUMENTATION CENTER OF CAMBODIA 2007



Sub-district chiefs in the Court Room

Cambodian People's Lament," writes: "Oh, Futility!/ Is this life's meaning/ Or just our destiny?" (47). The KRT, and the image of the just society it represents, could potentially take away both guilt and chaos from the suffering of the DK survivors, and thus allow them to come to peace with their suffering.

The image of a just society created by the KRT may also bring the "benefit" of international investment in the Kingdom of Cambodia. If the government of Cambodia is seen as sufficiently in tune with international standards of human rights and due process under the law, it is likely that foreign investors will be interested in developing their businesses in Cambodia.

Second, I believe the image of a just human society is beneficial because it creates just standards against which actions can be measured. These just standards allow for the shortcomings of all other societies to be exposed. I believe that the first step to achieving a truly just society is first to recognize what characterizes such a society. Imagining what constitutes a just society is extremely difficult. However, the injustices of a society can provide the opportunity of conceptualizing the just standards. Thus, the Khmer Rouge Tribunal may be used to realize what practices are unacceptable in a just society. If the KRT affirms that the actions of the DK were crimes, the standards of international law will acquire more weight. In addition, those who commit similar crimes may come to be equated with the crimes condemned by the KRT.

For example, the name Hitler has practically become a byword for evil in our society, and the Holocaust a standard against which all other unjust acts are measured. I think this is primarily a function of the Nuremberg Trials and the international condemnation of Hitler's atrocities. Thus, the mass murders in Rwanda and Sudan, and even in Cambodia itself, have entered popular consciousness as comparable to the Holocaust. Although such identification can oversimplify the underlying political situations, overall I think the natural recoil associated with the events named above is justified. I think it

is possible that if the crimes of the DK are codemned in a manner similar to those of Hitler, it is possible that these crimes will become more unconscionable and less widespread.

For example, the subject of torture has currently been under much scrutiny, particularly in regards to the United States. As noted earlier, the United States has repeatedly sanctioned torture both officially and unofficially. Indeed, during the same period of time that Pol Pot ruled Cambodia, the United States government was involved in Operation Condor, a plan for the systematic political repression of dissidents to several South American dictatorships, including Argentina, Uruguay, Paraguay, and Chile. J. Patrice McSherry notes: "In Condor operations, combined military and paramilitary commandos 'disappeared' refugees who had fled coups and repressions in their own countries and subjected them to barbaric tortures and death. Security forces in the regions classified and targeted persons on the basis of their political beliefs rather than illegal acts. The regime hunted down dissidents and leftists, union and peasant leaders, priests and nuns, intellectuals, students, and teachers as well as suspected guerillas." The methods used to repress dissidents included arbitrary arrest, executions, and torture including beatings and electric shocks. This is quite comparable to some of the most publicized atrocities committed in DK: the torture of political opponents in Tuol Sleng prison. These methods of torture included beatings, electric shocks, starvation, and water torture.

The current interest in the use of torture has been instigated by the abuses revealed in US military policy in regards to suspected "terrorists" (Abu Ghraib, Guantanamo Bay, etc.). I think that if torture acquires the instinctive recoil that *genocide* now has, it could cease to become an acceptable form of behavior, whether it is expedient or not. If the atrocities of Tuol Sleng against the regime's political opponents are sufficiently and publicly condemned, perhaps the use of torture by any government will become more unacceptable. Thus, slowly, an image of an ideal world where crimes against humanity do not

occur can perhaps lends itself to becoming a reality.

Even if the ideals of a just society cannot be immediately attained, they stand as an ultimate goal. Image is extremely important. Image not only shows what is possible, but it also can become self-fulfilling, as described above. The importance of image in the role of the KRT is illustrated by the focus of the trials on the former leaders of Democratic Kampuchea, like Duch, Nuon Chea, Ieng Sary, and Khieu Samphan. The leaders are the symbols of the regime, and thus also of the crimes associated with that regime. Stephen Heder describes Pol Pot as "a man whose name had come to symbolize impunity for unconscionable crimes."

Whilst linking specific crimes to regime leaders can be problematic, in the centralized and dictatorial power structure of the DK regime, accountability for crimes committed is easier to trace. For example, documents seized at Tuol Sleng and the Phnom Penh house of Nuon Chea implicate the DK leaders directly in torture and executions. George Chigas states: "A Khmer Rouge document attributed to Pol Pot dated December 20, 1976 pronounces the need to expel treacherous elements that pose problems to the Party and to our revolution. The document indicates that the purging of suspected enemies of the revolution had already begun and that there was a clear directive from the Khmer Rouge leadership for them to continue" (Chigas, "The Trial of the Khmer Rouge"). Thus, the *point* of the KRT is not exactly to punish the perpetrators for their crimes, but is rather to affirm that their actions were crimes.

Therefore, the greatest challenge to achieving this image of a just society is the perceived legitimacy of the KRT in determining the criminal nature of the actions of DK. This first challenge to the legitimacy of the KRT is its legitimacy under international law. The normal Cambodian judicial system does not meet international standards. Although the 1993 constitution of the Kingdom of Cambodia provided for such measures as an independent judiciary, international opinion concludes that the implemen-

tation of these measures is substandard due to extreme corruption and lack of resources. According to the Cambodia Legal and Judicial Reform Project, Cambodia faces three problems in its judiciary system: "the absence of any coherent legislative reform program, the limited capacity to manage and implement the legislative reform agenda, and the total absence of any coordinating mechanism in the law making process" (Cambodia Legal and Judicial Reform Project, 1). This assessment is echoed by a US State Department report published in 1999, which described the Cambodian judiciary as follows: "A serious lack of resources and poor training contribute to inefficiency in the judicial branch, and in practice the Government does not ensure due process... The courts are subject to influence by the executive, and there is widespread corruption among judges, virtually none of whom receives a living wage."

It would also appear that the flaws in the Cambodian judicial system have not improved significantly in the intervening years. In 2006, Transparency International rated the Kingdom of Cambodia 153rd out of 163 surveyed countries in their Corruptions Perceptions Index. Thus, in order for the Kingdom of Cambodia to try the former Khmer Rouge officials and have their judgments endorsed by the international community, it became necessary for them to ask for assistance from that international community.

In 1994, a change in the political climate enabled the United States to support the Cambodian government's desire to put the surviving DK leaders on trial. Previously, the United States had used its influence to hinder this process, due to their policy of supporting the Khmer Rouge because of their restraining influence on Vietnam, a traditional enemy of the United States. Indeed, the US had in fact placed an embargo on Cambodia (then the People's Republic of Kampuchea) since the overthrow of the Pol Pot regime in 1979. This embargo, which included UN, IMF, and World Bank aid, lasted until the withdrawal of Vietnamese mili-

tary presence in Cambodia in 1989.

In 1993, however, the election of a coalition government in Cambodia that satisfied all interested parties (namely, the United States and China) finally eliminated the political importance of the Khmer Rouge and enabled the United States to take a moral stand and to advocate their prosecution under international law. Legislation passed in April 1994 stated: "Consistent with international law, it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975 and January 7, 1979." The immediate effect of this endorsement was the creation of the Cambodian Genocide Program (CGP) and also of the Documentation Center of Cambodia (DC-Cam).

In 1997, the United Nations began to take an active role in assisting the Kingdom of Cambodia in prosecuting the DK leaders. Although Cambodia was in fact under UN jurisdiction from 1989 to 1993, the UN Transitional Authority in Cambodia (UNTAC) did not have the authority to prosecute members of the Khmer Rouge. In 1997, however, the UN passed resolution 1997/49 that essentially stated they were willing to help in the creation of a

body to try the former Khmer Rouge leaders. Further progress was made in 1998, when the UN secretary-general formed a committee to determine if bringing the Khmer Rouge leaders to trial was a possibility.

In 1999, impetus was added to the excruciatingly slow process of forming a tribunal by the apprehension of both Ta Mok and Duch (Kang Kek Iev). Finally, in 2006 the Cambodian National Assembly created the Extraordinary Chambers in the Courts of Cambodia (ECCC) for the express purpose of prosecuting crimes that occurred under DK. The Cambodian National Assembly insisted that the trials be held in Cambodia and be run primarily by Cambodians. According to the Deputy Prime Minister of the Kingdom of Cambodia: "Cambodia invited international participation due to the weaknesses of the Cambodian legal system and the international nature of the crimes, and to help in meeting international standards of justice" (KRT information pamphlet, 3). Thus, an agreement between Cambodia and the international community was eventually reached. I would argue that the extensive process described above indicates that the first challenge to the KRT, that of achieving legitimacy under international law, has been sufficiently met.

The second and far greater challenge to the legitimacy of the KRT is its legitimacy under what I would term moral consistency. This legitimacy is severely challenged by the politicization of the entire process. A case in point is the legitimacy question surrounding the 1979 trial, conducted by the PRK, in which Pol Pot and Ieng Sary were both found guilty of the crime of genocide. The People's Revolutionary Tribunal that conducted



Nuns visited Tuol Sleng Genocide Museum

the 1979 trial would at first glance appear to satisfy the requirements of international law to an equal degree as that of the ECCC and the KRT.

Like the KRT, the People's Revolutionary Tribunal based their prosecution on both domestic and international law, particularly citing the Convention on the Prevention and Punishment of the Crime of Genocide. The trials themselves were conducted according to the precepts of civil law that was inherited from the French. This law provided for internationally recognized standards of justice, including the right of the defendant to legal representation. The People's Revolutionary Tribunal also included a number of foreign participants, including 24 court officials and lawyers and 29 media correspondents. One of the defense lawyers was in fact an American: Hope R. Stevens, the co-president of the National Conference of Black Lawyers of the United States and Canada. These facts would seem to suggest that the People's Revolutionary Tribunal was quite as qualified to pass judgment on the former DK leaders as the Khmer Rouge Tribunal of the Kingdom of Cambodia.

However, the politics involved overruled the legitimacy of the People's Revolutionary Tribunal. The People's Republic of Kampuchea was established when the Vietnamese succeeded in driving Pol Pot's Khmer Rouge out of power. Thus, the PRK was under Vietnamese influence and sustained substantial Vietnamese military presence. The United States, in consequence, refused to recognize the Tribunal or its judgments because it was under the control of the Vietnamese (its traditional enemy).

Perversely, the United States supported the Khmer Rouge as a bastion against Saigon. The United Nations and other Western powers followed suit. For years, the United Nations seat for Cambodia was occupied by a Khmer Rouge appointed by Pol Pot. From the other side of the question, the PRK also had a political motive in trying the "Pol Pot/leng Sary clique." Acceptance of the judgment of the PRK would have also meant tacit acceptance of the PRK itself. Thus, the PRK sought to legitimize

itself by demonizing its former opponents. This can be interpreted as a classic case of victor's justice. However, the Nuremberg Trials were conducted under similar circumstances and with much less foundation in international law, yet their conclusions were not refuted.

This politicization of proceedings that are ostensibly upholding the universality of basic human rights has continued up to the present. George Chigas notes, in reference to the 1994 law passed by the Cambodian National Assembly outlawing the Khmer Rouge: "We see here how Hun Sen [then the prime minister of the Kingdom of Cambodia] cleverly manipulated the terms of right and wrong in the interests of political expediency and power. By passing the 1994 law, the Hun Sen government was not concerned with making the Khmer Rouge leadership accountable for the crimes committed between 1975 and 1979. Instead, it was using the resources at its command to bring about the final downfall of its longstanding enemy."

