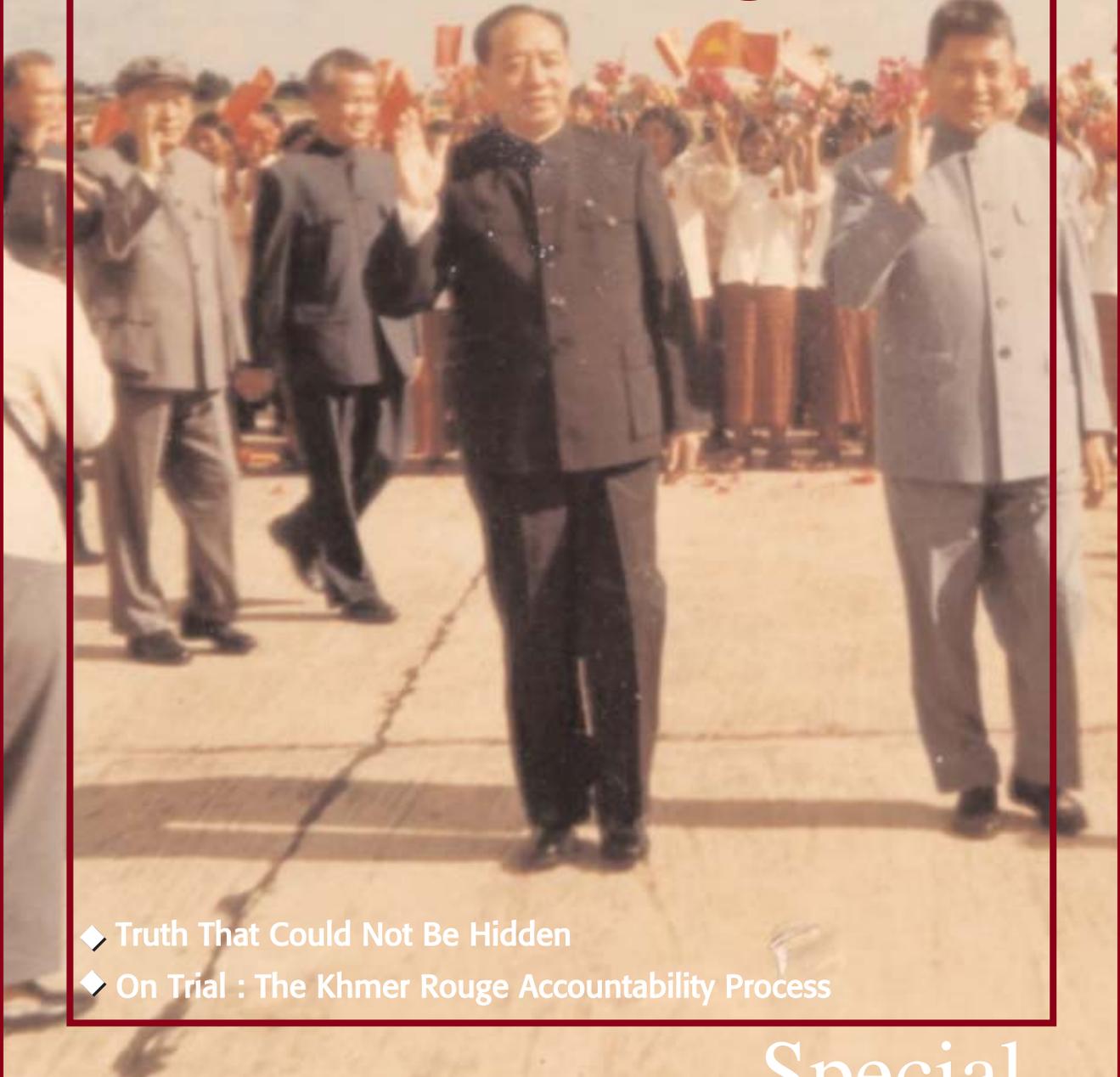


Searching for

THE TRUTH



- ◆ Truth That Could Not Be Hidden
- ◆ On Trial : The Khmer Rouge Accountability Process

«The weak can never forgive. Forgiveness is the attribute of the strong.»

-- Gandhi

Special
English Edition
Third Quarter 2009

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

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Villagers are watching film screening about Duch's trial

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Photographs by
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LETTER FROM YOUK CHHANG:

AN APPOINTMENT WHICH DOES NOT SERVE VICTIM'S INTEREST

I am writing to express my concern about the procedures followed in the redeployment of Dr. Helen Jarvis from the ECCC Public Affairs Unit to the Victims Unit. It is my understanding that the position of Head of Victims Unit was never publicly advertised after the departure of Bophal Keat, as required by the Court's competitive recruitment policies. I am concerned that after allegations of hiring improprieties aimed at the Office of Administration and commendable efforts to resolve them, the OA appears not to have followed its newly adopted guidelines. I hope that any irregularities in Dr. Jarvis' redeployment will be acknowledged and remedied.

I am also concerned about the selection of a non-Cambodian for the crucial role of Head of the Victims Unit. Although Dr. Jarvis holds a Cambodian passport, she is an Australian national. In my view,

the appointment of a non-Cambodian does not live up to the spirit of the agreement establishing the Court and its promotion of strong Cambodian ownership of the process. Regarding the Head of Victims Unit in particular, in designating this as a Cambodian national position, the Court has recognized both the symbolic and practical importance of having it filled by a native Khmer speaker who can empathize with victims from a Cambodian perspective. Instead, it appears at present that the unit working most closely with survivors will be led by two foreigners. I do not believe would be the best way to serve the interests of the Court or victims of Democratic Kampuchea.

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



Youk Chhang distribute "A History of Democratic Kampuchea" to students in Kampong Thom province

TRUTH THAT COULD NOT BE HIDDEN

Socheat Nhean

On July 2, 2009, Duch, a former chief of S-21 now on trial at the Extraordinary Chambers in the Court of Cambodia (ECCC), denied that Norng Chan Phal was an S-21 child survivor during trial proceedings. Duch stressed that the Khmer Rouge had no policy to keep children or anyone else alive; instead, they killed everyone before the KR fled in January 1979. Therefore, Duch did not believe that Norng Chan Phal had survived S-21. Moreover, Phal did not have any documentary proof to show the court that he and his mother were S-21 prisoners.

Phal is one of the witnesses testifying in the trial watched by millions of Khmer Rouge survivors living in the country and abroad. Duch's refusal sparked confusion among the public and people were curious to see if Phal was really a former prisoner at S-21.

After working closely with and interviewing Phal several times, the Documentation Center of Cambodia (DC-Cam) believed that Phal was a former prisoner at S-21 who survived after the guards left the prison courtyard following the Vietnamese arrival in the city. DC-Cam director Youk Chhang was certain that Phal was one of very few child survivors from S-21 and said that Duch's refusal to acknowledge him showed that Duch had never given up his brutality toward his victims.

Before being incarcerated at S-21, all prisoners were required to go through three processes: being photographed, having their biography recorded, and then being interrogated. In court, Duch stated that if the court did not show him Phal or his mother's biography, he would not recognize him as one of the prisoners. Unfortunately, at the time of Phal's testimony his mother's biography

had not yet been found.

In response to Duch's doubts and to find out the historical truth, two DC-Cam staff, Hin Sotheany and Sok Vannak, decided to search for Phal's mother's biography in DC-Cam archive. Fortunately, they found the biography left behind by the Khmer Rouge regime and submitted it to the ECCC the same day.

After receiving the biography, ECCC co-prosecutors announced the good news to the court immediately. The biography showed that Phal's mother, named Mom Yov, was the last prisoner who arrived at S-21 on January 1, 1979, a week before the Khmer Rouge regime fell.

After the file was discovered, Chhang criticized the investigating judges for not working hard enough to search for any supporting documents for this witness.

After Phal's mother's biography was shown in the court, Duch expressed his apology to Phal in front of the trial chamber judges and hundreds of people and recognized that the biography was originally from S-21.

Socheat Nhean is the Team Leader for Searching for Truth Magazine.



Duch in the court room

TA PHE'S KNOWLEDGE: SUBORDINATES DID NOT DO WHATEVER THEY WANTED

Vannak Sok

Cambodia went through the Killing Fields of the Khmer Rouge regime for more than three years. Rather than bring back their pain by talking about the regime, some Cambodian people wish not to recall what happened. Others, however, wish to relate their experiences to the younger generation. Included in the latter category is Ta Phe, 77-years old, living in Chhum Kiri district, Kampot province.

In 1962, Ta Phe decided to leave the monkhood to assist his parents with farming and got married to a woman living in the same village. Having an ambition to become involve in politics, Ta Phe asked his parents and his wife for permission to leave home to join the resistance movement in the forest in 1968. Ta Phe was an activist in the resistance movement with Ta Mok's group, which used to have a relationship with North Vietnam. As part of this work, he met with Vietnamese activists such as Teu Kam, Baseung, and Tanh Vanloeung. Without fear of death and exhaustion, Ta Phe's made a great sacrifice to join the resistance movement with the aim of securing independence for his country and preserving it from the domination of foreign countries.



Ta Phe

In 1970, after the coup d'état overthrowing King Sihanouk from his reign, Khmer liberation movements arose almost everywhere. Because of anger and dissatisfaction with the new ruling Khmer Republic regime, many villagers gathered in the Maki forest to overthrow it and to bring back the monarchy. In some regions people assembled and held demonstrations against the new regime. These activities caused people to be injured and killed. After this chaotic clash, people started to join the Khmer Rouge revolution movement and the North Vietnam troops.

In 1973, the Khmer Rouge gathered its large forces to fight against Lon Nol soldiers. Not wanting to be under Vietnamese control, the Khmer Rouge created a military conflict with North Vietnam and established a people's movement to chase North Vietnam soldiers out of Cambodia. Having seen how the Khmer Rouge revolution for national preservation contrasted to the atrocities of the American imperialist bombings supported by Lon Nol regime and the corruption of the Khmer Republic officers, Cambodian people in almost every part of the country started to support it.

While working for the Khmer Rouge, Ta Phe was a secret secretary in Southwest region under the supervision of Ta Mok, a KR chief; Chou Try, a KR deputy chief; and Kang Chab, a KR member. Ta Phe said that he was disappointed to see the Khmer Rouge leaders practice extreme communist policies by denying the people freedom and abolishing schools and religion.

While serving as a cadre at the district level, Ta Phe was called to Phnom Penh to study party policy at meetings joined by cadre from the district level and chief of region level, including approximately

700 people. Angkar assigned subordinate cadres to sweep away the hidden enemy burrowing from inside the party, particularly intellectuals, Lon Nol officers and feudalist-capitalist who exploited the peasant-worker class.

After this session, Angkar organized a visit to Kampong Som and to islands such as Tang, Seh, Kapi, and Rong, bordered by Vietnam and Thailand, to encourage cadres from all regions. While fulfilling his tasks, Ta Phe met some of the Khmer Rouge leaders such as Pol Pot, Nuon Chea, Ieng Sary, and Khieu Sampan, as well as a number of subordinate cadres. Although encouraged to enjoy the trip, Ta Phe always had fear and concern for his safety since he himself had frequently received letters from messengers making him notice that the superiors were always suspicious that a cadre in this or that region was an enemy.

Ta Phe recalled one of Angkar's proverbs stating,

"We have to sweep cleanly away all enemies." Somehow this proverb stimulated some subordinate cadres to carry this out by killing people, including even their Khmer Rouge cadre colleagues. Additionally, even cadre Kang Chab and Chou Chet, activists who had served the Khmer Rouge without fear of exhaustion, were also arrested and detained at S-21, and later executed. At the same time, people were given less food rations and forced to carry out forced labor, which resulted in constant death. To fill their starving stomachs, people dared to do anything even though against Angkar's rules, causing a gradual death.

Today Ta Phe no longer thinks of politics since many of his struggles resulted in nothing except loss and remorse.

Vannak Sok is a member of the Promoting Accountability Project.

SOCIETY AND ENVIRONMENT

D29804

PHNOM PENH RADIO ON PLAN IMPLEMENTATION. Excerpts from commentary, "Our revolutionary workers throughout the country pledge to strive hard to carry out their main tasks effectively and constantly in order to fulfill completely the 1977 plan..."