In 2007, the global political climate has altered sufficiently so that the politicization of the KRT has less to do with geopolitics than previously when the US doctrine of "containment" of the Vietnamese communist threat overshadowed all other concerns. Today, the political impact of the KRT is rather focused on gaining the confidence of the international donor and the international business communities, as previously discussed.

Thus, I think it is fair to state the KRT has little legitimacy as far as moral consistency is concerned. This is illustrated most pointedly by the extremely narrow mandate it has assumed. The official information pamphlet of the KRT asks the question: "What about the countries that supported or were involved with Democratic Kampuchea or countries that committed war crimes in Cambodia before 1975; will they go on trial?" To which the pamphlet answers: "No, this court can only try individuals for the crimes they committed during the Khmer Rouge period. It cannot try countries or organizations." I think this is an explicit reference to Operation

Menu, the US bombing campaign that targeted eastern Cambodia during the Vietnam War. Although estimates of the Cambodian victims of these bombing campaigns (not to mention the role the bombings played in bringing Pol Pot to power) run into the hundreds of thousands, it is unlikely to say the least that any of the US officials that ordered the bombings (including Henry Kissinger and Richard Nixon) would ever be tried for crimes against humanity.

The question therefore remains: whether the lack of legitimacy in terms of moral consistency invalidates the conclusions reached by the KRT as to the criminal nature of the actions of Democratic Kampuchea's leaders. I would argue that it does not. I believe that the benefits of the image of a just society created by affirming the unjust nature of mass murder, mass displacement, and cultural and religious persecution remain, despite the hypocrisy of the regime handing down the judgments. As argued above, these benefits include the order derived from stability and security, the moral vindication of DK survivors, increased economic opportunities for the people of the Kingdom of Cambodia, and most importantly, the creation and compilation of just standards from which may ultimately be derived a truly just society.

The challenges to these benefits address the underlying legitimacy of the KRT to pass judgment. I believe that the written standards of international law that the KRT upholds give sufficient legitimacy to the judgment. However, I would argue that the judgments of the People's Revolutionary Tribunal are by the same token equally valid.

In conclusion, I believe that the potential benefits of the KRT are valid and are realizable even given the challenges they face. However, I would like to add that their strength and benefit do not lie in the conviction of the individuals (Nuon Chea, Khieu Samphan, Khieu Thierry, Duch, and Ta Mok) concerned. The actual trial and punishment of these individuals is what I would term negative justice. That is, it is merely an affirmation of what should

not be done. Negative justice will never be complete. You're never going to be able to put all perpetrators of crimes against humanity on trial, even leaving aside the questions of relative guilt, motive, power structure, etc. Henry Kissinger and Richard Nixon and Deng Xiaoping are never going to go on trial for deciding that Cambodian lives were expedient to their cause.

In the end, what is the point of a trial except to prove, publicly, that the action concerned is unjust? I do not believe that retribution is the point of a trial. What, after all, could a fitting punishment be for a man such as Duch? An eye for an eye, the code of Hammurabi, is no longer applicable in our modern age. Nor do I believe that deterrence is the point of a trial. According to the KRT information pamphlet "the trials will strengthen our [Cambodia's] rule of law and set an example to people who disobey the law in Cambodia and to cruel regimes worldwide. If criminals know they will be held accountable, they may be deterred." However, I would argue that for Nuon Chea say, the possibility that he would be placed on trial thirty years after the fall of his regime when he was nearing the end of his life anyway would not have deterred him from his actions in the DK. Indeed, the possibility that they might be overthrown was the catalyst for many of the DK's worst atrocities, including its cannibalization of its own ranks of cadre.

Instead, I would argue that the point of a trial lies solely in the statement of what is just and what is unjust. The point of a trial is that it gives access to an ideal. True justice is not about the prevention or punishment of crime, but about providing an alternative to injustice. It is in this that the true potential benefit of the KRT may be found. If the ideals of a just society are confirmed often enough, perhaps they will not be acted on in the past, but in the present.

Jennifer Law was a student in a class George Chigas taught in summer 2007 at Cornell University.

A MEETING OF GENOCIDE SCHOLARS: A REPORT ON THE 2007 BIENNIAL IAGS CONFERENCE

Dacil Q. Keo

Below the snowy peaks of the Bjelašnica Mountain Range and beneath the crimson brick homes and fruit-bearing arbores that decorate verdant hills, lies Sarajevo, the site of a genocide conference. A taxi ride from Sarajevo's international airport to the conference venue reveals both natural beauty and a country rebuilding itself. At times, scenic views of grand conifers and colorful gardens can be deceptive, but the International Association of Genocide Scholars (IAGS) made no mistake when it chose the country of Bosnia-Herzegovina as the 2007 location for international genocide discourse.

In the 1990s, then president of former Yugoslavia Slobodan Milosevic's failed plan to create a "Greater Serbia" after a number of secessions resulted in numerous mass killings across the Balkans and undeniably, genocide. Bosnia-Herzegovina was a part of the former Yugoslavia until 1990. The country has three main ethnic groups: Bosnian Muslims, Serbs (32%) and Croats. Bosnia declared independence from Yugoslavia in 1992, which the Serb population opposed. War broke out and ethnic cleansing occurred. It was carried out by Bosnian Serbs against non-Serb Bosnians. As a result approximately 200,000 people were systematically killed in the conflict. The most notorious killings occurred in the United Nations "safe haven" of Srebrenica where thousands were murdered by the Serb military in July 1995. Over a decade later mass graves are still being discovered in parts of the country, making some Bosnians feel that a "silent genocide" is in progress.

In Africa and Asia genocide also took its toll most notably in Rwanda and Cambodia. Both countries are presently seeking justice using different models. Rwanda is employing three judicial processes at the international, national, and local levels while

Cambodia currently is addressing legal justice through the Extraordinary Chambers in the Courts of Cambodia (ECCC), a mixed international and national tribunal. While legal systems seek justice for what occurred in the former Yugoslavia, Rwanda, and Cambodia, genocide is presently taking place in Darfur, Sudan.

Appropriately and somewhat ironically, the title of this year's week-long IAGS conference was "Preventing Genocide Before it Occurs." In September 2004, Former US Secretary of State Colin Powell proclaimed that the mass rapes and killings in Darfur were tantamount to genocide. Three years later in August 2007, the UN announced that it would send peacekeeping forces to Darfur. By that time, an estimated 200,000 people had died and two million more had been displaced since 2003. The meeting of genocide scholars in Sarajevo aimed to address this issue and many others. Through discussions on Darfur, past genocides, the role of the international community and the UN, concepts and theories, legal systems of justice, and personal testimonies, the IAGS conference was a formative step in raising awareness on genocide and developing promising scholarship on genocide and related areas.

The conference was held from July 9-13 in the southern district of Ilidza. It was hosted by the Institute for the Research of Crimes against Humanity and International Law of the University of Sarajevo and dedicated to the memory of the late Professor Eric Markusen in the spirit of commitment for the study of how genocide was perpetrated by people who were previously or later victims.

In the peculiar setting of the Hollywood Hotel where framed posters of the Rat Pack and Tom Cruise abound, over 300 genocide scholars, including seasoned professors and rising scholars, participated

approximately 12 hours a day in panel presentations, speeches, movies, excursions, and even breakfast conversations, all related to the matter of mass violence. Participants in the conference came from diverse backgrounds thereby creating both interdisciplinary and interesting panels. The fields of theatre, art, and film were not left behind.

The conference presented many opportunities for participants of all levels. It was a chance for the unknown but ambitious undergraduate student to see and possibly meet renowned scholars like Frank Chalk and Israel Charny. The conference had given a face and voice to the forefathers of genocide scholarship, the majority of whom are rather amiable and humble. It also provided IAGS members a forum to address association business affairs and encourage more active participation from the students. And most noticeably, it brought together a community of learners, teachers, and researchers dedicated to analyzing and understanding some of the most horrific crimes of the 20th century with the sincere hope of ending them.

In a long hallway lined with doors of meeting rooms named after key figures in genocide studies such the Lemkin Room (named after passionate activist Raphael Lemkin who coined the term *genocide* even before the notorious genocide of the Jews and other minority groups during World War II), participants chose a panel of interest. The 10 minutes allotted per presenter had some rushing through their conclusions and others only highlighting their research papers. A short Q&A session granted just enough time for several questions to be asked and answered.

Although there was intellectual exchange present during the sessions, time limitations curbed the possibility for extended dialogue. These dialogues were most likely continued after the session over Bosnian coffee or beer. In total, six sessions convened on four of the five days translating into 120 presentations and speeches if one attended all six sessions per day with an average of 5 presenters per session. This does not include films screened after dinner

each night. Amidst the all the activities, the information absorption, and the self-introductions, several moments stood out for the author for different reasons, but mostly because of their emotional intensity.

Personal testimonies of torture and survival are inherently fused with emotions, especially when they come from the young. On Monday night at the Markusen room, eight brave Bosnian students disclosed their horrific experiences during the genocide to a full audience. The students spoke of how they felt betrayed by the UN Dutch forces who they believed would protect them but instead allowed the massacre of their families, neighbors, and countrymen. They also talked about their hopes of discovering the bones of loved ones so that proper funeral ceremonies can finally be given. During the presentations, many conference participants both young and old were extremely moved by the students' stories.

Lisabeth Meyers, an incoming graduate student in the London School of Economics and Political Science, remembered vividly a presentation in which one speaker "described how his mother, overcome by grief, tried to take her own life and his" and later "unable to convince her son to give up, she threw herself into a river." This and other disturbing testimonies from the eight students remind us of the difficulties that the United Nations and other international bodies have had in preventing and stopping genocide, and ultimately in saving thousands, if not millions of lives. The people of Bosnia have not forgotten the failures of the UN in Srebrenica and other places. The wounds of genocide are still fresh in Bosnia because mass graves are still being discovered in parts of the country.

On the following night, when honored speaker Carla Del Ponte arrived to receive an award, it appeared that some had understandably channeled their grave disappointments towards the present work of the International Criminal Tribunal for the Former Yugoslavia (ICTY). Upon the three foot raised stage sat senior IAGS officials along with Chief Prosecutor Carla Del Ponte and the lead attorney at

the Office of Prosecution, Mr. Norman Farrell. Mr. Farrell began first with an explanation of the duties and difficulties associated with the work of his office including the complexities involved in proving a legal case of genocide. Prosecutor Del Ponte arrived later and also spoke.

Afterward, the moment of questioning came. Many hands rose in the air. Some questions Prosecutor Del Ponte answered herself and others she deferred to Mr. Farrell who answered them very calmly and systematically. Some inquired into the legal and factual aspects of the cases such as proving "intent," rape as "an element of genocide," and the matter of mental and bodily harm. Others asked about the details of those arrested or why others have not been arrested.

And some questioned the handling of the cases and evidence by the tribunal. In a question concerning a piece of evidence, one woman asked the Chief Prosecutor, "Do you regret keeping the key Serbian documents secret?" and added that she wanted the prosecutor to answer "not like a chief prosecutor but like a human being." Another asked Del Ponte, "I'd like to know why you haven't done your job properly." This was in reference to certain top leaders of the Serb military not being indicted. At the end of the session, Carla Del Ponte was presented with an award for her "outstanding contributions to the development of an international legal system to end impunity for the crime of genocide."

Arguably the most emotionally intense day was Wednesday when conference members visited a mass grave and attended a funeral ceremony for 465 victims whose bodies were recently exhumed in Potocari, a suburb of Srebrenica located about a 3-hour bus ride from Sarajevo. The long ride from Sarajevo to Potocari, like the short one from the airport to the conference venue, revealed stunning vistas. The road along the way was lined with fertile apple trees, tall cedars, and green hills. And if one paid close attention, other sceneries included smoke rising from canopies, brick balconies adorned with blossoming flower pots, gardens of flowers and

corn, and even Chinese shops decorated with traditional red lanterns.

Against this backdrop of color and natural beauty, the bus drive commented periodically along the 3-hour ride upon the atrocities that took place in an area the bus was about to enter or had just passed. For example, he would begin with, "Ladies and gentlemen" and explain through a translator that in a certain town, approximately 100 Bosnians were killed in their homes by the Serb Army; as one looked out the window, only lush green hills and bright flower gardens were visible.

Upon arrival at the mass grave, the conference members were introduced to two important Bosnians deeply involved with the mass grave exhumation. The first is a gentleman who had dedicated his life to locating and excavating the graves, with or without support from the local government. And the second is a prosecutor in charge of building a case for victims of the Srebrenica genocide. As the crowd gathered around the large excavated pit, the two explained their work and answered questions.

The mass grave was rectangular in shape and



Victims' Funeral Ceremony of Srebrenica in Potocari

measured approximately 5 by 15 meters. Noticeably buried partially in the dirt were tattered red, black, and blue clothing, bones, and skulls. The area was in some ways accidentally discovered. No one in the area had suspected a mass grave was there because grass and small trees grew above the soil. Local children even played soccer there. One woman who lived down the hill noticed something strange about the hill however: it was quite leveled. This was unusual. A team was sent in to examine the area and a mass grave was discovered.

Another strange aspect of the mass graves in Potocari is that the entire remains of a victim are not always found in the same mass grave. The possibility that parts of a body were located in two or three different places is not unlikely. The explanation given for this is that some perpetrators had returned to the mass grave site with a bulldozer with the intent to destroy and relocate parts of victims' remains. By doing so they believed that it would be harder for the authorities and survivors to build a case against them. The devastating result however, is that some family members of a victim must wait weeks or

even months to collect all the remains of the loved one. This not only is emotionally devastating to the family, but also creates practical complications such as whether to bury the remains discovered or wait to until all the bones have been found. This is what the local gentleman who has dedicated his life to uncovering mass graves calls a "silent genocide."

That afternoon a ceremony was held for 465 victims of the Srebrenica massacre at the Potocari memorial cemetery. The clouds and cool breeze from the morning had not disappeared, contributing to the solemnity of that day. The memorial cemetery was created in 2000 and currently holds the remains of 2,500 of the estimated 8,000-9,000 Bosnian Muslims that were killed by Serb forces in 1995. Each year, the bodies of recently discovered victims are buried here.

This year, approximately 30,000 people gathered to take part in the mass burial. On one end of the field, 465 coffins dressed in green cloth lay side by side. On the other end of the field, 465 tombstones and freshly dug graves wait to receive the coffins. In the center of the field, large marble



arcs positioned in a semi-circle are engraved with victims' names. One by one, each name was called out. As a name was called out, the respective coffin was lifted off the ground where it was transported to the other end of the field by a sea of supporting hands underneath. There at its proper gravestone, the coffin was gently lowered into the ground as several men began to cover it with soil. Burying the coffins was a group effort; when one man got tired another would step in. Even a boy of approximately 13 took part in burying the victims. Gathered around the tombstones were family members who mourned and wept.

The cries of one woman in particular were piercing and unsettling; it seemed that she lost herself in her moment of grief and became physically weak. Others in the crowd quickly escorted her to the side. Sitting in a cloth fold-out chair, the elderly lady wiped her tears as several people around her tried to console her.

After all the names were read, there was a momentary pause followed by the stirring voice of a man singing a *cappella*. The remains of 465 victims were buried that day in the memorial cemetery; thousands more are still waiting to be discovered and buried.

While burying a loved one may help to relieve some of the emotional and psychological agony of genocide, much more is needed to help victims achieve a sense of closure and perhaps, even justice. The topic of reconciliation and justice was prominent among some of the presenters. Mutangana Jean Bosco, a prosecutor for the National Jurisdiction, gave a presentation titled, "Criminal Justice in Post-Genocide Rwanda: Case Study of *Gacaca* Jurisdictions." Mr. Bosco talked about how, given the large scale of perpetrators and the jurisdictional and resource limitations of the International Criminal Tribunal for Rwanda and the National Genocide Trials, the *Gacaca* judicial process has been able to administer justice at the local level. According to the presenter, the *Gacaca* process is based on the Rwandan tradition of resolving disputes between community members.

Its structure, which presenter Shvon Byamukama also described, when applied to genocide cases involves the community investigating the nature of a crime and then having an elected *Inyangamugayo* ("persons of great integrity") try the alleged perpetrator. The sentences vary according to whether the person confesses and the severity of the crime committed. The two presenters pointed out the advantages of utilizing such a system in Rwanda.

One audience member asked if the *Gacaca* process could be applied to other cases of genocide in the world; Mr. Bosco explained quite assertively that it could. His answer received a round of applause. Arguments, of course, can be made for the potential inadaptability of this system for the Bosnian and Cambodian cases of genocide if we were to carefully examine the differences in traditional systems of problem-solving within these countries, the physical location of victims and perpetrators, the feelings and opinions of victims towards perpetrators and vice-versa, the current progress of the respective international judicial processes (the ICTY and the ECCC), the willingness of the perpetrator to participate in this process, concepts of local justice, and the facts of the genocides themselves, among many other considerations.

In the context of Cambodia, justice for genocidal crimes is a complex issue involving influences ranging from international and national politics, the extended lapse of time since the crimes were committed, a "culture of impunity" and a "culture of silence," and survivors' understanding (or lack thereof) of why the genocide occurred. Nonetheless, it appears that the majority of survivors in Cambodia are optimistic, albeit cautiously optimistic, about the ECCC (also known as the Khmer Rouge tribunal). The author presented on the Local Justice I panel (there was also a Local Justice II panel) on Cambodian perspectives of justice in regards to the Khmer Rouge tribunal.

I first began by briefing those present on the stages of judicial structures in Cambodia starting with the Civil Code adopted during French colonization, then Democratic Kampuchea's destruction of courts

and basic freedoms, and ending with modern-day weak and corrupt judicial institutions in Cambodia. Given such upheavals and inconsistencies in judicial structures in a span of fifty years, it has been particularly difficult for Cambodians to comprehend and express what legal justice in terms of genocidal crimes means to them. This is evident by the massive efforts on the part of international and local NGOs in Cambodia to explain the Khmer Rouge tribunal to them.

This also produces a distinguishing feature of local justice in Cambodia: the active involvement of the NGO community in truth-seeking and legal justice education. Organizations dealing with human rights or related areas such as democracy, have collaborated with the Khmer Rouge tribunal in order foster understanding among Cambodian villagers about the tribunal processes and its developments. They educate the local population through forums, radio and videos, visits to the courtroom, presentations by tribunal officials, and workshops. They encourage the average Cambodian villager to speak up and express their viewpoints or concerns in relation to the ECCC. Having worked at the Documentation Center of Cambodia (DC-Cam) for a period of nine months, my presentation focused mainly on the outreach efforts of DC-Cam and the insights it revealed about Cambodians' perspectives of justice in regards to the present Khmer Rouge tribunal.

DC-Cam is one of the leading organizations in Cambodia focused on informing and educating the public about Democratic Kampuchea and the ECCC. In 2006, the Center implemented a new approach of outreach in Cambodia, the "ECCC Tour," in which instead of going to the villages to educate, the Center brought thousands of local villagers to Phnom Penh to see with their own eyes the tribunal courtroom and genocide commemoration sites such as the Tuol Sleng Genocide Museum and the Choeung Ek "Killing Fields" Genocide Memorial Center. It was through the dozens of interviews conducted at these sites from February 2006 to April 2007, the ECCC Tour surveys collected in January 2007, and

the questions and concerns expressed during the meetings with ECCC officials, that I categorized the perspectives of Cambodians into four groups.

Before I explained what these perspectives are, I first mentioned one aspect of the survey responses. Many respondents did not provide an answer to the question which asks them to explain what justice in terms of the crimes of the Khmer Rouge regime meant to them. This might be the result of a number of things. Perhaps they did not understand the question, although none of them wrote down as such. Another reason could be the difficulty that many Cambodians have in expressing and describing their thoughts when it comes to abstract concepts. And the third is perhaps because they feel that no kind of justice will ever suffice for the loss of loved ones and thus, were reticent in their response.

With this in mind, I grouped the sentiments towards the tribunal by Cambodians in order, from the most pervasive perspective to the least. It should be noted that some Cambodians may hold more than one perspective and as time goes on, they may change their perspective as well.

I believe that the majority of Cambodians are cautiously optimistic about the Tribunal. This cautious optimism is the result of the complicated history of Cambodia during and after the genocide as summarized hereafter. The international community and the UN were unresponsive to genocide while it was happening in Cambodia, partially due to limited information about Cambodia at that time. After genocide did occur, Cambodia was sanctioned and embargoed by the international community due to its friendly relations with and its dependency on the Vietnamese communist government. To make matters worse, the Cambodian seat at the UN General Assembly was represented by the genocidal Khmer Rouge faction.

In 1992 and 1993 when the international community finally stepped in, in the form of the United Nations Transitional Authority in Cambodia (UNTAC), Cambodians were hopeful that political

stability and international support had finally arrived. After nearly a \$2 billion US investment resulting in the successful national elections of May 1993 (there was a 90% voter turnout), the UN left the country on its own to deal with the aftermath of two rival parties joined nominally by a rare and disastrous co-prime ministership. In addition, the issue of the Khmer Rouge was not resolved. Four years later, the co-prime ministership ended with a coup which left incumbent Hun Sen the sole leader of Cambodia. During the coup, some in Cambodia had feared a return to the Khmer Rouge years; this is how scared some people were. And lastly, during the long 8-9 year dialogue between the UN and the Royal Government of Cambodia (RGC) Khmer Rouge Task Force, many including international observers, had believed that justice for Khmer Rouge victims would never be realized due to strong disagreements between the two sides which had at one point motivated the UN to pull out of the talks. With all of this in the back of their minds, many Cambodians are nonetheless still hopeful about the joint RGC-UN tribunal. The bottom line is that they want the Khmer Rouge to be punished for the atrocities they committed.

The second group desires simply to know the “truth” about Democratic Kampuchea (1975-1979) and believes that the tribunal will reveal this truth. They want to know who the Khmers Rouges were, why they killed their own people, why they inflicted great suffering upon the populace by starvation and torture, which foreign countries supported the Khmer Rouge, why their loved ones were killed, what was the goal of the Khmer Rouge, and many other questions relating to the government of Democratic Kampuchea. Simply knowing the facts of what happened and seeing the Khmer Rouge held accountable will greatly satisfy them.

The third group are those that are unsatisfied with the ECCC prosecuting only “senior Khmer Rouge leaders and those most responsible” as stated in the Khmer Rouge law; they want low-level and mid-level former Khmer Rouge leaders and cadres

held accountable in the court of law as well. This is understandable considering that perpetrators who carried out the crimes were among this stratum of leadership and not from the top political echelon. This does not mean, however, that Cambodians who are satisfied with only top leaders being prosecuted by the tribunal have forgiven low-level Khmer Rouge cadres or would not support other measures of holding them accountable. Not everyone accepts the defense of “following orders” or “I would have been killed myself.” Their support of the tribunal’s limited jurisdiction can be explained by their understanding of the complications and costs associated with trying to prosecute thousands of former Khmer Rouge and the need for national social stability (explanations that the Tribunal itself has given for their limited jurisdiction).