....At the present...revolutionary workers throughout the country are fulfilling their main tasks in their respective factories, workshops and work units... They have built many new factories and repaired and transformed the old ones-which used to depend entirely upon imported raw materials-into new factories that can operate with locally available raw materials. Simultaneously, our revolutionary workers are also focused on expanding various handicrafts in order to contribute to the growth of the national economy... During the first half of this year [1977], revolutionary workers in various factories and work

units, such as those in the State salt-marsh, State rubber plantation units in the eastern region and factories in Phnom Penh that produce agricultural equipment and tools, completely fulfilled and even over fulfilled the plan set by our Communist Party of Kampuchea and Democratic Cambodian government. In this second half of the year...our revolutionary workers, as well as co-operative peasants and the revolutionary army throughout the country have agreed to strive hard to overcome all obstacles and hardships in order to advance to fulfilling completely and even over fulfilling the 1977 plan... (Phnom Penh home service 2300gmt 9 Nov 77)

PHNOM PENH RADIO ON OIL STORAGE AND SUPPLY. Excerpts from narrative

"Our Revolutionary Workers at State Oil Depots in Phnom Penh Are Striving to Fulfill Their Duties with a High Sense of Responsibility and Revolutionary

Vigilance."

...Soon after the country was totally liberated ...our revolutionary workers at the State oil depots in Phnom Penh... launched an arduous offensive to restore and repair these depots. Through their hard work and research, they succeeded in restoring and repairing all mechanical equipment, oil tanks and other material destroyed or damaged by the enemy. As a result, all mechanical equipment and other material in these oil depots have been returned to normal operation. Not only were our revolutionary workers successful in making all oil depots function normally and at full capacity, but they also succeeded, even without imported spare parts, in transforming all mechanical oil-pumping equipment into facilities that can operate normally with lower oil consumption but great effectiveness.



As a result, an oil-pumping unit that formerly pumped only 4,000 liters of oil a day can now pump several more thousand liters a day... Some workers control pumping units that pump oil from railway oil tankers into depot storage tanks while some others busily fill barrels with oil that some other workers have to take by ship, motor-boat, and boat to various factories, work-sites and quarries. Still other workers fill the tanker trucks with fuel to be distributed along various highways...

Despite the fact that so many long railway trains of oil tankers come and go so frequently, our workers' activities never cease and there has never been a delay, for they have discovered a new technique that enables them to pump and store oil at a fast pace. This proves that our revolutionary workers at oil depots in Phnom Penh-sons and daughters of our poor people who were previously unfamiliar with the mechanical equipment in these oil depots-were able to familiarize themselves with and quickly learn all the technical aspects of the operation of these oil depots and are now able to perform all sorts of work independently ... When they pump or transport oil from one place to another, our revolutionary workers always bear in mind the need of economy and try not to spill even one drop of oil... Fire warning signs can be seen everywhere within the perimeter of the oil depots... Despite the fact that all oil-storage tanks are covered with silver colored paint to repel the heat the sun, our fraternal workers still spray them with water in order to prevent the oil in these containers from bursting into flames. As another precautionary measure against fire, while working in the oil depots they never smoke or use anything that many endanger their depots. At the same time, all other necessary precautions have been taken in case of fire... (Phnom Penh home service 2300 gmt 9 Nov 77).

BIN SAMBOK: SOLDIER IN DIVISION 310

Lakhena Tat

Vestiges of grief from joining the revolution in Democratic Kampuchea still exist deep inside the heart of many Cambodian people, even though this regime fell three decades ago. Not only villagers but also city dwellers are therefore putting effort into passing on the stories of that painful period to the younger generation to prevent them from making the same mistake again. However, Bin Sambok, a villager in Prek Chik village, Saob sub-district, Prek Brasab district, Kratie province, is an exceptional case. He rarely tells his children about his past. Nevertheless, after conversing with staff from the Documentation Center of Cambodia, Sambok eventually agreed to have his bitter story documented for the next generation to understand.

Sambok is the second son among six siblings (four sons and two daughters). When he was young, he could read and write some French despite having studied until only grade seven. After the coup in 1970, Sambok decided to quit school and help his parents in the field. In the middle of 1974, the Khmer Rouge army took control of Saob Leu village

and announced that they wanted young men and women to join the revolution since Angkar needed more soldiers. At that time, because Sambok did not want to join the revolution, Preap, a member of militiamen unit, and Yep, Khum soldier chief, accused him of being a Khmer Sar (Lon Nol's soldier). He was so scared that he begged Sem, the Khum chief, to let him join the Khum production unit to avoid this deadly accusation. This Khum production unit was located in Boeng Chreng, and comprised of around 20 to 30 members from different villages and sub-districts under the supervision of a Khum chief called Chet. Angkar divided the work into two units, a male team and a female team, and a team chief named Preap oversaw their work. Sambok was in charge of growing rice and building dams from 6.30am until 5 or 6pm before he was allowed to rest. Nonetheless, even after he accomplished all of the assigned tasks, he could not return to his residence. The entire Khum production unit had to eat their meals together in the cooperative, and there was no food choice; whatever Angkar gave, they had to eat.

In July 1974, Sem sent Sambok and another five or six members to fight in Koh Tralach in Kampong Chhnang province. Sambok was included into Battalion 15, Regiment 806, Division 1, under the supervision of Battalion chief Chay, Regiment chief Tun, and Division chief Oeun. There, Sambok learned military strategies from a division chief named Han, but after only four or five days, they were sent into battle at Phnom Baset and Trapamng Preay, which is located north-west of Phnom Penh. There, they were divided into



Bin Sambok

two units: artillery and infantry.

After the Khmer Rouge's full-scale victory in 1975, soldiers in Chrang Chamreh were no longer allowed to use guns because all regiments were ordered to grow rice. At this time, Regiment 806 was comprised of 400 members but was soon reconfigured into Battalion 15 and Division 1 was renamed Division 310 under the supervision of Oeun. About two or three months later, Oeun ordered all battalions to grow rice in Kabb Srauv. Sambok, along with four or five other members, was required to dig a hectare per day. This task sometimes lasted until the dawn of the following day; they had almost no break. Worse, their diet was decreased.

In 1977, disagreement within the group began to appear and accusations were made against some leaders. Those leaders were then arrested and killed. During that time, Sambok realized that misbehaving would result in arrest, just like what had happened to Tun, Regiment chief, Hon (Tun's successor), Chay, chief of Battalion 15, and Chan (Chay's successor). Additionally, Oeun, chief of Division 310, was arrested by Angkar and accused of being a CIA agent. After this event, the South-West Zone monitored all soldiers more closely. They were told that they must not disobey any order of Angkar or they too would be arrested. Then, Sambok and the Battalion chief were sent to an education hall near Wat Phnom in Phnom Penh. Sambok recalled that the record of Oeun's confession about his betrayal was played for all soldiers. After that, Sambok was sent to grow rice in Boeng Brayeab. The chief there was Sib who came from the South-West Zone and the deputy chief was Ni. The content of his work was no different from what he had done so far, but he now became more concerned about his own safety because members in his unit disappeared one after another. Det, who was his team chief, was called for "education," but he never returned. Moreover, Sambok witnessed the killing of 200 to 300 East Zone soldiers in Ta Hiv

village. After working for a period, Sambok became ill and had to stay in Preah Komalea hospital, which accepted only military patients, to receive treatment for a month.

In 1979, Sambok, along with the entire division, was sent into battle against Vietnamese soldiers in Suong where Division 310 was renamed Division 207 under the supervision of Division chief called Nha. However, only two months after Sambok joined the fighting, he suffered injuries to his hands, chest and eyes. After staying in P-98 hospital, Sambok was sent by train to a battleground in Bvel district, Battambang province. This time however, Sambok did not fight against the Vietnamese soldiers because the entire nation was liberated as soon as he arrived. In the ensuing chaos, Sambok took the opportunity to escape to his homeland along with other soldiers. When he returned to Seam Reap, Vietnamese soldiers detained him for a week to study their policy with a Vietnamese teacher assisted by his interpreter.

At last, after traveling on foot for another half a month, Sambok returned home and reunited with his family. In 1984, Sambok married a woman named Saboeun. Finally, Sambok requested that the history of the Khmer Rouge be documented so that the next generation can learn about this dark era in human history and, more importantly, prevent this event from ever happening again.

Lakhena Tat is the Staff Writer for Searching for the Truth Magazine.

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FILM SCREENING AT AMPE PHNOM MEMORIAL SITE: POPULAR REACTIONS ON DUCH HEARING

Sok-Kheang Ly, Sirik Savina, and Adam Coady

Several months have passed since the commencement of the trial against Kaing Guek Eav alias Duch, former chief of Tuol Sleng prison, at the Extraordinary Chambers in the Courts of Cambodia (ECCC). As the first trial of the ECCC, the proceedings have drawn national and international attention. While some Cambodians believe that no matter what happens, the trial is incapable of helping Cambodia achieve reconciliation, the majority of Cambodians have expressed their satisfaction with the proceedings and belief that justice is imminent. Regardless of their view of the ultimate outcome, they all keep a close watch on the trial. Either through DC-Cam's Living Documents project or through their radios and televisions, Cambodians are keeping abreast of the legal developments at the ECCC.

On the morning of July 5, 2009, as part of the Living Documents project, a six-member film crew screened select trial footage at the Ampe Phnom pagoda for villagers from three communes of Kampong Speu province. The crew chose the pagoda for the screening site because of its place in Khmer Rouge history. As told by the 80 year-old Mr. Un Hak, in 1975, the Ampe Phnom monastery was abandoned after the Khmer Rouge evacuated everyone to Region 55 in the Angkor Borei district, Takeo province. The monks that lived in the monastery were forced to disrobe and move out, leaving no one to tend the building.

In Hak's view, what happened at the monastery is proof of the Khmer Rouge's intent to eradicate religion in the area. Although little is known about what happened at the monastery during the reign of the



Discussion before film screening about Duch's hearing

Khmer Rouge, Hak, the Ampe Phnom village chief after 1979, recalled that the pagoda's compound was dotted with numerous graves. At the very spot where the films were screened, hundreds of victims had been clubbed to death and then buried in mass graves. In the early 1980s, the remains of the victims were excavated and then stored in nearby housing to prevent them from destruction. See: www.dccam.org/Projects/Maps/Mapping.htm.

When Hak found out about the trial, he was very supportive and he urged the villagers to engage in the legal proceedings. He supported the screening and wanted the villagers to view footage of Duch on trial. The purpose of these screenings is to record the reactions of villagers and to use the information collected to assess the ECCC proceedings. Below are the individual reactions of villagers after they saw three clips from the Duch proceedings

Villagers' Reactions to the Duch Trial

Mr. Ven Vang, 48 years old, said: "I am a Khmer Kampuchea Krom. I have a father who died during the Khmer Rouge. I think that bringing these leaders to trial is something that is appropriate at this time. Duch made a lot of excuses about the crimes committed at M-13 and S-21. He said that he did not do the job on a voluntary basis and did not torture the prisoners but ordered his subordinates to do it. It was true. It therefore means that he had a right to spare someone's life if he wanted to. But he did not. I have high expectations of this Court (ECCC) because it is a mixed tribunal of the Cambodian and international communities. According to the video footage, I think this tribunal will secure justice for both victims and suspects. In the video footage, I observed that judges questioned Duch very patiently. And Duch was not physically or mentally threatened at all during the hearing. Lastly, I hope that an education program is created for the younger generation to help them learn about the regime in order to prevent this from happening again. I have a last hope that international communities are aware of the suffering of and crimes committed by the Khmer Rouge on Khmer Kampuchea Krom."



Villagers share their view on Khmer Rouge Tribunal

Mr. Duch Bunnarith, 47 years old, said: "During the Khmer Rouge regime, my family and I were evacuated to Battambang. My parents died of starvation there. We had very little food to eat. My siblings and I barely survived the Khmer Rouge regime. Today the Khmer Rouge tribunal is established. I was grateful to all people who contributed to the establishment of this tribunal. I do not know about the legal procedure so I have no idea how the Khmer Rouge leaders would be punished. I became an orphan because of all that happened during the Khmer Rouge. My loss will never be paid back. But I hope that the tribunal is able to do something for Cambodian survivors in addition to seeking justice. As part of the tribunal's heritage, the government might want to build schools or construct memorials for collective memories."

Mr. Seng Sakhan, 44 years old, said: "Duch felt remorseful for his crimes committed during the Khmer Rouge regime. But I do not think that Duch should be forgiven. What he has committed is too obvious and terrible. He should be accountable for



Villagers are watching film screening about Duch's hearing

that. During the video footage, I observed his cruelty when he said he stood laughing at a female prisoner being tortured. I do not understand why he regrets his acts today. Why did he not regret them when he was a chairman at S-21? As a chief of a prison, why did not he try to save prisoners at that time?"

Mr. Yim Daung, 85 years old said: "I have heard of the Khmer Rouge Tribunal but I have not seen the trial hearing with my own eyes. During the Khmer Rouge regime, all Cambodians suffered a lot. Some people were tortured. I absolutely support this tribunal. I think it is the right thing to bring those leaders of the Khmer Rouge regime to face the trial."

Mr. Kao Teum, 80 years old, said: "I understand that Duch accepted all the crimes he committed. I think we should forgive him."

Mr. Kit Yi, 84 years old, said: "It has been many years since the atrocities of the Khmer Rouge. Now Duch is being held accountable for the crimes committed at S-21 under his supervision. So we should forgive him."

Mr. Sam Sokha said: "I am not able to forgive him because six of my relatives died at M-13. I barely survived the regime. I admit that I could barely hold my tears back when I was listening to Norng Chan Phal's testimony on the video footage."

Analysis on Screening and ECCC Involvement in Future Screenings

At the screening, the villagers viewed three

video clips. The footage included Duch's apology, evidence of atrocities committed at M-13, and testimony by Norng Chan Phal, an S-21 victim. In the coming months, DC-Cam will be partnering with the ECCC to show video footage of both the Duch case and any future trials throughout the country.

The purpose of these screenings is to bring the ECCC into the villages and to increase awareness of the proceedings. The footage to be shown will already have been made public and the screen-

ings will neither reveal new information nor will they purposefully ignore existing facts. DC-Cam will strive to present a fair sampling of the footage and to avoid creating unfair prejudices. Moreover, DC-Cam screenings will merely one of the many avenues through which Cambodians can learn more about the court.

When DC-Cam partners with the ECCC in making such presentations, precautions must be proactively taken to ensure that the screenings present a fair and impartial representation of the trial proceedings. Although objectivity is merely desirable when DC-Cam independently holds screenings, objectivity will be imperative when the ECCC is involved. The selected video must not compromise the court's neutrality.

Due to the impossibility of showing the entire trial proceedings at each screening, the film crews will be forced to select which video clips to show villagers. The film crew must be cautious about what video clips are selected for screening. No matter how strongly the evidence may weigh for or against the defendants, it is imperative that the defendants' perspective and their explanation of their innocence be fairly presented. DC-Cam should make every possible effort to present a balanced collection of footage so that the villagers can decide for themselves the level of the defendants' responsibility.

Types of video footage selected could include: a defendant's argument supporting his innocence; the prosecution's main argument for conviction; relevant

victim testimony and, if possible, any footage that connects the proceedings to the region. Sunday's presentation included Duch's apology, testimony about M-13 (located near the screening site) and testimony from victim Norng Chan Phal. Because Duch apologized for his crimes and does not contest his guilt, the video footage was probably a fair representation of his trial arguments. Although Duch is trying to qualify his guilt and reduce his final sentence by introducing mitigating factors, explaining this nuance would probably require more time than is possible and is not crucial to getting across the core of his argument.

In subsequent trials, it will be more difficult to find and present sample footage as succinct and as representative of a defendant's case as Duch's apology. Future defendants are expected to plead innocent and will presumably submit their own evidence to support their pleas. However by careful editing and an awareness of the need to present all sides equally, a fair representation of the defendant should be possible. These guidelines also apply for the sample footage of the prosecution and victim perspectives.

Sunday's screening included footage documenting

the abuses that occurred at M-13. This footage was chosen because of the proximity of M-13 to the villages and the inescapable connection the villagers have with the former interrogation center. For future screenings, if footage exists that directly ties the area where a screening is taking place to the trial, then it should be used. Inclusion of this footage makes the trial accessible and tangible to the villagers.

When the film crews select the footage to screen, every effort should be made to ensure that a fair representation of the trial proceedings is presented. These screenings will play an important role in informing the public about ECCC proceedings, and the villagers' reactions to them will be invaluable in evaluating the success of the ECCC. Only through a balanced presentation, will DC-Cam be able to collect the most honest, insightful and informative reflections.

Sok-Kheang Ly, Sirik Savina, Team Leaders, Living Documents Project .

Adam Coady, Georgetown University Law Center 2011, DC-Cam Legal Associate Summer 2009.



Villagers are reading Duch's biography

REACHING OUT TO THE CHAM-MUSLIM COMMUNITY IN KAMPOT

Spencer Cryder

Due to the extensive flooding in Kampot Province on 13 July 2009, the DC-Cam staff and legal associates arrived at Nurul-Ihshan Mosque in Tadib village slightly later than the scheduled eight o'clock start time. However, the flooding did not deter approximately two hundred villagers from attending our discussion on the Cham-Muslim experience during the Khmer Rouge period. The villagers sat on the floor, distinctly separated into male and female sections, with the older villagers near the front. I sat near a group of elderly women whose facial features – round faces and softer skin tones – initially struck me as unique. The organizer of the event, Farina So of DC-Cam, explained to me that this was a result of their Cham (Northern Vietnam) and Javanese (Indonesia) descent.

After an initial introduction by Farina, Youk Chhang asked that the group move in closer to promote a more intimate discussion. Thanks to the

interpretation by Sayana Ser of DC-Cam, I was able to follow most of the morning's discussions. Engaging primarily the elderly women, Youk first explained the developments at the Extraordinary Chambers in the Courts of Cambodia (ECCC) and asked the villagers if they were interested in attending the ECCC for a day to observe the Duch trial. Although initially timid, around twenty individuals eventually raised their hands, the majority of whom were women. While not necessarily concerned with the proceedings before the ECCC, one woman explained that she wanted to attend the trial to see the face of the man who carried out such horrible atrocities, Duch. Others desired to attend the proceedings to confirm that after thirty years the perpetrators are being held responsible.

Based solely on the speakers' body language, facial expressions, and frequent laughing, I imagined the victims were relating positive or humorous



Cham Muslims are listening to DC-Cam's staff about the ECCC proceeding

anecdotes. However, once Sayana began to translate one woman's story concerning the murder and starvation of her relatives – from her sisters to her grandparents to her uncle – by the Khmer Rouge, I was struck by the woman's cheerful demeanor as she recalled these tragedies. As a Westerner, I realized how differently Cambodians express their grief and tragedy. A tragic story in the West is often coupled with visible anguish and tears, whereas this woman conveyed her loss through nervous laughter and a smile. When Youk inquired into her ability to forgive the perpetrators, she flatly rejected the possibility of forgiveness. Her rejection persisted even when Youk asked about the teachings of her religion, Islam, in relation to forgiveness. You could see in her face that she knew from her life experiences and religious beliefs that she was supposed to grant forgiveness, but she was simply incapable of granting it. This exchange led to a concise answer when asked about what type of reparations the court could provide: None. Any reparation would be insufficient because the damage done to her life was irreparable – she would never have her family back.

The group's openness and willingness to share their opinions and stories wavered at times, but many in the group welcomed the opportunity to share their experiences with the DC-Cam staff and the younger generations in attendance. The mere fact that we had all gathered – Khmer, Cham, American, etc., to distribute and receive the first ever textbook about the Khmer Rouge – seemed to instill a confidence in their storytelling that would have presumably been absent in a small group. The process of gathering everyone for this occasion appeared to validate their stories, validate their waiting for so many years for someone to recognize what had occurred to the Cham Muslims. This validation was most salient when Youk invited one of the younger members of the group to read a portion of the textbook that recounted the experiences of Cham Muslims during the reign of the Khmer Rouge.

After finding a young person that was capable – and willing – to read, the group listened intently as the young man read to the group about the treatment of Cham Muslims. Even the teenagers in the crowd were attentive, implicitly acknowledging that the stories they had been told by the older generations were in fact true and are now enshrined in a book that would be read all over Cambodia and the world. This observation was further supported by villagers' oral affirmation that the accounts in the textbook were accurate.

What I imagined would be an extremely painful task of survivors recounting their experiences, proved to be a cathartic release for the elderly and a stark realization or reminder to the youth that all of those events did in fact happen to their family members and neighbors. Some observers have argued that discussions of such a painful and traumatizing nature should only be done under the supervision of a psychiatric doctor. However, in a community such as the one we visited, I feel the group discussion was an appropriate vehicle, allowing for a release and an acknowledgement of the victim's pain, while in turn reminding the younger villagers of their community's past. While some of the Tadib villagers will never heal – or cannot heal – they realized the benefit of sharing their stories with their community. After the distribution of the textbooks, the villagers present at Nurul-Ihshan Mosque departed with a tangible affirmation of what happened during the Khmer Rouge regime. They also left with the knowledge that Cambodians throughout the country will be reading a textbook that tells a part of a dark corner of Cambodian history from the Cham Muslim perspective. While validation is neither reconciliation nor forgiveness, for a day, their stories were validated and now a piece of their story is part of how Cambodians will be taught about the Khmer Rouge period.

Charles Jackson, 2009 Documentation Center of Cambodia Legal Associate.

THROUGH THE EYES OF TOUL SLENG PRISONERS

Pechet Men

The eyes are the most important part of human body. They present us with the window through which we view the world. Many information gets into our brain also with the assistant of the eyes. They are the windows of the soul as they can send many different non-verbal signals. Through the eyes people can express their insight emotions - happy, joy, surprise, sorrow, afraid, insecure, doubt, horror and others. And through the eyes of Toul Sleng prisoners, what did they want to share?

At the southern part of Phnom Penh, in Toul Svay Prey district, the Ponhea Yat High School was used as an interrogation and torture center so-called the S-21. During the Democratic Kampuchea, most of the Toul Sleng prisoners were accused of betraying the party or of being traitor allies. The prisoners once arrived at the S-21, they were taken photograph and required to give details of their biographies. They were then interrogated and, once the interrogation had done, the Khmer Rouge would get them perished. During the interrogation, many kinds of torturing methods as such beating, electrocuting, burning with cigarette, waterboarding and so on were held to get the confession. After the fall of the Pol Pot regime in 1979 approximately 14,000 prisoners were arrested and executed at Toul Sleng, where as only about 12 prisoners survived.

Today the S-21 security center is served as a genocidal museum. There are thousands of prisoners' photographs, taken during the Khmer Rouge era and printed in black and white, are displayed inside the exhibition hall. Torture devices, bones and the skulls of prisoners are also put on display there.

In August 18, 2009, while I was walking in the exhibition hall at Toul Sleng, thousands of eyes, the eyes of prisoners, were looking at me as if they had something to tell me. I started then observing

those eyes. Through those, I could witness the horror, doubt, innocence, and etc. which were hided inside. I learnt the atrocity of the regime. I could realize that during the Pol Pot regime the country was deeply fallen into the track of the Khmer Rouge. As a result, many innocent people were brought to death.

Sinet, 47 years old, farmer, Kampong Thom: Whilst she was looking at those photos posted on the wall of the room at Toul Sleng, it reminded the experiences she endured during the Democratic Kampuchea. She had her grandfather executed there. Once she came across her beloved grandfather's photograph, she broke down in tears. Looking into her grandfather's eyes, she found how fearful he was. He seemed to ask for assistance, but no one could. Ms. Sinet recalled that she was living with her grandfather since she was a child. Among her family members, her grandfather was the one she loved the most. She regretted that she could do nothing to save her grandfather's life. Finally, she hoped the Extraordinary Chambers in the Court of Cambodia (ECCC) would bring victims the justice and wish the spirit of the Toul Sleng prisoners would rest in peace.

Rosinah, 44 years old, Cham Muslim, Kampong Cham: She was terrified when she walked toward the exhibition hall in Toul Sleng. It relocated her about her elder brother who was brought and executed there. She was walking around looking for him; unfortunately, she did not. What her brother left her only a prisoner biography. She then stood still looking at a prisoner's photo. He looked pale and skinny. His face was fearful. He was not her brother, of course, but she could felt the suffering he experienced. Suddenly, she cried out since she imagined if he was her brother. He appeared asking her for a hand, and

took him away from this darkened world. She recounted that she could not do anything during that time, but silent. She added that she did not even know if he was taken to S-21, as at that time, he was pursuing his degree at the Arabia. How could he have been killed there? This question had been there for her every time she missed him.

Sinuon, 68 years old, Buddhist nun, Phnom Penh: Of course, it was not her first time to Toul Sleng, though she could not help crying every time she stepped in there. She said she could feel the sorrow and doubt of those prisoners, through which their eyes shared her. They looked unconscious as if they did not know whether they would be executed once they sent there. It was a pity for them to be killed without knowing any guilt or trial. She recalled that her life during the Khmer Rouge was much easier than those prisoners, since she was not shackled or suffered from such severe interrogation system.