The final group employs Buddhist understandings of *karma* and can be divided into two sub-groups: those who feel that the tribunal, in a sense, is *karma* being enacted upon the perpetrators and those who see the tribunal as unnecessary because the cycle of *karma* will catch up with the perpetrators either in this lifetime or the next.

Kok-thay Eng, director of research at DC-Cam and a PhD student at Rutgers University, presented on a similar topic with similar conclusions of



Kok-thay Eng and Gregory Stanton

Cambodian perspectives on another panel. Based on interviews with top Buddhist monks on justice and reconciliation by DC-Cam in 2003, Mr. Eng contributed another sub-perspective to the fourth group. He explained that monks believe, whether or not former senior Khmer Rouge leaders or lower Khmer Rouge personnel are brought to justice now, they are suffering from their bad deeds. One of the aspects of punishment they are enduring is being considered in Cambodian society as murderers. This is heavy punishment because in this society “face” is very

important for a person's future career and success. Villagers would most certainly avoid doing business with them and keep them outside the social circle.

Mr. Eng's analysis on Cambodians' perspectives also included the matter of economic compensation, stating that "some Cambodians believe that although prosecutions of Khmer Rouge leaders might bring some degree of justice to the victims, in general they would personally gain little in terms of family economic conditions."

Mr. Eng also presented his personal view of what justice should be for the Cambodian genocide. Holding the view that the various understandings of what justice is in Cambodia are influenced by the extent to which the people understand their genocide history, he built his view of genocide justice through his understanding of genocide in general and Cambodian genocide in particular. His knowledge of Cambodian genocide has been built through working at DC-Cam and reading forced confessions and other Khmer Rouge documents in its archives. He mentioned that justice for genocide is not easily obtained and once genocide happens one should not expect that much can be recovered from the loss. The best way to bring justice after genocide is to prevent it from happening or spreading in the first place.

On the same panel as Mr. Eng, Helen Jarvis (Chief of Public Affairs at the ECCC) presented as well on the Khmer Rouge tribunal itself, detailing the dialogue that led to the establishment of the tribunal. Her presentation centered on the challenges to the formation of the tribunal from both the international and national sides. Newly elected President of IAGS, Gregory Stanton, discussed his personal and professional activism which led to the creation of the Cambodian Genocide Program at Yale University. The Cambodian field office of this program, led by Mr. Youk Chhang, soon after became an independent organization called the Documentation Center of Cambodia in 1997. The Center is now the largest repository of Khmer Rouge documents in the world and a major contributor of

Khmer Rouge-related documents to the ECCC.

Gregory Stanton emphasized that he strongly believes in "planting institutions," as evident in his passionate campaigning in the 1980s and 1990s. DC-Cam Director Mr. Chhang calls Gregory Stanton one of the "founding fathers" of his organization. In a sense, President Stanton's vision had come full circle; and indeed it was quite heartening to see a "founding father" of Cambodia's prominent genocide center shake hands with an intelligent and promising young scholar of this center, Mr. Eng.

Kok-thay Eng presented on two other panels at the conference. In the panel on internationalizing the IAGS he proposed the need for the establishment of a genocide research center for the region of Southeast Asia by transforming DC-Cam into an international NGO. DC-Cam has been active in Cambodia for the past ten years. It has evoked within the Cambodian community a revival of interest on the Khmer Rouge genocide which had been forgotten for more than ten years. With the publication of a new book on the Cambodian genocide for high school education, DC-Cam has become a major genocide education center for Cambodia. Its magazine, *Searching for the Truth*, which began in 2000 reaches every corner of Cambodia and plays a very important part in genocide education and the truth seeking process. Based on this experience, DC-Cam seeks to transform itself into a body for genocide education not only in Cambodia, but also in the region as well. Education will be one element of the new, wider center, but genocide research and monitoring in general for the region will be another important aspect.

Mr. Eng also focused on theoretical foundations for the establishment of the new center. Like other regions of the world, Southeast Asia is under constant threat of genocide. Southeast Asia is a multi-ethnic region. Archipelagic countries such as Indonesia, Malaysia, the Philippines and others are particularly vulnerable because they contain many different cultures that used to be far apart. Today under the force of globalization, and economic and

social integration of the region, these different groups come together. There is a great potential for clashes. Furthermore, evolution and dissolution of groups are ongoing phenomena in other countries. The indigenous ethnic groups in the northeastern part of Cambodia, central Vietnam and southern Laos are under serious threat of being integrated into the larger regional community. A study and understanding of this phenomenon is vital in preventing future conflicts which might spiral down to genocide.

In the panel on genocide and the UN Convention, Mr. Eng presented on conceptual dimensions of the term genocide. He highlighted several standard critiques of the United Nations definition of the word genocide, including its inclusiveness and exclusiveness, intent requirement and protected groups. He emphasized the most prominent aspect of genocide as “the killing of members of a people because of who they are.” This manner of killing has the potential to proliferate from small-scale killing to large-scale killing of members of the victims group. A member of the audience believed that mass killing during the Bosnian conflict was a genocide-in-attempt, rather than small-scale genocide, because only a small number of members of the victims group were killed.

My concept of genocide does not consider number as an important factor. The killing of a several thousand victims and the murder of two million people are not different and they are equally heinous. In fact the two forms of killing are the same because the first case most certainly will spread to the second case if it is not stopped. In this paper’s definition of genocide, intervention should take place at the early stage of small-scale killing because that is also genocide.

The conference came full circle with a performance on the life of Raphael Lemkin by Robert Skloot, a professor at the University of Wisconsin Madison, titled “If the Whole Body Dies: Raphael Lemkin and the Treaty Against Genocide.” Raphael Lemkin was the man who created the term *genocide* and through zealous activism, brought

about the UN Genocide Convention of 1948. The reading by Professor Skloot and other selected members of the conference was moving and powerful. It revealed the life of a man who was passionate, obsessed, and struggled deeply for a personal and international cause until his final days. The unfortunate reality is, however, that genocide occurred many times after Mr. Lemkin’s death; the most pressing humanitarian issue today is the ongoing genocide in Darfur. Thus there are yet to be clear answers to “Preventing Genocide before it Occurs,” the title of the conference. Some believe in the idea of “planting institutions,” others in organizations and mechanisms which can override state sovereignty if needed, and others in a permanent international criminal court.

During the presentations by older Bosnian survivors on Thursday night, one gentleman in the audience stood up and graciously commended the witnesses for speaking out against the atrocities and praised them as the key to ending genocide in the future. Some in the audience applauded enthusiastically in agreement with his comments. Right after, another man stood up and said that witnesses speaking out in fact cannot prevent or stop genocide; rather it depends on political leaders.

In the case of Darfur, political leaders of the UN have finally agreed to take action by sending as many as 26,000 UN peacekeeping soldiers and soldiers from the African Union to the area. These soldiers are armed and have the authority to defend themselves and protect the refugees and humanitarian workers there. The world now waits for the Sudanese government and the Arab militia who are committing the violence (and supported by the Sudanese government) to react to the UN’s landmark move. As the dramatic events unfold, Darfur will become a major test of the international community’s commitment and ability to end genocide.

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FINDING THE TRUTH OF THE KHMER ROUGE

Charles McClure

The Democratic Kampuchea (DK) regime from 1975 to 1979 proved to be one of the deadliest in history. Estimates of the death toll range from one to three million. As a trial begins for the aging upper cadres who orchestrated this devastation, many challenges face the tribunal. The ultimate goal of any trial is to find the truth and serve justice where it is due. Accomplishing this goal will relieve many of the survivors and allow them to free themselves from the guilt of surviving when others have not. In order to overcome this remorse, survivors must bear witness to find meaning in the senseless bloodshed that they saw.

The tribunal can assist the healing process by unlocking the mystery of Democratic Kampuchea's organization so survivors can understand who and why they were forced to suffer, through the testimony by other survivors and lower and upper cadres. However, in order for this to occur, the international community must accept the legitimacy of the trial or else the survivors could feel their experiences

invalidated by the world. This goal will be challenging since the Cambodian courts are corrupt and inefficient. It will also prove difficult to sift through survivor testimony and condense it for the trial by retaining only the most accurate and meaningful history. But a successful Khmer Rouge Trial (KRT) will not only help find the truth behind the events of the DK regime but also help in the healing process that is desperately needed in a country devastated by its former government.

If the trials are to help survivors bear witness, it is important to look at who will be presiding over the trials, since they will interpret how each testimony fits into the collective understanding of the Khmer Rouge atrocities. There has been considerable concern over the Cambodian judges in both their experience and their political tendencies. These worries are important because their view on the events must be considered legitimate for the trial's success and also allow the survivors to gain a sense of purpose in their struggle to comprehend their past. Creating



Villagers on the tour at S-21

a political circus instead of an honest trial will invalidate any opinion of the courts and halt the process of healing for survivors. This can be construed by the survivors as the world's apathy for their harrowing experiences.

The prolonged conflict in Cambodia coupled with the constant political upheaval has created a scarcity of trained lawyers. Only six known survivors of the Khmer Rouge regime had law degrees. This figure not only eliminates a source of older, more seasoned candidates to fill the courts but it also affects younger generations as well. Without adequate teaching from established lawyers, aspiring barristers do not have the resources to become credible lawyers, creating a cascade effect. During 2000, only 33 percent of Cambodian lawyers had formal training in law and less than half finished high school. This lack of training will spill over into the KRT causing the Cambodian judges to be discredited as inexperienced by the international community. Cambodians can counter this deficiency by placing judges who are legally competent and can quickly learn the fundamentals of international law.

Inexperience might be a concern for the international community, but the political tendencies of the named judges is a major problem. The judicial system is a known extension of the central government, even though the two entities are supposed to be separated since 1996. As a result of this co-mingling, the legal system passes judgment according to the Prime Minister's wishes. For example, Ney Thol (a KRT judge) has barred defenses from calling witnesses to testify in cases involving political opponents. There has already been international outcry regarding his appointment but nothing has been done to address these questions. This situation is further exacerbated by Prime Minister Hun Sen labeling these critics as "animals" and deriding opponents.

If the Cambodian people have any chance of creating a legitimate trial and the subsequent healing, political interference must be avoided. Instead answering why questionable judges have been

appointed, Cambodia has smoothed over these concerns (with the exception of Hun Sen's inflammatory remarks) with comments that past judgments were "freedom of expressions." In order for the established nations to accept Cambodia as a progressive country, difficult questions must be answered to demonstrate that the defendants will get a fair trial and that the proceedings will not turn into a political circus.

Another concern facing the courts is the rampant bribing that infects most decisions. According to the World Bank, 68 percent of defendants pay bribes for leniency in Cambodia. Judges argue that they cannot live reasonably on their measly salary of \$30 a month. Incorporating economics in court decisions goes against all forms of international justice. To remedy this situation, the Cambodian government should increase the pay of the judges on the tribunal, given the high-profile nature of the case, by taking a miniscule portion of the \$60 million trial budget to reduce the problem. Unfortunately, if there are bribes in the KRT, the international community will invalidate the proceedings and Cambodian survivors will miss the opportunity for world support. Having a trial nullified by the world would be more detrimental than no trial at all, because survivors and the broader Cambodian society would feel rejected from the justice they deserve.

If there is a successful structure and appointments for the trial, the next task will be to sift through witness testimony and draw out the most important experiences. As the KRT begins to mobilize, it is important that the witness testimony used will be large enough in scope to cover a broad range of Cambodians' experiences. With a proper amount of differing testimony displayed (such as different social classes), it will create an accurate portrayal of Democratic Kampuchea. During the DK regime, people were divided into three groups: workers, peasants, and soldiers. In order to find an accurate view of the DK reign, it is important to incorporate how each group experienced it. The "newcomers," former urban dwellers, became peasants who toiled

in rice paddies and experienced the brunt of the Khmer Rouge killings. As one survivor remarked, “Keeping [newcomers] is no benefit; losing them is no loss.” To believe that all Khmers lived as newcomers did would be erroneous and claiming so would only be sensational; the judges in the KRT must recognize that violence was rampant but it was not as widespread as some testimony conveys.

Not only did people in different positions have varying experiences, but experience also varied by region. For example, during the evacuation of Phnom Penh in 1975 the exodus differed in degree of hardship. According to David Chandler’s witness testimony, “some evacuees were allowed to rest for days at a time in villages and forage for themselves; others made to push along, regardless of hardship. Some voyages took a few days, others as long as a few months.” This variance of experience also remained during the regime, as hardship fluctuated by region. As one cadre who visited the dreaded Northwest wrote, “Things were very strange... people seemed to be very much afraid of the cadres.” Generally, the Northeast, East and Southwest zones were less violent than the other regions and the tribunal must take this into account. A successful trial will not only serve justice but will provide the world community, as well the survivors with a sense of understanding of events that occurred. The trial must understand that not all regions were the same, and realize that a specific testimony does not mean their experiences were shared by everyone.

However, as the trials weave in survivor experience, the tribunal must only use testimony that is relevant to the cases because the amount of firsthand accounts can overwhelm it. If every survivor spoke of their experiences, the trial would be bogged down indefinitely. Not only would time be a factor (especially since many of the likely defendants are dying off), but also each testimony could be rebutted as to its accuracy *ad nauseum*. There is already widespread debate among scholars over whose experience is considered legitimate. The trial needs to use appropriate statements for an accurate outline

of the DK regime so that the survivors can benefit from a trial that sums up their collective experience. Cambodians and the trial must understand that every statement cannot be used, and such documentation should be recorded with the Documentation Center of Cambodia or organizations that are dedicated completely to historical preservation.

When selecting appropriate experiences the tribunal must also be wary that upper- and middle-class individuals will be more accessible and their testimony more refined, while the vast majority of poor Cambodians could be excluded from presenting their stories. The experiences from the elite will most likely be harsher since their lives were more drastically changed during the regime, as many were newcomers. Yet they will be better at presenting their testimony, given their education and refinement, and therefore more appealing to the lawyers in the trial. When Michael Vickery disputes the sources in Barron and Paul’s book *Murder of Gentle Land* which describes many former wealthy Cambodians’ experiences, he uses the example of “a pampered 14-year girl of a wealthy family... even in 1974-75 when much of Phnom Penh was already living in misery and close to starvation... [Barron and Paul] present the experience of the middle and upper strata of the towns as they perceived it, suddenly and unpleasantly ... transplanted to the rigors of [the] rice field.” Using only examples similar to this girl’s would be erroneous because her experience would be an extreme minority. If this trial is like most justice systems, one purpose is to find the truth behind the events and relay it to the general public. Using exclusive testimony from the elite would be erroneous since their lives were completely turned upside down compared to many of the poor.

It will also be difficult to keep survivors’ testimony honest since their memories become tainted as they fade and are exposed to public opinion (which will inevitably lead to sensationalism). Remaining truthful is a massive hurdle for the trial, since refugees after the regime have tended to exaggerate experiences to satiate public opinion.

Charles Twining of the US Foreign Service, an expert on refugee testimony remarks, “you must talk to a refugee as soon as he comes out for the story may quickly become exaggerated.” Insulating witnesses from the publicity that will accompany the trial will be important as well as meaningful cross examining to draw out the truth.

Another poignant example that demonstrates how public opinion can seep into memory is the 1980 UNSECO children’s drawing contest in the Khao Dang I refugee camp. This contest allowed children to express the horrors they witnessed, yet one worker estimated that less than 10% of the 500 drawings submitted depicted violence. However, given the bias of the judges, 20% of the winning pictures had violence as a theme, awarding those who depicted the atrocities of the KR. One of these winners had originally submitted a picture of a colorful Buddha, but when he was asked to draw another picture, he drew a standard DK murder scene. When scholar Michael Vickery questioned this boy over what this drawing represented and whether he had actually seen murders like it, the boy claimed he had not witnessed this type of scene but it was of “an easterner brought over and killed in 1978.” This automatic response cannot be the boy expressing the horrors he experienced as the boy admitted that it was a scene he had not witnessed. As a result drawings like this can become a fantastic representation influenced by the refugee camp. The drawing can only be a result of public opinion tainting his art. This type of shift will be prevalent in all of the survivors’ accounts, since many of them have been exposed to the public outcry over the atrocities. Given the fact that many of these survivors will never have been in the public spotlight, many of them will feel obliged to exaggerate. Finding the truth in the exaggerated stories of victims such as these will be left to the skill of the attorneys in the trial.

Even if testimonies have already been damaged by public exposure, efforts must still be made to prevent further degradation from current political

distractions. The trial has already decided to close doors during sensitive witness testimony, to help alleviate the pressure of testifying in a high-profile case, along with psychological support sponsored by the government. However, it will be impossible to completely insulate witnesses from the media and current public opinion, especially since Cambodian courts are known to be corrupt. There is concern that testimony from this Trial could be similar to the original Khmer Rouge trial of 1979. During this trial, Pech Tum Kravel, a distinguished Cambodian playwright, finished his testimony with, “We are so happy, and we will never forget the good deed of the United National Front for the Salvation of Kampuchea and our dear Friend Vietnam who saved us from death.” Although most testimonies will not be as blatantly political as this statement, given the Cambodian government’s struggle with the Khmer Rouge for decades it seems likely that survivors will incorporate a political message in their testimony.

While using survivors’ testimony is important, the trial will also give a clearer picture of the genocide if low-level cadres also share their experiences. This goal will be difficult because many do not want to admit their extensive involvement in widespread murders. Also having political pressure when testifying creates a conflict of interest for the witnesses since they now have two agendas: telling the truth and ensuring that they will not be politically targeted. Testimony is supposed to describe the events as they occurred during the event in question, and having witnesses with a political agenda will tamper with an accurate portrayal. The United Nations must ensure that the witnesses are insulated from the current government, which will be near impossible since Cambodians judges will be hearing them. If the UN incorporates adequate witness protection, it will allow testimony to be forthcoming and allow the trial, and the world, to hear the truth.

Witness protection will be essential in drawing out cadres’ testimony because they must be wary of vigilante justice. Given the political interference in

the Cambodian courts, citizens often take the law in their own hands and survivors could turn against witnesses. According to a recent UN report, mob killings average two a month in Cambodia. With the high tensions arising from the trial, witnesses have reason to fear for their safety. To counter this concern, the Cambodian government has assured adequate protection for both witnesses and defendants, but given the level of corruption in the government, there still is risk in testifying and having word leak out to survivors. Remorse and fear from the surrounding public will keep many of these people silent. Many former cadres have been murdered by their former comrades and families of victims for integrating in mainstream Cambodian society once their past becomes known. For example, Peng Hau, a former cadre of the dreaded S-21, was killed with a land mine by the Khmer Rouge 1984; five years after Phnom Penh fell to the Vietnamese. Exposing someone's past can be dangerous, so adequate protection must be provided in order to keep witnesses safe.

Remorse alone can also silence a testimony and prevent the truth from being known to the public. Chum Manh, one of the seven survivors of S-21, worked with many of the cadre while imprisoned

because of his mechanical aptitude. His insight would be invaluable yet he is reluctant to speak because in a tortured confession he implicated 64 people, some of whom were killed at S-21. According to the Documentation Center of Cambodia regarding S-21, "Today [Chum Manh] prays for forgiveness from those he implicated who were later arrested and brought to Office S-21." The fear and remorse of many of those involved in the DK terror will also taint the testimony. Individuals might downplay their involvement or outright lie in order to protect themselves, whether they are the defendants or witnesses. One example is the guard Saom of S-21 who claimed that he believed that most of the prisoners of S-21 were "from the Lon Nol regime and they were not heavily tortured." However, given the small size of the prison and the 16,000 prisoners who were executed within its walls, the claim of ignorance can only be considered a lie. With fear from both Khmer Rouge and victims, coupled with remorse of the cadre, it will make it a difficult task for KRT authorities to bring these key witnesses to testify.

Using ignorance as an excuse is a ploy also used by upper-level cadres to shield themselves



Villagers looking at the photo of the prisoners at S-21

from their guilt. While this will make it more difficult to discern the truth, the trial should attempt to understand the thought processes of upper-level cadres. Accurate high-level testimony could explain why countrymen could inflict such suffering on their own people. Obviously this might become a near impossible task since many of the defendants will be more concerned with saving themselves than explaining their actions. One example is an interview with Ta Mok in 1997, the former chief of the military, when he claimed ignorance of the atrocities, "It was Pol Pot and [Duch] ... Once somebody was arrested the prison chief [Duch] took him for interrogation, then took things to Pol Pot, and Pol Pot made the decisions." It is obvious that this statement is a lie; no one can believe that just two people could be the only people aware of the many atrocities and this excuse does not help give a reason for the mass killings. Also, this demonstrates that as different members of the DK are tried, the defendants will blame each other in order save themselves. The easy targets will be the deceased Ta Mok and Pol Pot for many of the atrocities, as well as Duch who has already admitted to wrongdoing.

Another excuse that first-tier cadres use in self preservation is claiming that many of the killings were accidents. Noun Chea, DK second in command, believes that many of the killings were "mistakes" by young cadre and was not a general policy. Again, the excuse of mismanagement that could lead to deaths of a quarter of the population is a lie, but it does to satisfy the survivors' need (and the worlds need) for answers. Overcoming the hurdles placed by the defendants rests on the attorneys. They must draw out the truth from careful cross examination.

One exception to this finger pointing has been the admittance of responsibility by the only imprisoned high-ranking DK cadre, Duch. The former prison chief of S-21 has expressed his "regret for his actions and is willing to face an international tribunal" according to Nate Thayer writing for the *London Observer*. Another reporter, photographer Nic Dunlop, believes, "If he remains true to his words and talks

as openly as he did then, he can potentially throw huge light on areas of darkness that have eluded scholars for decades." Hopefully his willingness to corroborate will transform his remorse into a reason to reveal all that he knew about the regime and allow him to reveal the highest levels of DK secrets to the world. His testimony will prove the most useful of all the high-ranking cadres because he is the only one to admit his guilt and it appears that he is less concerned about self preservation.

Even though the highest cadres are under investigation, those just beneath these leaders also have another agenda as many are current politicians. Hopefully their recollections of the events could be less biased since they are not concerned about being tried for their actions during the DK regime. Many of the surviving cadres of this level became the current political leaders of Cambodia (or its opponents) in the vacuum caused by the collapse of the Khmer Rouge. An area of concern that will affect their testimony is the fact that becoming an enemy of the Cambodian government can be dangerous, such as Hun Sen's bloody coup in 1997 over his rival Norodom Ranariddh. It took nearly twenty years for Hun Sen to affirm his control over Cambodia, and he has been suspected of ruthlessly undermining his political opponents in order to maintain control. However, if these hurdles could be overcome through adequate witness protection and using witnesses whose political interests would not endanger themselves by testifying, the trial would benefit. The witness' testimony would be less affected by location during the regime than low-level cadre and survivors, and hopefully not affected by the need for self preservation. Their view of the DK regime could explain some of the fundamental motives of the KR. It would be easier for survivors to create a collective memory from the rationale provided by these cadres because they could explain the bedrock reasons for the KR atrocities. Armed with this information, survivors could then find meaning for their suffering and further assist in their healing.