Chankang, 18 years old, student, Siem Reap: She was shocked for her first time to see the Toul Sleng. At there, she saw the torture devices, prisoners' photographs, skulls and others. She said that she

could not believe how brutal the regime was. Through their fearful eyes, she could imagine the horrific experiences of which they endured during the epoch. They told her a reign of when many people were killed, forced labor, and imprisoned. She was sad and wondered why did the Khmer Rouge kill their people?

Through the eyes, we could see their stories and emotions. Through the eyes of S-21 prisoners, we, next generations, could learn many stories of their lives. It clearly showed us how atrocious the Khmer Rouge regime was. Many innocent Cambodians were slaughtered. Since they had gone, their children have become orphans who will never feel the care of the parents. Those children have to struggle alone to seek for the better life and future. The suffering always haunts those surviving victims. It seems they are living in the dark age. In contrary, if those prisoners were alive, how happy each family was!

Pechet Men is a Team Member of Victim Participation Project.



HISTORY FOR DC-CAM

David Chandler

It's an honor to be here, and it's also a genuine challenge to try to give you a clear idea of Cambodian history up until independence... two thousand years or more in half an hour!

Most people, especially foreigners, think of Cambodian history only in terms of Angkor and modern times, or more specifically Angkor and the Khmer Rouge period. As I hope to show in my brief talk, Cambodia has much more history than that.

I will be suggesting to you that all of Cambodian history, from the earliest times right up to 2009, is rich, interesting and continuous. You are all the heirs of an extraordinarily long, vibrant and fascinating past, and you can all be very proud of it.

Basically, for my short talk I would divide this enormous stretch of time -- from the beginning of Cambodian history until 1953, when the country gained its independence from France -- into four periods. Each of these can be seen in terms of a major theme or two.

1. Pre-histories, Funan and Chenla. Theme: Indianization. Dates: 5000 BCE-800 CE

2. Angkor. Themes: Imperial Power, Urbanism and Ordinary People, Dates: c. 800 c.1450

3. Middle Period. Themes: Transformation, Isolation and Outside Pressures c, 1450 -1863

4. Colonial Era. Theme: Cambodia Enters the Wider World 1863 - 1953.

Prehistory, Funan and Chenla.

We have evidence of cave dwellers in north-western Cambodia living as long ago as 5000 BCE. They were Stone Age people, and several other very early sites have now been excavated. By 1000 BCE people living near present day Kg Chhnang were casting bronze (lovely specimens of their work can be found in the National Museum). Their tools and ornaments and weapons resembled those found in

Bronze Age sites in northeastern Thailand. This doesn't mean that the early Cambodians were "Thais". You have to remember that there were no national borders in Southeast Asia until the colonial era, and also that the people of what is now northeastern Thailand in those far-off days probably spoke Khmer, or a related language. These people were growing rice and eating fish, so the mainstays of the Cambodian rural diet in 2009, were the mainstays in the country in 1000 BC. This is one of the much continuity in Cambodian history.

The phenomenon we call Indianization, which I have chosen as the major theme for this period, really only begins to be recorded in the early years of the Christian era, when Indian jewelries and tools have been found at a coastal site associated by scholars with what the Chinese called the kingdom of Funan.



Funan was an important trading kingdom, and the fact that it had an extensive network of canals suggests that it was able to mobilize a large labor force when needed. Unfortunately, no local written records survive from Funan. Information about it comes from archaeological digs and Chinese sources, assembled over several hundred years. The latter are useful because, without saying so, they trace the growing complexity of Funan as its rulers selected linguistic, cultural and administrative elements from India in the complex and rewarding process that we call Indianization.

Indianization was not colonization, but rather consisted of a series of choices made by local elites when they encountered Indian culture, either in India as pilgrims or via trade or in Cambodia (Funan) via Indian traders, bureaucrats and priests. The process took place in unrecorded form between over 500 BCE and 500 CE, more or less. It happened because of trade relations with Cambodia selling exotic forest products and Indians trading these for manufactured goods, especially textiles. The most enduring aspects of Indian culture that were accepted by the Khmer were its gods (and some of these were more popular than others) and its ideas of governance. The Khmer never adopted the caste system that prevailed in India. When Khmer became a written language in about 300 AD, Indian characters were adapted for its alphabet. Indianization was not the first time, or the last, when the blending and adaptation of cultural elements from outside Cambodia helped to form the ongoing cultural history of the country. A key point is that Indianization was not an imposition of control, or colonization, as was the case with China and northern Vietnam.

In the 4th and 5th centuries CE, Cambodia's political center of gravity shifted inland from the coastal area of "Funan" into south central Cambodia, with a city located at what is now the village of Angkor Borei. "Chenla" was the name given this successor kingdom by the Chinese. The capital of Chenla was probably Isanapura, or Sambor Prey

Kuk in Kompong Thom. During three years the first inscriptions in Khmer and Sanskrit were carved on stone and started to produce a documentary record for Cambodian history and society. Michael Vickery's invaluable work on these inscriptions, which appeared in 2005, has revolutionized our knowledge of the closing years of this early period. **Angkor. Themes: Imperial Power and Ordinary People**

All of you are reminded of Angkor every day, whenever you see the Cambodian flag, hear the national anthem, or notice the name of many shops. You see an echo of Angkor in the Independence monument. Many of you have probably visited it, some of you more than once. Angkor is a marvelous tourist site for over a million foreign visitors a year, but for you, as Khmer, it's also something else: a beautiful reminder of your ancestors' extraordinary achievements in the fields of art and architecture, city planning, road building and hydraulic engineering, to name only a few.

For many years, archaeology in Cambodia, dominated by the French, concentrated on the kings, temples and the inscriptions that they found at Angkor so as to build a picture and a chronology of the empire. They named twenty-six kings, located the remains of more than a thousand temples and deciphered more than a thousand Khmer and Sanskrit inscriptions. In restoring the major temples at Angkor, the French also learned a great deal about Cambodian religion and, from the bas-reliefs of the Bayon, a certain amount about the daily lives of ordinary people.

The inscriptions told scholars about royal concerns (often expressed in elegant Sanskrit poetry) and a certain amount about the administration of the empire, particularly as the administration was linked to temples erected by kings or by powerful members of the elite.

They gave the temples and everything else that they learned to the world as a gift, and they gave a gift to the Cambodian people.

What was missing from French efforts was a

concentration on the daily lives of ordinary people of Angkor--your ancestors: hundreds of thousands of unrecorded men and women who grew the rice, raised their families, fought the kingdom's wars and built the temples. French scholars saw Angkor as a challenge, as a collection of beautiful ruins and as a site for six hundred years of royal history.

In the last fifteen years or so, several dramatic changes have occurred in relation to our thinking about Angkor and the early history of Cambodia. For one thing, digging at pre-Angkorian settlement and burial sites has revealed many complexities in ordinary life. Mapping and in the Angkor region has also developed into a fine art, using satellite photography to discover Angkorian rice fields, canals and roads. Have concentrated on showing what a large and crowded city it once was--probably housing

as many as 700,000 people in the 12th century CE at the time when Angkor Wat was being built.

The name of the city was Yasodharapura. We know a lot more than we once did about the city in terms of settlement patterns, streets, household goods, ceramics, roads and canals. Although ordinary men and women only appear in Angkorian inscriptions as names of slaves, they are now emerging as the lively and inventive inhabitants of a large, complex and interesting city as well as the marvelous artists and architects we always knew them to be. And these people belong to you.

At the same time, traditional archaeological concerns--with the kings, their temples and their inscriptions--have yielded a lot of new information about such things as the reign of Jayavarman VII, the astronomical meaning of Angkor Wat, and the



In front of the Ministry of Education, Youth, and Sport (left to right): Alexander Hinton (Director, Center for Genocide Studies and Human Rights), H.E. Im Sethy (Minister of Education, Youth, and Sport), John Ciorciari (Professor of Public Policy, University of Michigan), Youk Chhan (renowned Cambodian scholar). In the background, left to right: Phala Chea, Kosal Phat, and Sarah Dickens. Source: DC-CAM

nature and scope of international trade. In 2009, we know more about history at the top than we did, as well as more about the daily lives of ordinary men and women and about the 1000 square kilometer urban complex where they lived. Angkor, instead of being a grand mystery, has become a combination of imperial grandeur and the work of people whose language, lives and attitudes many if you would find sympathetic and easy to understand.

The Middle Period. Themes: Transformation and Outside Pressures

No documents survive that tell us exactly when, how or why Angkor declined as a great city after the mid-fifteenth century, and the process was obviously complex, stretching over several hundred years, but some important transformations had already taken place in Cambodian society over a century

before Yasodharapura (but never Angkor Wat) was abandoned.

The most important these were the mass conversion of the Cambodians to Theravada Buddhism, the same Buddhism that is followed by most Cambodians today. The conversion probably occurred in the thirteenth century, because when a Chinese diplomat visited Yasodharapura in 1296, the population was already following this religion. The conversion put Cambodia on a similar course to the one being followed at the same time in neighboring Siam and indeed the next few hundred years can be seen in part as a fruitful exchange of culture between these two countries.



Human Rights at Rutgers University),
 ng (Director, DC-Cam), and David
 m Archives.

Unfortunately for Cambodia, Siam in the sixteenth century began to demand subservience and tribute from the Khmer, and continued to do so until the arrival of the French in 1863. The Cambodians did not lose all the wars that they fought with Siam, but the ones they lost led to sizeable transfers of people from Cambodia to Siam as prisoners of war. An important trend of the middle period was the simultaneous shrinkage of territory under the control of the Cambodian king and the decline in Cambodia's population.

Another new factor for Cambodia in the middle period was the rise of a powerful neighbor to the east. By the mid seventeenth century, the Nguyen rulers of southern Vietnam gave royal factions in Cambodia an alternative set of patrons to those in Siam. The Vietnamese also blocked Cambodia's access to the sea, and from about 1650 to 1850 the kingdom was isolated from the outside world, and carried out very little international trade.

However it would be incorrect to view the middle period primarily in terms of suffering and decline. This was the period when the masterpieces of Khmer literature were written--the Chbap and the Reamker, to name only two-- and it was the period that connected Angkorian civilization to the society that the French encountered when they arrived in the kingdom in 1860. The connecting tissue between Angkor and the colonial period was made up of Cambodian popular culture, its rich language, and much of its social organization. In other words, you as Khmer are the heirs of this period, perhaps even more than the Angkorian period or the colonial era.

The Colonial Era: Cambodia Joins the Wider World

When French explorers arrived in Cambodia in the early 1860s, they were seeking to expand French commercial interests in Southeast Asia, and believed that Cambodia, or more precisely the Mekong, were a gateway to China. The French had already occupied southern Vietnam as a colony, and were eager to increase the control over the

region.

Civil wars, rebellions, invasions from Siam, and a prolonged Vietnamese protectorate had engulfed Cambodia for the preceding fifty years. Thai and Vietnamese forces clashed in Cambodia, and the ensuing warfare depleted the country. Its population had been decimated, many if it's WATS destroyed, and the newly installed king, Norodom, who was fearful of Siam, sought French protection (or more precisely, accepted it when it was offered). The French were happy to provide this protection, but to Norodom's surprise and displeasure, protection over the next thirty years turned into extensive political and economic and economic control. The king was marginalized. Although Cambodia was officially a Protectorate, with its own King, it was too all intents and purposes a colony by the end of the 19th century, and the French, who built their palaces and kept them from performing any significant political activities, placed all the next three kings of Cambodia on their thrones.

In drawing up a balance sheet of French colonialism in Cambodia, it's important to stress the lasting contributions the French made (using Cambodian labor to be sure to Cambodia's infrastructure, urbanism and archaeology.) Tides provincial capitals were planned and laid out by the rich; so were most of Cambodia's paved roads, and most of the city of Phnom Penh. It is easy to see this benefited the French perhaps as much or even more than the Khmer. French worked in archaeology, on the other hand, while bringing prestige to France, was of long term benefit to the Khmer, and perhaps Rankles finest legacy. When the provinces of Battambang and Siem Reap, annexed by Siam in the 1790s, were returned to Cambodia after France had exerted pressure on the Thai, the site of Angkor returned to Khmer jurisdiction, and French archaeologists could begin their serious and helpful labors of restoration. There are negative aspects of the colonial period which I'll discuss in a moment, I think from the vantage point of 2009 we can say

that the French never did as much damage to Cambodia as was inflicted on the country by foreign powers during the Vietnam War, by Khmer and foreigners in the civil war that followed, or under the Khmer Rouge regime. At the same time, the colonial period had several negative aspects, and some of these have lingered into 2009.