This process of fact finding and understanding for the genocide is already being headed by Youk Chhang of the Documentation Center of Cambodia. According to its own statement, “[The Documentation Center] has been deeply engaged in the search for truth and accountability with respect to the Khmer Rouge period.” Using the information gained from this center would not only perpetuate the search for accurate accounts of the time but also serve justice where it is due. The trial could also enable survivors to tell their stories and allow them to feel that they provided witness accounts to the events. However, during the trial, it will be a challenge for the Center to sift through the massive amounts of information and condense it into a poignant set of accurate testimony that can be relayed to both the trial and the world. There are millions of individual experiences, but the trial cannot be overloaded with too much information so the tribunal and the Center must use only the most relevant.

If the trial finds the truth of the DK regime, it will help to heal the Cambodian people by recreating a sense of purpose in their lives. This trial can relay the accurate testimony to a worldwide audience. As George Chigas writes, publicizing a victim’s experience will fulfill, “[the survivor’s] need to confirm one’s innocence by bearing witness; an obligation to inform the world of the reality of the genocide; and finally, the regaining of a sense of trust in the world despite the absence of a logical explanation for one’s suffering.” Not only do the survivors need to feel accepted by society after undergoing many atrocities, they must have a structure of right and wrong reinstated in their minds. Creating this mechanism of justice will allow them to reintegrate into society. Chigas continues, “The victims’ innocence and the perpetrators’ guilt must be clearly confirmed by the larger society first before the survivor can fully believe that his suffering is not in some way a deserved punishment for some unknown previous offense.” This guilt is described by survivor Terrence Des Pres as “having survived by chance when others died, and the difficulty of being able to experience

happiness in their lives.” If a trial were successful, it would create a springboard and give survivors a sense of justice for their suffering. It must weigh heavy on many of their minds that the masterminds of the genocide are still free. This emotion is different than the Jews who survived the Holocaust because they gained world acceptance for their suffering. As a result, the Haag trials convicted many of their aggressors. A decisive trial, while providing a general outline on the structure and rationale for the atrocities will enable survivors to accept their past and move beyond the guilt that many feel.

An understanding of their atrocities will allow this process of right and wrong to return to victims and Cambodian society. During the DK regime, many villagers used the phrase *Angkar somplap, min dael prap* (Angkar kills but never explains), a feeling that many survivors still must cope with. These random killings weigh heavily on the survivors, as Someth May writes in *Cambodian Witness*, “I often wonder why I had not been killed... If [a benevolent cadre’s mother who intervened to save her] had done so, why had she not intervened to save my sister Mealea’s life? These are questions I still ask myself.” Using this trial as a platform for genocide awareness will help the victims gain some solace and reason for their suffering and loss. Survivors must have a concrete reason why their pain occurred. A better explanation must be provided than as one cadre claimed, “we were so angry when we emerged from the forest that we didn’t want to spare even a baby in its cradle.” Survivors need to understand the reason why Cambodians could kill so many of their countrymen.

Finding the truth of the Democratic Kampuchea regime will help explain some of the reasons for the hard lives that many in Cambodians experience. In continuing the discussion of the benefits of a trial, the Documentation Center writes that a successful trial would cause a “restructuring of the economy, strengthening of the organs of democracy, and educating the younger generations. It also entails psychological healing and forgiveness in local

communities." This process of healing and reconciliation through a trial that upholds justice and truth while maintaining safety for all those concerned would accomplish much. As of yet, there is no formal curriculum in Cambodian schools about the genocide; a successful trial will provide closure to these events and enable younger generations to learn a comprehensive history of such a poignant part of their

heritage. The challenges to accomplish a successful trial are vast but if it does prove successful, it will help raise awareness of the atrocities to the world community and help Cambodia progress into the 21st century without the stigma of the genocide.

Charles McClure was a student in a class George Chigas taught in summer 2007 at Cornell.

PUBLIC INFORMATION ROOM

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

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

The PIR offers four services:

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

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

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

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

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

Thank you.



Cham Muslims filling the complaints



Cham Muslims filling the complaints

MAKING MEMORY ACCESSIBLE: A "MEMORIEL" IN THE HANDS OF CAMBODIANS

Natalie Senst

All Cambodians should have the opportunity to join as a community in remembering the Khmer Rouge regime's genocide. This is in direct opposition to the regime's policies, which sought to tear apart social bonds. Remembering or, more broadly, memorialization, provides public acknowledgment that is a much overlooked form for achieving reparation and combating denial.

Reparative justice is different from the retributive justice that can be seen in a tribunal: reparative justice focuses on improving the victim's situation, while retributive justice focuses on punishing the perpetrator. Where the Extraordinary Chambers in the Courts of Cambodia (ECCC) are designed to only put on trial those individuals thought to be "most responsible" for the genocide, it is important to understand that the search for justice involves more than just the trials. As it is, most Cambodians do not know much about the tribunal. Although educational efforts are underway by non-governmental organizations, there is still a need for state-sponsored acknowledgment of the atrocity and a commitment by the government to

restore dignity to the victims.

The UN and even the ECCC recognize that all victims of mass atrocity have a right to reparation. According to the UN Basic Principles and Guidelines, reparation can take five forms: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Although this UN document requires that victims be provided full and effective reparation proportional to the violation, the language of the ECCC's Internal Rules limits reparations to only collective and moral forms. This limitation is basically reflective of the realistic impediments the ECCC faces: too little time, too little money, and too many victims. Individual financial compensation is not possible for the victims of the Khmer Rouge. And so creative forms of reparation must be considered that will be feasible to enforce and yet not be without meaning for the victims.

For any form of memorialization to bring reparative value to the victims of the Khmer Rouge regime, it must have some meaningful impact on those victims and they must be able to engage with

it. Thus, a memorial has benefits when more victims are able to access it. I thus propose here one possible reparative memorial: the placement on one of the commonly used riel bank notes an image or symbol that represents this period of history and commands our memory of it.

Cambodian bank notes customarily include cultural images on one side and economic activities on the other. The Khmer Rouge regime was the complete opposite of both of these themes, having sought to destroy Cambodia's culture and economic system. But by creating an image on a bank note that reminds people



of this history, Cambodian culture and economic activities today will achieve greater value. The tribunal itself as a symbol of accountability, justice and the rule of law is an important factor in Cambodia's ability to develop its economy to international trading standards.

Symbolically, since reparations are about giving compensation and in this case no financial compensation will be possible, placing a memorial image on money can reflect the desire to "repay" the victims. Such a note should be able to fit within the various limitations for reparations while still achieving the major goals of reparation for victims. The key aspects to the note include: 1) the relatively low cost to print new bank notes, 2) the collective nature of money: it is accessible to all people without prejudice, and 3) the moral effect of a symbol that can affirm that the Khmer Rouge regime was not above justice and the law.

This opportunity to create a commemorative bank note provides an affordable way in which the state can establish official acknowledgement of the wrongs of the Khmer Rouge regime and national support for reparation to victims. This is in alignment with international expectations since Cambodia is a member of the UN and the UN Basic Principles and Guidelines on the subject expect states to assist with reparations where the responsible parties are unable or unwilling to do so. Thus, even where the current government is not at fault for the actions of the prior regime, it is respon-

sible for ensuring appropriate reparations are made. This means that in the case that insufficient funds are collected from the perpetrators to be used for reparative purposes, there is some expectation placed on the government to make a gesture of reparation. Given that new bills are printed on a regular basis, a commemorative bank note would be a form of memorial that is not too costly for the government to support and that can also give legitimacy to the government for upholding international standards of human rights.

Using a bank note to convey a message of reparation ensures that the symbolic nature of memorialization is attached to a physical object. And this physical object is of no inconsequential matter, as it is already an inherent symbol of value. It currently serves a useful economic purpose and passes through the hands of all Cambodians. The value of the riel is greatest to people living in Cambodia, who deal in the currency daily, and thus it is not likely to likely

to be faced with the problematic imbalance of other current memorials which are more popular with international visitors than locals.

Choosing a form for a memorial that is inherently most valuable to Cambodians means that the memorial can be embraced by the people who are in the greatest need of a reminder that they are remembered and that their healing is essential to the achievement of justice. A bank note memorial will address victims as a collective, for it cannot identify or address individual instances of suffering specifically. But



what collective memorials lack in being unable to address individuals uniquely, they gain in their ability to bring communities back together through this shared connection. The bank note is unique, however, in that it offers some individual attention as each Cambodian will be able to touch and take home a piece of this official commitment to justice. Memorialization thus occurs in the hands of each victim and each Cambodian individually, and is then shared with and passed on to others.

Finally, the dissemination of a symbol that conveys a message that the perpetrators of the atrocities were wrong will have the important moral

effect of affirming and spreading the judgments that will be made at the tribunal. In this sense, it may be useful to design an image for the bank note that is reflective of these outcomes at the ECCC, emphasizing a concrete commitment for the future in this memory of the past. A commitment to international standards of justice, human rights, and the rule of law will be reflected in such a memorial.

Natalie Senst is a legal associate at the Documentation Center of Cambodia and an LLB candidate at the University of Ottawa.

I ALMOST DIED BECAUSE I ACTED AGAINST THE REVOLUTION

Ou Daov aka Oum Soeun

I live in Orumchek village, Maraom sub-district, Bantthey Meas district, Kampot province. After reading a 2002 edition of *Searching for the Truth*, I became very interested in this magazine and it inspired me to write about my life to help the young generation understand the Khmer Rouge regime.

I was ordained in 1970 at Chrab pagoda. After defrocking in 1971, I worked for five months with the Vietcong (North Vietnamese) soldiers. Afterward, the general commanders of the Khmer Rouge such as Pol Pot, Ta Mok and Khieu Samphan, withdrew all Khmer soldiers from Vietnam. Then they established their first division, which was based northwest of Phnom Penh in order to fight with the Lon Nol soldiers along National Roads 4 and 5.

I became a commander of a special unit of Battalion 180, Regiment 16, Division 1. Even though I was a Khmer Rouge soldier, I had been working against the Angkar since 1973. When the Khmer Rouge soldiers entered Pochentong airport near Phnom Penh in 1975, some of the Lon Nol

soldiers were preparing to hand over their weapons. A group of women commandos was holding flowers to greet the Khmer Rouge soldiers. At that time, the Angkar ordered people to leave the city and I saw some Khmer Rouge soldiers shoot women and kill some other people.

My commander ordered me to guard the north side of the airport for one night. Concerned about my brother's safety, I found him and told him to leave immediately and go to Kampot province. Further, I



Son Sen

Pol Pot

informed him that I knew the Angkar had arrested our father and other siblings, and had taken them for interrogation.

An hour later, the regiment chief called the battalion chief for a meeting and told the soldiers not to go far. We waited for orders for two nights and three days. On the third night, Pol Pot and Ta Mok told the division chiefs, Met Soeung and Sary, to order to the regiment chief, Lonh Ron, to command Battalion 180 to leave and travel by car on National Road 4. We stopped near Ream Port.

The following day, Pol Pot instructed us to dig a trench near the sea to prepare to fight against three American ships. My uncle Pang was a Lon Nol soldier who guarded Ream Port. When we arrived at the port, we saw his ship. The other soldiers wanted to shoot it, but I told them it was ours. I quickly boarded his ship and told him to take off his uniform and put on the clothes a fisherman would wear. In the course of two nights, we captured one American commercial ship, but could not pursue a US warship that carried airplanes.

In 1975, Pol Pot appointed region, sub-district, district and village chiefs to control Koh Kong province. There, militiamen arrested and killed people whose families had connections with the Thais. I saw one place where the Khmer Rouge killed about 200 people in one night and dumped their bodies in a grave; it was about 900 meters behind a house.

In late 1975, Pol Pot asserted that Cambodia had reached the first stage in creating socialism and in destroying feudalism, privatism, capitalism and imperialism. After the party's zone representative, Chan Sy, had organized a three-day meeting, Angkar arrested Buntheng, the sub-district chief of Kampong Trach district. He was killed after they arrested another commander, Brother Sort, a former Buntheay Meas sub-district clerk.

Next, Pol Pot and Ta Mok appointed Eng alias Neou and Naky as commanders and Rorn as a region chief. Rorn commanded Neou and Ky to ask the Battalion 180 soldiers who had joined the communist youth to attend a meeting at Trapang

Roung. Although Chantha and I were traitors to the Angkar, we decided to participate in the meeting, at which a new regiment chief would be appointed.

During the meeting, the Angkar asked members to share their opinions. None dared to speak; only Chantha stood up and asked a question. But Noeu and Ky accused him of being a "hidden enemy," and he was arrested by the two commanders' bodyguards. I was shocked and wanted to take out my pistol to shoot Ky and Noeu, but the two quietly walked out. The new regiment chief said, "Elders, do not do wrong like Chantha does, then you will be alright, we promise."

About 40 minutes later, I heard the sound of a gunshot. Then I heard one of Ky and Neou's messengers report that he told Chantha to dig his own grave, then he was shot and buried east of the school.

Next, I received a letter from the region to my new regiment chief saying that I and three of my friends should go to the region without bringing guns. They sent a small boat for us. We stopped at Koh Kralao for one night. The next morning, people from the region brought us by boat through Koh Kong to Trapaing Roung. At about 9 a.m., three regional messengers holding guns arrived. They asked the boatman, "Where are the forces brother asked to come?" The young messengers pointed their guns in our direction and told us to walk forward quickly. The messengers walked 50 to 60 meters behind us.

We walked for about 50 minutes and came to a large bridge at O Kambot. Eight workers were building the bridge; they were guarded by regional soldiers. We relaxed there for a while. The regional soldiers asked the messengers to let us to stay with the workers. Rorn, the region chief, then told the four of us and the other workers to begin building a road from Sre Ambil to Koh Kong province.

In mid-1977, four or five commanders stopped at my worksite; they were driving a GMC car on their way back to Phnom Penh after attending a meeting in Koh Kong. My cousin Yean alias Reaksmei

was a commander of Regiment 17, Division 1. He got out of the car and told me in an emotional voice, "Younger brother, please try to stay alive here for a while. When we arrive in Phnom Penh, we will set up a coup against Pol Pot. So you should act cautiously and convince people to join with us."

I waited for three months, but heard nothing besides news that our clever Angkar had arrested almost all of the traitors hiding among our troops. I was hopeless at that time and thought only about finding a way to run into the forest. In October, the regional messengers wrote our biographies. The messenger asked me to write mine twice, but both times I stated falsely that I entered the revolution in 1973 and had only completed grade 12.

The four of us were then sent to Andaung Toek. After a night there, Rorn announced through a microphone that all soldiers were to board four big BE boats. There were many district troops waiting at Sre Ambil and ten trucks were to take them to Veal Rin. We stayed there for another night and were then told to get on a train. We arrived in Phnom Penh at about 9 p.m.

Fifty of us who had been on the train were told to stay on the fourth floor of a building. When I looked through the window at Phnom Penh, it was like a dark forest. In the morning, I saw Chinese people sitting and walking around, and realized we were near the Chinese Embassy. On the morning of the second day, I saw Pol Pot walking with five Chinese men, reviewing the soldiers for about 10 minutes; they did not speak.

On the morning of the sixth day, Pol Pot ordered that twelve people be nominated for unit and company chiefs; I was one of the twelve. All of us were under the command of Son Sen and chief of the general staff, Pin. We were called Special Intervention Unit 64

and were to liberate our territory from the Vietnamese invaders. Then, 30 GMC Jeeps and M-113 tanks took us north and at Prek Kdam, four ferries carried the vehicles to the east bank. The vehicles moved forward to the east and arrived at Kampong Cham, where they crossed the Tonle River, and then proceeded straight to Sras pagoda.

We arrived at Ta Pin's place at midnight. He gave us soldiers new Chinese rifles, modern B-40 weapons, new Lang Ate (a kind of rifle) and some American 79 weapons. At 7 a.m., Ta Pin ordered us to attack five targets in Vietnam, accompanied by 25 Chinese tanks and 5 M-113 weapons. We fought for five days, then the Vietnamese withdrew to Memut.

About two months into 1978, our intervention unit with 40 Chinese tanks was able to capture Memut, but half of our soldiers were lost. Pol Pot, Son Sen and Ta Pin then ordered Intervention Unit 64 to stay there and build trenches near the Vietnamese base. Next, Pol Pot prepared a list of soldiers who had to go deep into Vietnam and attack.

I thought this was my chance and told my regiment commander, "If you didn't see me, I clearly died." I led 90 soldiers who walked across the Vietnamese combat line. When we arrived, I stopped to investigate the situation and climbed a mountain



Son Sen Ieng Sary Nuon Chea

where we could see Vietnam. I divided the soldiers into three groups. Each group received a set of clothes, a C-25 radio-telephone, a map, and compass; then each went in a different direction. We communicated for 20 days. Sen and Pin called on the radio-telephone, and I responded about my daily activities.

Pin ordered me to arrest as many Vietnamese as I could in the next ten days, regardless of their sex. Near the time when we were to return, I had arrested only three. We then entered into battle with the Vietnamese. The grenades I threw killed most of their forces. But we lost two lives, one man was seriously injured, and four were wounded, including me. At about 7 a.m., I gave the three Vietnamese to Ta Pin. He said nothing, then sent an ambulance to take the injured to Suong hospital. Ta Pin sent his bodyguards to bring me to him after I was in this hospital for five days.

Ta Pin instructed me to lead 200 armed men and 7 M113 tanks to guard a spot 1 km from a place where Pol Pot was having a meeting. Ta Pin was in a Jeep behind his bodyguards' car and I was in the last car. While we neared Sras pagoda, the Vietnamese militias launched two B-40 rockets. One hit Ta Pin's car. Ta Pin and his four bodyguards were able to get out of the car, then Ta Pin went unconscious. When he awoke, he told me to run after the enemy. However, I told my men to sleep in their cars because we could not see the enemy in the dark.

In the morning, Ta Pin told his bodyguards to bring me to his place. He invited me to sit at a table that had rice, food and a bottle of wine. After he had finished his meal, he told me to lead some forces to a forest to the southwest and arrest any guerrillas we saw. I then separated over 100 men into 3 groups and told them to reconnoiter at 4 p.m. I saw nothing in the forest but a small cottage. On our way back, we came to a village with six or seven large houses. I then told my men to shoot on air to halt any activity.

I wanted to report to Ta Pin, but Son Sen had ordered him to train new soldiers. Ta Pin distributed a Chinese strategy book which was translated into

Khmer to four bodyguards and me. After that, he brought the new young soldiers to be trained at a village about 2 km from his place. After three nights, the Vietnamese guerrillas began attacking; a medic died and four others were injured. Because of this, I asked Ta Pin to return to his place.

At that time Ta Pin arrested many people at his place. After that, he told his bodyguards and me to interrogate half Khmer-half Vietnamese people. I wrote down their confessions and the four others tortured them. The four bodyguards put needles into one the prisoners' ears and connected them to electricity. The prisoner was unconscious for about ten minutes. I asked, if we tortured them severely like this, how they would answer? The four replied, "This is a plan. You are responsible for writing, so you have to write." I brought the confession to Ta Pin, but he did not find it acceptable. Then, Angkar sent the prisoner to Phnom Penh. Ta Pin then told me to look after 100 people who he handcuffed for unknown reasons. I gave them tobacco and rice. I told them all to say they knew nothing, then I released them all.

On December 25, 1978, the Vietnamese forces, accompanied by Soviet T-54 tanks and Soviet aircraft, were able to capture Memut and Krek, even though Intervention Unit 64 and hundreds of tanks fought back. Seeing this situation, Son Sen and his bodyguards told Ta Pin to lead all of their forces to fight at Krek. But Ta Pin refused the order and escaped. Son Sen then ordered the chief of a tank unit to continue the attack. The new commander told me to gather all of my forces and get into tanks.

After the commander had walked eight or nine steps toward the tanks, I shot at his group with an AK rifle, killing two. I took that opportunity to organize almost 1,000 soldiers and gave very strict orders to those who would revolt. But my plan failed because only three soldiers joined me; the others escaped.

I was terrified when I had to return because I could neither enter Vietnam nor rejoin the Khmer Rouge. I told many soldiers who lived nearby to go

back home and kept only 200 soldiers whose houses were far away. When we reached a bank opposite Oknha Tei Island, I left many of the soldiers there and took only 50 men to the island. When we arrived, a unit of soldiers pointed their guns at us and ordered us to drop our weapons. I commanded my men not to drop their weapons and asked the unit to identify themselves. One of the group replied, "No one is superior to Brother Met." I told them that pointing guns at us was wrong because Brother Met told us to work at this island.

After a while, they put down their guns, saying they would talk to Brother Met. If we were lying, they said, we were the enemy. The situation at that time was chaos; Brother Met told them to keep us in one place and he would see us the following day. Brother Met was at Pochentong airport at that time.

Then I convinced 50 men to kidnap a boat driver and find us some rice. When we came to Kampong Thom province we kidnapped three villagers and had them bring us to Kraya Dangka forest.

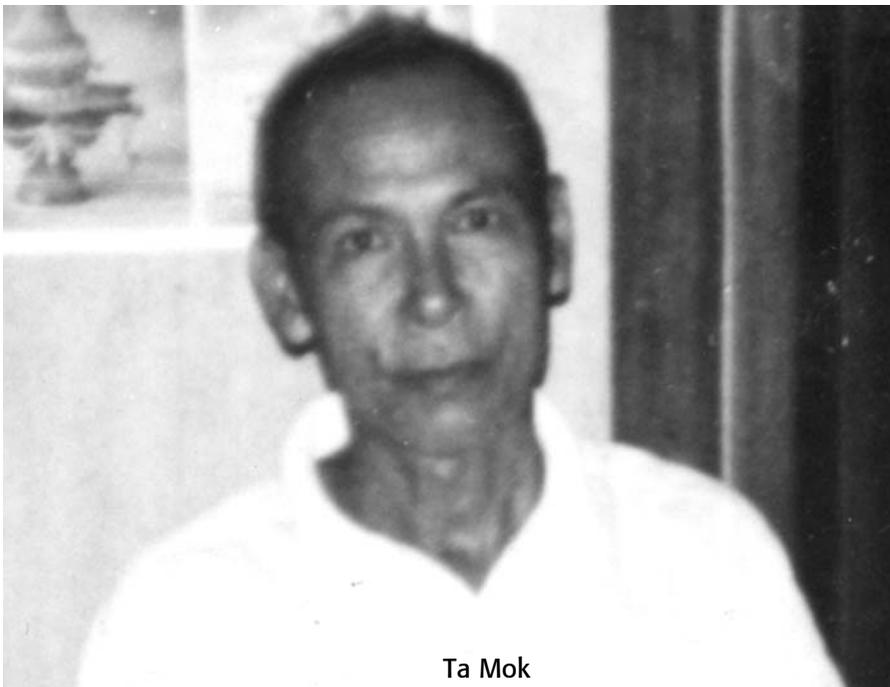
Two weeks later, I realized that Ta Pin was still alive and that we were staying 2-3 km from him. Three days later, Pol Pot and Ta Mok appointed a special group to search for Ta Pin. A special group

chief told me that Pol Pot and Ta Mok told him to bring a false letter to Ta Pin in order to kill him. I was pleased and terrified to hear this and told him that Ta Pin had escaped the battlefield and allowed the Vietnamese to enter Cambodia. I also told him that I would join him because I knew where Ta Pin was. After we had agreed, the 50 people in the special group went to Ta Pin's place.