Probably the major defect if the French protectorate was that it failed to educate Cambodian people, and allowed them no opportunities, before the 1940s, to participate in the political process. They prepared the country very poorly for independence. Until World War II there was only one high school in the kingdom, and no university.

Another flaw in the colonial system was the judiciary. The French put no sophisticated legal system in place, and almost no local lawyers and judges received adequate legal training.

On balance, however, probably the major positive contribution made by the French Protectorate was the fact that Cambodia survived to become an independent state, and was not absorbed by its neighbors, as seemed almost inevitable before the French stepped in, not so much to protect the Khmer as to increase their own power and prestige.

In 1975, a Khmer Rouge spokesman declared, proudly that "2000 years" of Cambodian history had ended. I hope I've made it clear in these brief remarks not only that Cambodian history extends back further than 2000 years but also that it is fascinating to study, and one that Cambodians can be proud of.

David Chandler. Professor Emeritus of history at Monash University, Dr. Chandler is a renowned historian of Cambodia, whose published works include *The Tragedy of Cambodian History: Politics, War, and Revolution since 1945*, *Brother Number One: A Political Biography of Pol Pot*, and *Voices from S-21*. He was DC-Cam's lead advisor on the development of the textbook "A History of Democratic Kampuchea (1975-1979)".

FORGIVENESS IS NOT A REQUIREMENT

Karlia Lykourgou

If I had any finite expectations about what I would encounter in the course of this internship, they were mostly concerned with the experiences of the victims, what I would hear and how I would respond to it. I read books. However there is little you can do to prepare yourself for the heavy reality of sitting across from someone and having them tell you that a Khmer Rouge Cadre bundled their daughter into a rice sack and threw her into the river right before their eyes.

It is at moments like this you realize that the gap between physical reality and abstract theory is an infinite abyss. Belief systems and moral concepts that have bolstered your existence up until now count for little when confronted by the cold experience of a person for whom those support systems have been challenged and found woefully inadequate.

On trips out to the provinces with the Victim Participation Project of the Documentation Centre of Cambodia (DC-Cam), I have witnessed some interactions with Cambodian communities in Kampong Chhnang and with Cham Muslim communities in Kampot; had conversations with Cambodians kind enough to share their stories, and spent some slack jawed afternoons at the Extraordinary Chambers in the Courts of Cambodia (ECCC) listening to witness testimony. Like the Bett of Cambodian folklore whose mouth is too small to ever eat, the issue of forgiveness hovers in the air after each terrible tale but remains largely unsatisfied.

When DC Cam goes out into the village communities they welcome those who choose to attend and ask them how much they know of the ECCC already. They proceed to inform them on the workings of the court, who is being tried and how they can be involved by filling out complaints or civil party applications. In the course of these meetings,

people are encouraged to share their experiences in an atmosphere of openness and mutual understanding. Often participants express the difficulty of retrieving these memories and the cathartic effect of being able to talk about their pasts amongst others who have similarly suffered. There is a tangible feeling of sympathy and support at these meetings and it is wonderful to see. Towards the end of the speakers' talk, just before willing participants usher their plastic chairs to the privacy of the corners of the room and others slowly wander home, 'Searching for the Truth' magazine in hand or carefully wrapped in kramas; the question turns to forgiveness...

Religion

'The Buddhists say that one should forgive so



Hakem-Tuons ask questions at DC-Cam's Outreach event in Kampot

as not carry bad karma from one life to the next, what do you think?'

'This isn't about the Buddhists!'

This was in Kampong Chhnang, everyone laughed when the woman in the black shirt blurted that out in the meeting on Thursday, but she summarized the feeling well. In one way or another, the majority of those spoken to expressed the view that forgiveness is a lot easier in theory than in practice.

Religion often highlights this internal conflict. For example, when asked how their religion is reconciled with their feelings towards the Khmer Rouge, one woman said perhaps Buddha did not realize how we could suffer when he wrote on forgiveness. I found that many of the people we spoke to refer to different tenets of their religious philosophies depending on their inclination to forgive. One person may quote the Qur'an citing forgiveness as virtuous and another such as the old woman at the Cham village in Kampot will refer to another passage saying, 'if you take a life, you owe a life,' but these people took many lives...' It is the latter view that appeared predominately shared by others in the Cham communities that I came into contact with.

The ability to forgive is a virtue, like generosity or patience. They are desirable, they should be practiced, but circumstances do not always allow for them. There is no objective standard of forgiveness, it cannot be imposed or judged because it is a deeply personal process. However, the perception of forgiveness belonging to a person who has lived in relative comfort most of their lives, is unavoidably different from another who has suffered horrific crimes against them. It is only the latter who have truly had their beliefs tested and you can see that amongst the Cambodian villagers in Kampot and Kampong Chhnang. Whether Buddhist, Muslim or of no formal religion at all, there seem exceptional fissures in their daily belief systems where their pain and their inability to forgive is stored; and it

sits alongside the regular principles of normal life apart from the Khmer Rouge.

At the meetings I attended, participants were typically shy. In Kampot those that did grasp the microphone would often express their happiness that efforts are being made to bring their abusers to justice. They said it could never bring their families back, nor undo the wrongs they have suffered, but to have some of the leaders of Democratic Kampuchea brought to justice is a start. When asked by DC Cam to share their stories, there usually appeared two or three in each meeting who were particularly keen to talk.

One woman sat and stared keenly at every mention of the court proceedings and took the microphone and spoke whenever she had the chance, telling us about the death of her family and how she was the only one to survive. At the next meeting on the same day, another older gentleman remained seated in the corner for most of discussion and then rose and spoke powerfully about being forced to eat pork because they knew it was against his religion, about how he was only kept alive because he worked so hard and how they killed everyone else...

Law and Retribution

It is at times like that, when I've sat cross legged on the floor staring up at these people that it has occurred to me that the ability to forgive is often praised and most religious texts expound the virtues of forgiveness, but why should these survivors have to relinquish their anger? The withholding of their forgiveness is their right. Thirty years after the Khmer Rouge era ended, many of the perpetrators are dead and only five defendants are being tried in an internationalized criminal court. The only retribution many of the survivors will ever really have against their abusers is the retention of their anger and their choice not to forgive them.

I find it curious how many survivors equate the ECCC tribunal with revenge. Some survivors, who expressed their lack of desire for the trial, did

so because they no longer yearn for revenge and others expressed their support directly, because of this desire. In countries with more developed legal systems the law is not necessarily viewed in this way. The law is taken for granted as something that is above and separate from the people's will. Criminals are punished for their wrong, not for the victim's desire for retribution, but because society has deemed that it should be so. Viewing the law in this objective and impersonal manner may make forgiveness a little easier because there need not be a thirst for revenge. The wrong is acknowledged and punished automatically leaving the victim the freedom of choice to forgive or not. In a country such as Cambodia where most of the perpetrators have gone unpunished, this choice is not the same. Because they have received no justice from society so far, these people must feel as though their anger is the only form of punishment that the perpetrator will ever receive. Absent that, there is only a series of heinous crimes that have returned no consequences.

The Philosophy of Forgiveness

The concept of forgiveness is a nebulous one in itself and returns more than one definition. Bishop Joseph Butler described it as cessation of a desire for revenge and the relinquishment of the victim's anger. This view promotes a fairly unilateral perception of forgiveness, which requires no interaction between aggressor and victim, aligning itself with Buddhist values that urge people to let go of their 'bad karma'. Professor Charles Griswold has rejected this approach arguing that the victim fails to truly come to terms with their feelings, burying them instead.

In Griswold's view the process of forgiveness requires far more interaction between aggressor and victim. The individual's forgiveness requires that they see evidence of their injurer's attempt to understand their victim's pain and acknowledges how their actions have caused it. Furthermore the injured must see that their injurer takes responsibility for their actions, repudiates them, and will not do

the same in the future. The contrition of the offender is effectively key to the victims' forgiveness.

I find the latter approach over ambitious, effectively precluding the Cambodian survivors from ever forgiving their Khmer Rouge abusers. This suggests that Butler's relinquishment of anger idea is probably the only kind of forgiveness that the Cambodians can ever really achieve. Many survivors do not know who the Khmer Rouge cadre are who harmed them directly and the majority of the upper echelons of the regime have disappeared. Even if they had not, every individual harmed by the Khmer Rouge cannot be apologized to and mass apologies are not likely to be the balm that soothes the deep wounds inflicted. 'It is easy to ask for forgiveness 'one survivor said, 'but then the person could do it again'. Clearly the sincerity of the apology is a factor in its acceptance and the victim's are hesitant to believe. Having said this, the only apology these survivors have ever received has come from Duch, the former head of S-21 who is currently being tried for crimes against humanity and grave breaches of the Geneva Conventions of 1949. He is responsible for the torture and murder of over 10,000 men, women and children, and is the only one out of the current leaders of Democratic Kampuchea to beg forgiveness from his victims. At the meetings I attended, the survivors were often asked for their reactions to this apology and although one woman felt it was nice to have some acknowledgement of wrongdoing from someone, others have rejected Duch's appeal for the people to 'at least leave the door open for forgiveness.'

I can understand how such a request for forgiveness must seem almost inappropriate to some of the victims; for once you have forcibly taken everything from someone, it is too late to ask for anything.

The Victim Participation Project asked some individuals what their response to Duch's apology was and found little support. Piseth from Svay Rieng carries on with his wife's dream of confronting

Duch in Court claiming, 'I believe people in general, including me, cannot forgive him;' agreeing with Sophea of Kampong Thom who also said he can never accept Duch's apology, 'no matter what.' When Sophan from Kampong Cham was also asked if she could forgive Duch she responded he must have a 'very cruel nature... [because] from my experience living through the regime, they would keep alive only those who are cruel,' so she 'cannot forgive him in light of what the victims suffered...'

One survivor raised a thought provoking point, saying Duch's apology only extends to those who suffered at S21, '... what about the rest of us?'

Conclusion

For the rest of Cambodia and those unconvinced by Duch's apology, it may realistically be too late for forgiveness. Before I came to Cambodia, I may have admonished someone for such a bleak perspective, but ideals are sometimes a luxury that not everyone can afford and these people have lost everything. They did not suffer once thirty years ago, they suffer every day because they cannot put the past behind

them. The woman who had four children and now has one, the survivor who lives alone because her husband was killed, the man who is too maimed by torture to work are all examples of this. Evidently time does not heal all wounds.

Forgiveness is a choice. It is a legitimate decision that transgresses the heralded ethics of religion and philosophy to settle on something more powerfully human, such as the decision to gather one's dignity about oneself and quietly turn away from forgiveness. The survivors are not angry every minute of day; they do not hate every day. But if you ask them, this is what most of them will tell you they feel towards the Khmer Rouge. It has become a fact, something they live with. As they live with the absence of loved ones, and the memories that return at unexpected moments and linger on the walk back from the pagoda, long after the meeting is over.

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ENGAGING CHAM MUSLIMS IN KHMER ROUGE HISTORY LEARNING: WILL THE KHMER ROUGE LEADERS BE CHARGED FOR GENOCIDE?

Farina So and Sok-Kheang Ly

Two grassroots meetings at two mosques in Kampot province were organized to engage around 350 Cham people in discussion about Khmer Rouge (KR) history, education, and the ongoing legal proceedings against five KR leaders at the Extraordinary Chambers in the Courts of Cambodia (ECCC). KR crimes have left an unforgettable traumatic scar in human history, as the KR's nearly four-year rule between 1975 and 1979 is believed to be responsible for the death of approximately one fourth of the Cambodian population. At the Kampot meetings, when speaking of the regime, most participants could not find any verbal expressions capable of describing the horrible living conditions of that time.

With justice imminent, Cham people, the second largest population in Cambodia, have managed to use various means to teach the younger generation KR history. During the meetings, many participants said that the learning process was valuable for their people as a whole. This paper discusses the role of story-telling in educating Cham children about the KR regime, as well as people's perceptions about the integration of KR history into public school's curriculum.

Past Learning about KR

Oral history is rooted in Cambodian culture and the power of storytelling is important in helping people pass on their stories from one to another generation. This is the reason that many people have begun to speak out about their experiences under the Khmer Rouge regime to the next generation. Children are told about evacuation, separation, starvation, killings, torture, fear and Islamic religious persecution as shaped by selective memory and personal experiences. The process has been ongoing for 30 years.

An 80-year-old Haji, Sraleh, said that telling the next generation the story of the KR period is indispensable for helping them understand, and also to prevent future atrocities. He further said that he has to "remember" to avoid the atrocities and "remember" to move forward. One of his children, who was drafted into a children's unit, was cremated without any consent from Saleh. He was not allowed to visit his son before he died. The KR said that there was no need for him to come as he was not a physician. He felt very disappointed with the Khmer Rouge's cremation of his son because it was against Islam.

Commenting on religious persecution and language prohibition, No Halima said that the KR forced her to eat pork, abandon Islamic practices, and give up speaking Cham because they considered Cham to be a foreign language. But she could not swallow the pork soup and give up praying and other religious practices. She asked the KR to allow her some more time to adapt to the KR policy. Faced with the threat of death from Khmer Rouge spy, Halima stopped speaking Cham overtly; however, she could not help using a little Cham language for communicating with her relatives for some purposes. Likewise, Taer Aminah feared the young Khmer Rouge cadres who threatened her life and banned the practices of Islam. She keeps telling these stories to her children every day because she is concerned about their future and that of the next generation, who either know little about the KR or do not believe that they existed.

Similarly, Muhammad Aly said that life was very terrible during the Khmer Rouge; he ended up stealing bran to eat due to hunger. But some of the young generation "do not believe this fact until they

have faced it," complained Aly. That makes many parents concerned about their children's behavior towards the Khmer Rouge regime, so they keep telling the younger generation about the atrocities in order to feel some relief and also to avoid a repetition of a history. In this regard, DC-Cam's "Connecting Youth with their Parents" program is important as it values individual stories as a mechanism for transforming survivors' concerns into a truth-telling process for the next generation. For this program youth were asked to write a story about their parents' experiences so that they could learn more about the KR. It was also intended to improve the relationship between parents and children and help parents lessen their sufferings once they see that their children have learned about their bitter experiences.

KR History under Discussion

Educating the younger generation about the KR regime is very important for raising their awareness and serving as preventive tool. There are multiple ways of educating youth about the Khmer Rouge, i.e., through drama, oral history, poets, novels, teaching in classroom. The later, which involves rigorous process, has been approved by the Ministry of Education, Youth and Sports. As a consequence, the next generation will soon learn the history of Democratic Kampuchea as part of a newly-established school curriculum.

The Kampot meeting raised several important questions: whether the case of Cham Muslim under the KR was genocide, and how to prevent genocide from happening. Commenting on the KR persecution of Cham Muslims, Lib Yakaub said that he believes that the KR killed people with intent and plan; without plan and intent, they could not slaughter people systematically. He argues that "the Khmer Rouge had already decided who would live and who would die." However, it is hard to find any direct evidence or written documents proving the KR intent to kill Cham Muslim based on religious and ethnic grounds, as is required for legal prosecution



of genocide. Nonetheless, it is suggested that searching for evidentiary information from the ground might enable investigators to discover essential evidence for this case. It is noted that most Cham Muslims feel that they greatly suffered from the Khmer Rouge policies to destroy religion, Cham language, religious practices, and identity.

The two July meetings about genocide education and oral history broadened Cham Muslim's knowledge about the Khmer Rouge regime and Khmer Rouge tribunal, and generated wider discussion on these topics. All participants were eager to share their experiences with the rest of the group. Their stories grew louder as they gathered together during the meeting. Reading from the text book also helped them connect their personal stories to the written text. At each meeting venue several young participants were asked to read the excerpted text about Cham people and



Cham muslims are listening to the ECCC proceeding

most of them said it resonated with their personal experiences even though the text does not go into detail.

47-year-old Sim Sann expressed his feelings about coming to visit the courtroom and learning how the court prosecutes the KR defendants. He recalled his life experience during the KR period after he was evacuated to Voar Mountain (Phnom Voar). Fear, overwork and a lack of food were the most difficult part for him as a child during KR, said Sann. He wants to find out the truth and supported the idea of integrating genocide education into the classroom.

In response to questions about punishing the KR leaders, DC-Cam Director Youk Chhang said that teaching genocide in the classroom has multiple functions and is one of many ways contributing to punishing the regime. Taer Aminah agreed with this answer and said that she cannot forgive Duch and

other Khmer Rouge leaders due to the fact that they all committed serious crimes on her family and the rest of Cambodian people. The KR claimed the lives of her husband and her children and made her a widow. She not only pities herself but also other widows and orphans who survived the regime. She wishes to see the KR leaders held accountable for their crimes before they can ask for forgiveness. In addition, she wants to educate the next generation about the regime. Therefore, she is happy to hear that next generation will learn about the regime in public school. The meetings generated a good discussion and provided an opportunity for participants to raise their voices and have their concerns heard.

Conclusion

Life under the KR brought untold hardship for the Cambodian people as a whole. Cham people were ill-treated and prohibited from practicing religion, culture and tradition, and speaking the Cham language. These are the reasons that the older generation of Cham people has kept narrating their life experience through different means. Story-telling is the most common method by which they informally educate their children. Some parents even detail their life experience and encourage their offspring to write it down as a part of DC-Cam's Oral History Project. Told about the genocide education studies that will be included in the public school's curriculum, most of the participants expressed their satisfaction as it is going to enable their children to formally learn about the KR regime. In addition, their children could learn greater detail about that time and believe their parents' stories. These mechanisms help Cambodian society, including the Cham community, turn bitter memories into education.

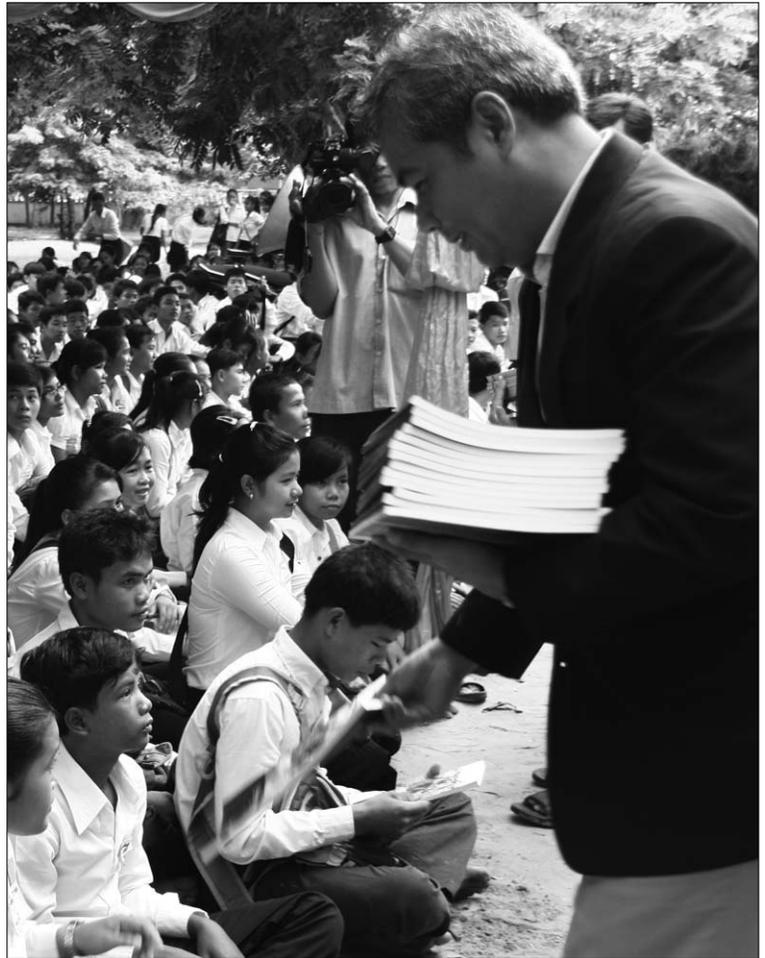
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Sok-Kheang Ly is co-Team Leader for the Living Documents Project.

DISTRIBUTION OF "A HISTORY OF DEMOCRATIC KAMKAMPONG THOM PROVINCE"



"AMPUCHEA" AT HUN SEN BALANG HIGH SCHOOL, ON OCTOBER 16, 2009



ORDINARY PEOPLE AND EXTRAORDINARY CRIMES

Toni Holness

When ordinary people suffer extraordinary crimes, the task of remedying the loss demands extraordinary strength from the victim. Normally, a victim finds solace in the knowledge that the perpetrator will be punished and that the perpetrator's punishment reflects the degree of the victim's suffering. However, in the case of genocide, what punishment is proportional to mass murder? And what measures can ever bring solace to the victims?

On August 13, the DC-Cam staff set out to spread the word about the ongoing Khmer Rouge trials to a Cham-Muslim community in Kampot province. Inquisitive stares, nervous fidgeting and anxious whispers filled the air in the communal meeting hall, which housed over one hundred community members. DC-Cam staffer, Farina So, quickly allayed the community's anxiety with a warm welcoming message and then handed the microphone to executive director, Youk Chhang. The exchange that ensued between Chhang and the community was not only unexpected, it was fascinating.

Ordinary Victims and Perpetrators

The countless books and scholarly writings on the Khmer Rouge create an expectation of momentousness, one might expect to find a spectacle in the victims of Cambodia's gruesome genocide. After all, it was only thirty years ago that more than one fifth of Cambodia's citizenry were brutally murdered. However, the Cham Muslim survivors were anything but spectacular, they were incredibly ordinary. In fact, their ordinariness was overwhelming. The Khmer Rouge victims, much like Duch (the defendant now on trial at the ECCC), are ordinary people with an extraordinary story.

Chhang pointedly asked the attendees if they wanted to watch the ongoing trials. One community member responded with a resounding "yes". Referring to Duch, she said she wanted to "see his face, to see how he could be so brutal." She might be disappointed to find that Duch's face, like the

faces of the other defendants and like the community member herself, is ordinary. The extraordinary crimes committed during Khmer Rouge were executed by ordinary people. The ordinariness of both victims and perpetrators begs the question: how can ordinary people overcome such extraordinary suffering?

"The weak can never forgive. Forgiveness is the attribute of the strong"- Gandhi

Chhang followed up his initial question by asking community members what result they hoped the tribunal would reach in Duch's trial. One lady stated that she wanted "the punishment to equal [her] suffering." Chhang responded that, unfortunately, such a result is impossible. While some community members recognized the need to forgive the perpetrators, in accordance with Islamic teaching, others opined that the magnitude of the crimes rendered forgiveness impossible.

Mahatma Gandhi famously stated, "The weak can never forgive." Cambodians, however, are not weak. In fact, their very survival of the Khmer Rouge attests to their resilience. Cambodian social fabric, however, remains broken. Although efforts by NGOs and community leaders like DC-Cam and Youk Chhang have been instrumental in doctoring the nation's wounds, Cambodia is far from healed. It seems that the Cambodian people can only regain the necessary strength to forgive Khmer Rouge leaders if the social fabric of Cambodian society is repaired. As long as Cambodia, as a nation, remains weak, forgiveness and reconciliation may remain elusive.

Reconciliation, therefore, is beyond the mandate and capacity of the ECCC. The extraordinary feat facing Cambodians is that they must look within their very ordinary selves to rebuild the national identity, find the strength to move past their terrible suffering and look toward a future that could be extraordinarily promising.

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ON TRIAL: THE KHMER ROUGE ACCOUNTABILITY PROCESS

John D. Ciorciari

This paper discusses the Extraordinary Chambers in the Courts of Cambodia (ECCC), better known as the Khmer Rouge Tribunal. The ECCC is a special judicial body housed in a revamped military building complex on the western edge of Phnom Penh. It is a hybrid or "mixed" tribunal, established and operated by officials of the United Nations and Royal Cambodian Government. Since opening its doors in 2006, the ECCC has been entrusted with the monumental task of conducting criminal trials and delivering a measure of justice to the victims of Khmer Rouge misrule. I briefly discuss some of the forces that drove the tribunal's creation, analyze its basic legal and institutional features, assess its progress to date, and discuss its potential to contribute to justice and reconciliation in Cambodia.

WHY THE ECCC IS SO IMPORTANT

The ECCC is an institution with profound moral, legal, political, and even educational significance. It represents the latest stage in a long, tortuous process of dealing with the Khmer Rouge legacy in Cambodia. Between April 17, 1975 and January 6, 1979, the Khmer Rouge regime ruled Cambodia with an iron fist, renaming it "Democratic Kampuchea" (DK) and implementing an infernal reign of terror. Khmer Rouge atrocities are not simply shards from the country's shattered past. They continue to haunt countless Cambodians today and contribute to unhealthy divides in Cambodian society and politics. After three decades of waiting, Cambodians have an opportunity to pursue a modicum of justice and take another important step toward reconciliation.