I took five men; we walked a day and a night to the north. Eventually about 250 men joined us. We continued our journey to Kampong Krabei village where I saw an abandoned house and the footprints of Vietnamese troops. We walked around the village and saw many dead bodies in the river. The Vietnamese troops knew we were there so they came to capture us. After fighting for half an hour, I withdrew my forces; about 50 were injured and a few were dead. I brought the 200 remaining men to Khna Tou forest. But the Vietnamese continued to attack and we lost another 100 men. We were in a difficult position, so I decided to leave the people who could not move in the forest and took the rest of the men to the north.

Along the way, we encountered a special group appointed by Pol Pot and Ta Mok to ask me to go back. I refused to go with them, and went to live in a remote forest with ten men of the Free Network. These men asked me for some forces to attack Vietnamese troops to get some rice. Then I decided to bring all my forces across the Sen River to Kolen Mountain and stayed in the jungle for many months.

In 1979, I met Vin, who is Ta Mok's son-in-law. He told me he was in the same situation as me: Pol Pot and Ta Mok accused him of letting the Vietnamese enter Cambodia. I believed Vin and joined with him to create a camp on Dangrek Mountain, then called our soldiers for a meeting to nominate a



Ta Mok

battalion chief and four unit chiefs. After living on Dangrek Mountain for about two months, Vin left and eventually decided to create a base on the Thai border.

In 1981, Pol Pot and Ta Mok gave orders to have Vin and me killed at midnight. First, their special unit threw grenades into our base. Next they entered the camp and looked around, but could not find me. The shooting ended about 10 minutes later. Then came a speech through a microphone: "All comrades please put down your weapons; we have destroyed all your traitor chiefs and only Soeun is left. We will bring you back to Uncle Pot and Ta Mok; they don't mind you." Some of my forces surrendered and some fought to escape.

My group of nine was able to escape, but soon came upon troops of the Thai government. Their soldiers arrested us and held us at their camp for 12 nights. The Thai soldiers were tolerant and said they would free any people who did not have a connection with Pol Pot.

One day, I saw Ta Mok talking with the Thai soldiers. I thought he had come to negotiate with them so he could bring me and the others to be killed. It was about 7 a.m., and the Thai soldiers gave us food and said we were to be released. At noon,

seven of my group killed a Thai soldier and fired shots around the camp.

We then escaped and climbed Dangrek Mountain for two hours, but lost our way. Five days later, we came to the camp of Seun San. The people would not allow us to stay and recommended another camp. While we were talking, I heard people shouting and went to the forest to observe what was happening. Then I saw Pol Pot, Ta Mok and 100 soldiers climbing the mountain. So, I led my group to escape from them. When we reached the lowlands, we came upon 35 soldiers riding on ox carts to bring goods to camps in Obok, Tun Chay and Bak-Ronos. I gave them all of our weapons and asked if we could take shelter in their camp. They did not let us stay, but they allowed us to live with people south of the camp. I have stayed there for many years, married, and have three children. Today, I am a farmer along the Cambodian-Thai border.

I think the tribunal to prosecute the Khmer Rouge leaders is right, but the court has to try only the upper-level people because I lost three siblings in the Khmer Rouge regime.

Ou Daov alias Oum Soeun is a former Khmer Rouge soldier.

SEARCHING FOR MISSING FAMILY MEMBERS

Missing Sister and Brother

My name is Chhun Rum, age 53 and I am living in Manh village, Raluos sub-district, Prasat Bakorn district, Siem Reap province. I have five siblings. My father is Chhun Phorm and my mother is Khun Roeun. I would like to search for: 1) my sister named Chhun Ran and her husband (a brother of the famous singer Meas Saman), a marine before 1975, and they lived in Phnom Penh. I have not heard anything about them since the people were evacuated by Angkar, and 2) my brother named Chhun Rien who joined the Liberation Army in 1972 and disappeared after that. Before leaving the village with other combatants, Rien sent his family a letter saying that he had left the village and told the family to take his bike at the training center near the sub-district office.

If my sister and brother have heard or read this announcement, please contact me through the address above or the Documentation Center of Cambodia. Thanks.

Missing Son

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

Missing Two Sons

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

Missing Elder Sister

I am Khou Siem, 54 years old. My father's name was Khou Beng Sear and my mother's was Van Savun. My husband is Pann Cheun, 61. Our homeland is Khya village, Da sub-district, Kraches district, Kratie province. We are now living in Cheung Stung village, Khna Sanday sub-district, Banthey Srei district, Siem Reap province. I am searching for my elder sister, Khou Siem Cheng. Her husband's name is Cheung Haing Veng. Before 1975, they lived in Phnom Penh and were evacuated to Battambang in 1975. Later, we heard that her husband died, but she and her children were still alive. In 1979, I heard she was living in Toek Thla, Phnom Penh, but have not been able to find her. Please kindly contact me the above address or the Documentation Center of Cambodia. Thanks.

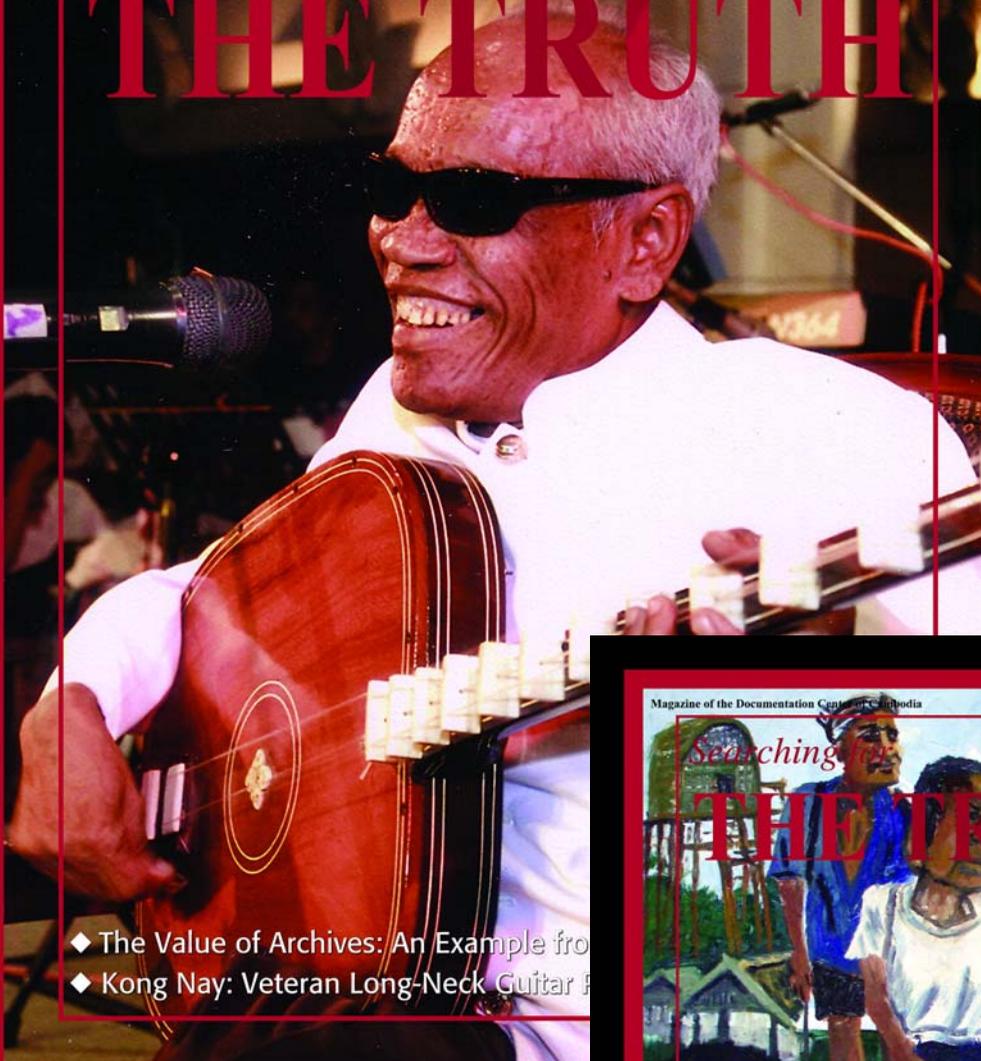
Missing Son

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

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

Searching for

THE TRUTH



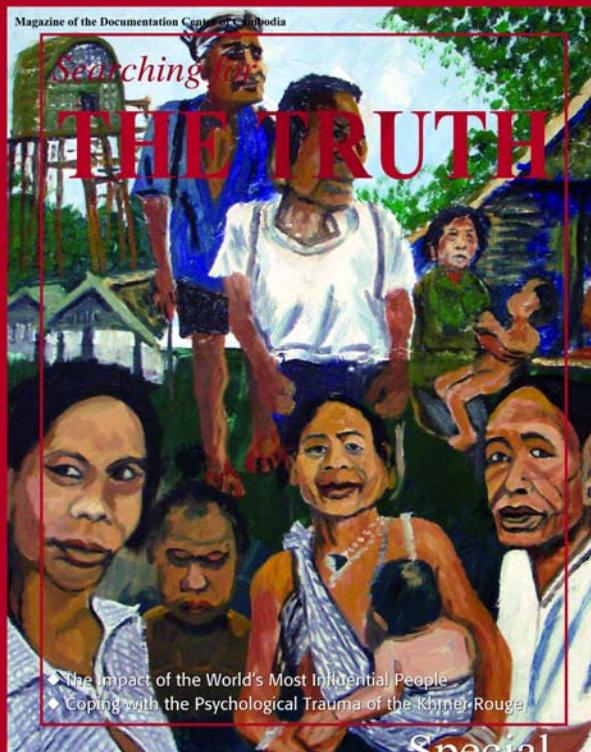
- ◆ The Value of Archives: An Example from
- ◆ Kong Nay: Veteran Long-Neck Guitar

I do not fear death. In my previous life, I must have done lots of evil things; that is why I am blind. In this life, I would never take revenge if you attempted to kill me.

-- Kong Nay

Searching for

THE TRUTH



- ◆ The Impact of the World's Most Influential People
- ◆ Coping with the Psychological Trauma of the Khmer Rouge

«If justice has not been sought, the piled-up bones should not be cremated. Proper cremation is not enough for the victims, for their spirits will not be in a peaceful state unless justice is found. We should build a stupa and place the bones inside.»

-- Suos Phorn

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