The atrocities committed in Democratic Kampuchea are certainly not the only past wrongs casting shadows over modern Cambodian society. They were embedded within decades of conflict that involved abuses by myriad domestic and foreign

actors. Nevertheless, the Pol Pot era was the most gruesome, savage, and shocking act in that tragedy. Nothing will erase survivors' pain, but to the ECCC's many supporters, the Khmer Rouge trials represent an indispensable stand against impunity that can help Cambodians come to terms with the past and move on with their lives.

Challenging Impunity

The single greatest reason for holding the Khmer Rouge trials is to deliver a measure of justice to a society that has suffered impunity for too long. In January 1979, when the overthrow of the DK regime raised the curtain around Cambodia, official documents and physical evidence revealed abuse on a staggering scale. The Cambodian countryside is still littered with the remains of Khmer Rouge brutality. Makeshift prisons, rusting torture devices, and thousands of mass burial pits provide daily reminders to Cambodians of the agony that they or their parents suffered during the Pol Pot period. The Documentation Center of Cambodia (DC-Cam) has identified roughly 20,000 mass graves and almost 200 former Khmer Rouge detention centers across the country, many with chilling remains of makeshift torture devices.



John D. Ciorciari

Most scholars believe that the Khmer Rouge regime consumed somewhere between one fifth and one third of the country's population. In fact, the piles of human remains are so vast, and survivors' accounts so abundant, that the world may never have an accurate estimate of the carnage. Even that shocking death toll paints only part of the picture; the Khmer Rouge tragedy can never be reduced to mere statistics. Every individual life lost was a father or mother, sister or brother, son or daughter, husband or wife, friend or companion. While the sheer number of Khmer Rouge crimes demands justice, the stories of individual victims issue even more powerful pleas.

Documents and abundant witness testimony tell of unimaginable suffering and cruelty. Khmer Rouge cadres required villagers to watch as their loved ones faced firing squads for the most trivial or arbitrary offenses, such as stealing rice or vegetables to avoid starvation. Some pregnant women, accused of ill-defined "anti-revolutionary" behavior, were strung up and disemboweled for all to see. Witnesses even tell of Khmer Rouge soldiers tossing infants into the air and catching their live bodies on bayonets. In makeshift prisons, Khmer Rouge interrogators tested baseless accusations of espionage or subversion by strapping their victims to rusty bed frames, burning them with embers, ripping off their fingernails, and dunking them in cold water to the point of drowning. Without ever facing trials, countless prisoners were taken to mass burial pits, where Khmer Rouge executioners killed them with axe-handles to avoid wasting precious bullets.

Those who avoided untimely death fared little better. Rampant rape and religious persecution plagued the country. Sick and elderly Cambodians endured endless hours of forced labor, occasionally unearthing the corpses and bones of their lost loved ones as they toiled in the field. Most ordinary people slaved away, furtively eating bugs and bark to stay alive, wondering if they would ever see their families again. The regime denied them even the

most basic rights of worship, free expression, and intimacy. Children learned in school to disavow their parents and devote their lives only to Angkar (the "Organization.") Indoctrinated to kill, those young cadres were criminal perpetrators, but in many respects they were victims of the regime as well. The scars of the DK era run deep.

Until quite recently, even the most senior surviving architects of Democratic Kampuchea walked about freely. Some lived in comfortable villas while their victims wrestled with the demons of the past. The ECCC provides a long-overdue opportunity to challenge that abhorrent legacy of impunity. Three decades after the fall of the Pol Pot regime, no senior Khmer Rouge official has ever been convicted of a crime by a credible court of law. However, that may soon change. Since commencing operations in 2006, tribunal officials have taken a crucial first step against impunity by detaining five former Khmer Rouge officials and charging them with criminal offenses.

The trial of one DK official-Duch, the former chief of the infamous Tuol Sleng Prison in Phnom Penh-has already begun. Four other surviving senior leaders are also in the dock: Nuon Chea, Ieng Sary, Khieu Samphan, and Ieng Thirith. All carried high-ranking titles and were members of the shadowy committees that defined the inner circle of Democratic Kampuchea.

The clock is ticking. Many senior Khmer Rouge leaders have died in the past decade-including Party Secretary Pol Pot, Defense Minister Son Sen, Central Committee member Ta Mok (also known as "the Butcher"), Education Minister Yun Yat, and Zone Commander Ke Pauk. Many second-tier perpetrators of Khmer Rouge terror also lived out their final years in relative comfort without facing so much as a slap on the wrist. All five current defendants are advanced in years, and some or all could pass away or lose their mental capacity before facing legal condemnation. Allowing all Khmer Rouge leaders to pass freely from the scene would be a

grave affront to the millions of innocent victims whose lives they tore asunder.

Delivering Justice

For the ECCC to succeed, one thing is clear: it has to deliver a significant measure of justice in the eyes of Cambodians and the international community. Justice is a complex concept, especially in the wake of such wide-ranging atrocities. Conducting a process and producing outcomes that satisfy diverse audiences' notions of justice will be no easy endeavor. Issuing a few guilty verdicts is certainly not enough. As we will argue, the ECCC needs to prioritize retributive, restorative, and procedural aspects of justice.

Justice means many different things to Cambodians and international observers of the trials. Notions of retributive justice provide much of the foundation for criminal law. The moral logic behind legal retribution is simple: an offender committed a social harm and must be condemned and punished by the state. The ECCC's success will certainly be judged in part by its ability to issue moral condemnation and mete out punishment where it is due. However, retribution is only one aspect of justice. Victims may derive satisfaction from seeing Khmer Rouge leaders shamed and punished, but even life sentences will hardly make victims whole.

One of the key issues relating to retribution will be the scope of the prosecution. Trying only a handful of leaders means that many mid-level Khmer Rouge officers will go free. So will low-level cadres, who committed an overwhelming majority of the physical abuses that continue to haunt survivors to this day. The United Nations and Cambodian government agreed to prosecute only "senior leaders" and others deemed "most responsible" for the atrocities of the DK era. Like other tribunals, the ECCC has been accused of "selective justice." The tribunal will not be able to erase all of the impunity that lingers after the DK era but it needs to do its best to identify and successfully prosecute key architects of Khmer Rouge terror.

One problem with focusing on criminal trials

and retribution is that even guilty verdicts provide little restorative justice. Throwing a thuggish Khmer Rouge leader in prison does not compensate victims or "restore" their well-being before the crimes in question. Providing restorative justice in a country as badly ravaged as Cambodia is a tall order, but taking some significant steps to address victims' needs is vital. Victims should, after all, be the primary beneficiaries of the accountability process.

Restorative justice has historically been a weakness of international tribunals, and it represents a special challenge for the ECCC. Money is never a substitute for lost loved ones of serious human rights abuses, but like other tribunals, the ECCC lacks the resources to issue much beyond token financial compensation. The ECCC has taken an innovative approach to restorative justice. It has established a mechanism for civil party participation in the trials and envisioned restorative awards in the form of "collective or moral reparations," such as memorials to honor victims or centers that provide basic health or educational services to survivors. The success of the ECCC's restorative efforts will go a long way toward determining public perceptions of the tribunal.

A third imperative feature of the ECCC process is procedural justice. Achieving a just outcome requires holding fair trials. To some observers, it is doubtlessly enervating to watch Khmer Rouge defendants receive basic due process rights that the DK regime so cruelly denied to millions. Most people harbor few doubts that the defendants now in custody are guilty of serious wrongdoing, even if their specific crimes remain unspecified. Some observers would probably consider it just simply to line former Khmer Rouge leaders against a wall and pull the trigger. In the aftermath of any widespread human rights abuses, the thirst for retribution is a powerful and understandable impulse. This is true even in Cambodia, where religious and cultural norms and the passage of time have softened public vindictiveness to some degree.

Nevertheless, defendants' rights must be respected if the ECCC is to be a model for justice and not a kangaroo court. Every international tribunal since Nuremberg has been lambasted by someone as "victor's justice" or "show trials." These critiques are not entirely unfounded-tribunals inevitably do reflect the political realities in which they are created. The best way to reduce the force of such critiques is to promote transparency and fairness. The Nuremberg Tribunal set an important precedent in this regard by acquitting a few Nazi defendants for lack of evidence. Other international tribunals-including those for the former Yugoslavia and Rwanda-have also acquitted some defendants. The ECCC is bound by a complex set of substantive laws, procedural rules, and rules of evidence that are designed to promote fairness. If the ECCC is to set an example of justice, it must stick to them.

Fair trials require that convictions be based on sound legal proof, and even the most odious defendants must be able to mount defenses. Guilty verdicts cannot be foregone conclusions. There is extensive potential evidence available against Khmer Rouge leaders-including official DK documents, witness testimony, and physical remains-but proving individual defendants responsible for particular offenses is not as simple as it may seem. Where particular crimes cannot be proven, defendants have to be acquitted.

Treating Khmer Rouge defendants in this way may be morally or politically tough to swallow, but the ECCC will only fulfill its mandate with an even-handed administration of justice. The ECCC may never be able to provide "complete" retribution or restoration to Cambodians, but it does have control over running a fair process. In addition to setting an example of fairness and transparency, sticking to due process principles can facilitate a useful transfer of knowledge and expertise between Cambodian and international officials that helps to strengthen Cambodia's beleaguered and notoriously corrupt judicial system. One tragic legacy of Democratic

Kampuchea is that few intellectuals survived the Pol Pot era, leaving the country with a dearth of lawyers and other professionals. Without a critical mass of well-trained judges and lawyers, it is difficult if not impossible to build a strong legal system. The potential for knowledge transfer has been a key justification for the establishment of hybrid tribunals, in Cambodia and in other war-torn states.

The retributive, restorative, and procedural aspects of justice are not mutually exclusive, even if they are sometimes in tension or suggest different ways of using limited resources. Retribution can challenge the culture of impunity and provide moral condemnation of offenders. Proponents of the trials hope it would also deter future criminal behavior and help to uphold the rule of law. Restorative justice can help to repair social and economic damage and thus facilitate reconciliation. Setting an example of procedural fairness can pave the way toward a more robust rule of law, addressing the future as well as the past. In Cambodia, like other societies plagued by mass human rights atrocities, all of these aspects of justice are crucial. The ECCC's challenge is to optimize them under conditions in which time and money are limited and in which the demands for justice would be difficult for any tribunal to deliver.

Performing a Truth-Telling Function

To many observers, the ECCC also holds the promise to perform an even wider range of functions than running fair trials and issuing verdicts of guilt or innocence. If it conducts its affairs soundly, the tribunal can serve as an invaluable truth-telling mechanism in a country where public education about the Khmer Rouge tragedy has been sorely lacking. Essentially all survivors of the Pol Pot era know that mass human rights abuses occurred between 1975 and 1979, but few know the full extent of the atrocities. Even fewer have the faintest notion of why the Khmer Rouge leaders and cadres inflicted such agony on their own people. In thousands of interviews with DC-Cam, most victims show

more interest in seeking an explanation than in seeking revenge. To cope with the past, those who bear the scars of Khmer Rouge rule and lost loved ones want to know why.

In addition to benefiting survivors of Democratic Kampuchea, public dissemination of facts about the Pol Pot period can help their children by showing the need for a just and orderly society and the perils of a breakdown in the rule of law. Most of Cambodia's current citizens were born after the Khmers Rouges were thrown from power. They have no first-hand experience of the extraordinary suffering of their parents' generation. Some young Cambodians hear about the terror from relatives and teachers, but for many others, the period is a darkly shrouded mystery. Without an understanding of the Pol Pot era, many youths have difficulty understanding the psychological, emotional, and social challenges that their elders face.

For years, Cambodian schools offered little if any instruction about the Khmer Rouge period. Only recently have some textbooks been approved and introduced into public school curricula. The ECCC can serve as one credible source of history about the regime, alongside the accounts given in textbooks, museums, and other media. Court reports, media coverage, public visits, and outreach by ECCC and NGO officials can all help to provide answers. Only if they are armed with knowledge of the past can young Cambodians make sense of their country's troubled history, achieve a greater degree of closure than they have to date, and prepare themselves to prevent human rights abuses in the future.

Setting an International Example

The ECCC also has importance well beyond Cambodia's borders. It is one of the most recent embodiments of an expanding international effort to hold venal regimes accountable for their abuses and promote greater respect for basic rights. Since the era of Nuremberg, key members of the international community have worked to devise international

proceedings to address the limitations of domestic criminal proceedings in post-conflict societies. During the 1990s, the United Nations established ad hoc international tribunals for the former Yugoslavia and Rwanda and later a permanent International Criminal Court in The Hague.

The UN-administered tribunals have been criticized on a number of grounds, including their cost and their relative distance-geographic and otherwise-from the victimized societies. The ECCC is one of the few examples of an alternative "mixed tribunal" model that involves shared duties between the United Nations and the government of the affected state. Proponents of the model believe mixed tribunals will better enfranchise victims, facilitate transfer of expertise, and deliver justice at a lower cost in countries that need money for many other uses. Opponents of the hybrid court model fear that partnering with suspect governments could water down the trials' legal and procedural integrity, undermine the UN's reputation, and reduce the likelihood of credible justice. Some also fear that holding trials locally could reopen old wounds and backfire in the quest for reconciliation. The ECCC's performance will be a crucial test for the mixed tribunal model.

Affecting Cambodian Politics

The ECCC's mandate is a legal one, but it has great political relevance in Cambodia as well. In 1979, when the Pol Pot regime was overthrown, a new Vietnamese-backed government took over in Phnom Penh. That government-which renamed the country the People's Republic of Kampuchea (PRK)-based its claim to power and legitimacy primarily on having saved the country from Khmer Rouge terror. Years later, the PRK leadership founded the Cambodian People's Party (CPP), which governs Cambodia today. The CPP and its long-time leader, Hun Sen, continue to derive public support by emphasizing their role in purging the country of the Khmer Rouge problem.

Opposition parties, including the royalist

Funcinpec, the Sam Rainsy Party, and the Human Rights Party, have attacked that claim and accused the CPP of worsening rather than improving respect for human rights in Cambodia. Some foreign governments and human rights organizations have said the same. The Khmer Rouge trials could indeed have some impact on public perceptions of the CPP. If they proceed well, the CPP will probably reap a modest political benefit. If the trials are botched, they may have an opposite effect. A shoddy process would likely contribute to public and international donor frustration with government-and particularly judicial-corruption in Cambodia. The trials are unlikely to become an existential issue in national politics, as they are sometimes portrayed in the foreign press, but they could generate some meaningful near-term diplomatic and domestic disruptions. That gives them importance well beyond the courtroom.

Overall: A Herculean Set of Tasks

The goals above are a tremendous amount to ask of a single tribunal. One of the ECCC's greatest challenges is to manage public expectations about what it can realistically accomplish. Even if the tribunal is wildly successful, a series of criminal trials will be no panacea. The ECCC cannot cure all of the ills of a society struggling to overcome mass atrocities. It cannot replace lost loved ones, and it cannot rectify all of the political and economic problems that flow from the Khmer Rouge reign of terror. It cannot alone transform Cambodian governance, put an end to criminality and corruption, bring about a major improvement in contemporary human rights in Cambodia, or address a host of other developmental needs.

The tribunal's importance lies more in its ability to serve as a catalyst and bellwether for change in Cambodia. It can become a necessary, highly visible step toward a more promising future by challenging impunity, setting an example of a just trial, sharing information about the Pol Pot period, and drawing attention to victims' needs. The ECCC can also focus renewed domestic and international attention on issues

of governance and human rights and increase the prospects for future progress. If it performs all of these functions ably, the ECCC will have done a great service indeed.

THE ECCC'S BACKGROUND AND PROGRESS TO DATE

The next section briefly discusses the ECCC's origins, basic features, performance, and prospects. I begin by discussing how the ECCC came to be established and analyze the particular form that it took. I then critique its operations during its first three years of operation, looking at three aspects of its work—its judicial findings, its institutional management, and its outreach to victims. Finally, I examine how the ECCC can best deliver credible justice and contribute to genuine reconciliation in Cambodia going forward.

The Rough Road to Justice

To understand the ECCC's strengths, shortcomings, and progress to date, some background is essential. I therefore begin with a review of the history and politics behind the ECCC's establishment. There have been countless calls for justice in Cambodia since the demise of "Democratic Kampuchea" (DK). Victims, human rights advocates, domestic political parties, and foreign governments have all pressed for accountability to varying degrees. Nevertheless, the tribunal's creation was a slow, painful process. The ECCC did not open its doors until almost three decades after the fall of the Khmer Rouge regime.

The delay in the tribunal's creation owed primarily to power politics. The Khmer Rouge movement was forged in the crucible of Cold War conflict, and subsequent treatment of Khmer Rouge members has always been embedded in broader domestic and international competition for influence in Cambodia. Despite heroic efforts by some individuals and non-governmental groups, calls for Khmer Rouge accountability were buried beneath broader political and strategic considerations during the latter stages of the Cold War. A serious international push for accountability began only after the negotiated

withdrawal of Vietnamese troops from Cambodia, eighteen months of United Nations administration, and UN-sponsored elections brought a measure of peace to the country and marginalized the Khmers Rouges as a political and military force.

Beginning in 1997, the United Nations and Cambodian government began a decade-long diplomatic dance to establish a tribunal. Disputes flared over the "balance of influence" between UN and Cambodian officials on the tribunal, the scope of the tribunal's jurisdiction, the defendants to be charged, and the laws and procedures to be applied. Finally, in 2003, more than a quarter century after the collapse of the Khmer Rouge regime, the United Nations and Royal Cambodian Government hammered out an agreement (the "UN-RGC Agreement") to establish the ECCC. The following year, the Cambodian National Assembly passed a law approved by the UN to govern the tribunal proceedings (the "ECCC Law").

The UN-RGC Agreement was a product of grueling political battles and frequent compromises between the Cambodian government and United Nations. Some of the key sticking points related to the tribunal's temporal, personal, and subject-matter jurisdiction. It would be empowered to try only certain former Khmer Rouge officials for certain crimes committed during the specific period of Khmer Rouge rule. Another key bone of contention related to the balance of influence on the court. Unlike other tribunals, which had been dominated by international civil servants, the ECCC was designed in a manner that ensured a narrow preponderance of Cambodian personnel. The UN-RGC Agreement and subsequent ECCC Law drew sharp criticism from many Western observers, who argued that it conceded too much authority to the Hun Sen government and compromised on considerations of integrity and justice.

All international criminal tribunals reflect political realities and carry important political implications. The ECCC is certainly no exception.

For better or worse, the tribunal's jurisdictional limits and organizational structure were deemed necessary to achieve buy-in from the relevant parties. Nevertheless, the legacy of tough negotiations and political compromises has left residual discomfort and distrust. Much of the political friction that surfaced during the UN-Cambodian negotiations continues to haunt the ECCC proceedings. In particular, the tribunal's jurisdiction and the appropriate balance of influence remain key subjects of debate, as Cambodian and UN officials argue over the possible inclusion of additional defendants and spar over the ways to improve the tribunal's management.

The Tribunal Takes Shape

The 2003 agreement between the United Nations and Cambodian government and the 2004 ECCC Law contained the blueprint needed to create the tribunal. It set out the substantive laws that would govern the proceedings and set forth many of the organizational and administrative features of the ECCC. This section discusses the tribunal's basic features and how the tribunal took shape after the signing of the ECCC Law.

In addition to deciding what time period to cover and who to prosecute, the architects of the ECCC had to define the tribunal's subject-matter jurisdiction. This meant deciding which of the many possible crimes of the DK regime to prosecute. Cambodian and UN officials drew from both local and international law and ultimately settled on eight crimes, including genocide, war crimes, crimes against humanity, torture, homicide, religious persecution, and a few lesser-known, previously untried international offenses.

The legal definitions of some of these crimes were not obvious. Justice requires that Khmer Rouge defendants be tried only for crimes that existed at the time of the acts in question, and both international criminal law and Cambodian law were in flux during the 1970s. As Heindel describes, the ECCC Law left open some important questions

about the precise "elements" (i.e., the specific acts and criminal intent) that prosecutors must prove to secure convictions for particular offenses. It also left open some complex legal issues surrounding the "forms" of criminal responsibility. In cases of mass human rights abuses, holding high-ranking leaders accountable usually requires proving that they issued orders, engaged in conspiracy, or otherwise bore indirect responsibility for the crimes of their colleagues or subordinates. The ECCC's legal formulation of direct and indirect criminal responsibility could have a major practical impact on the trials.

Equally important are the laws and rules established to safeguard the rights of defendants. As argued above, the ECCC can only be deemed a success if it enables defendants to mount defenses and adheres to common notions of procedural justice. Legal defenses are available to Khmer Rouge defendants under the ECCC Law and other relevant sources of law. Internal Rules were agreed only in 2007 to govern the internal operations of the ECCC.

Finally, it is worth touching on the judicial and administrative structures laid out in the UN-Cambodian agreement and the ECCC Law. Much of the concern over the ECCC's form and procedure relates to the mixed character of the tribunal. Investigative, prosecutorial, and judicial duties will all be divided between Cambodian and international personnel. There are some strengths of the model—such as the potential for complementary skills and expertise and the possibility of useful knowledge transfer. There are also some problems with the ECCC's form and the possibility of institutional deadlock or procedural complications in certain cases.

Assessing the ECCC's Performance to Date

When the ECCC finally took shape and commenced operations in 2006, it was given an unofficial three-year mandate and a corresponding budget to tackle Khmer Rouge impunity by putting some surviving DK officials on trial. Over its first three years, the ECCC has validated both the hopes of its proponents and the fears of its critics. To its

supporters, the ECCC has taken major steps toward justice. To some critics, the tribunal has been a farce and a failure. The truth lies somewhere in between.

Since 2006, notable progress has been made. Investigations have been conducted, five key suspects are in custody, numerous pre-trial proceedings have transpired, and the trial against Duch has begun. The tribunal has also established workable administrative organs and has improved its outreach through the establishment of a new Victims' Unit. Conducting effective criminal trials is no easy task, especially when the scale of the crimes committed is so vast. The challenge is even greater in a new institution using multiple languages, serving diverse donors, and implementing rules and procedures based on a complex blend of local and international legal traditions. Viewed in this light, the ECCC may even have exceeded expectations.

Nevertheless, the accountability process is far from complete, and the ECCC has hit frequent bumps in the road. A number of disputes, problems, and scandals have arisen, impeding the tribunal's efficiency, sometimes undermining its perceived legitimacy, and occasionally jeopardizing its existence. Many of the challenges at the ECCC have involved tension between Cambodian and international officials. Tough compromises have been necessary throughout the process to keep the tribunal functioning. The tribunal has often moved slowly, and some analysts have particularly criticized the pace of criminal investigations. The ECCC was created with a three-year mandate and corresponding budget. It is now clear that the tribunal will consume much more time and money than originally envisioned to complete its mission. To critics, it has also failed to provide adequate outreach to victims and issued legal judgments of variable quality. Perhaps even more damning are allegations that some ECCC officials have mismanaged the institution and allowed corruption to creep into the process. Some observers, including prominent human rights advocates, have

even advocated shutting down the ECCC.

The ECCC's Legal Judgments

Since mid-2007, the Pre-Trial Chamber a unit composed of three Cambodian and two international judges, has conducted a number of public hearings and issued a number of important decisions. Many have related to procedural rights and the lawfulness of the ECCC's detention of the defendants. A number of the charged persons have filed appeals against the Co-Investigating Judges' detention orders, arguing that they are either too sick to be in detention or unfit to stand trial. Duch has sought release on the grounds that his rights were violated by a lengthy pre-trial detention by the Phnom Penh Military Court-which began in 1999 and extended well beyond the three-year maximum in Cambodian law. Ieng Sary has argued that he should be immune from prosecution due to the principle of "double jeopardy"-he was convicted in absentia of genocide in a brief trial in 1979. Ieng has also appealed his detention, pointing to the amnesty and pardon he received when he defected to the government in 1996.

The Pre-Trial Chamber has rejected all of the foregoing appeals. It has also had to grapple with other diverse issues. These have included the rights of civil parties to participate in the process, the forms of criminal responsibility that will be accepted at trial, and the scope of the defendants' right to translation of case file documents.

The Tribunal's Institutional Management

The ECCC is not only a court of law - it is also a complex bureaucratic organization subject to various forms of political oversight and influence. The ECCC cannot perform its mandated judicial and public outreach functions without running an effective institution. The ECCC faces steep challenges that all international and hybrid tribunals have faced-how to set up a sophisticated bureaucracy from scratch, manage complex donor relations, assemble a diverse staff, manage linguistic and logistical headaches, and tackle tough criminal cases.

The ECCC has made important strides, but it has also faced significant administrative challenges. Foremost among these has been the problem of alleged corruption in the tribunal. In 2007, an audit conducted for the UN Development Program noted allegations of kick-backs, illegal hiring practices, and other malfeasance. A few ECCC employees later issued corroborating claims. The episode sparked a significant crisis, provoking recriminations between the United Nations and Cambodian government and prompting some donors to suspend financial contributions. The ECCC has since taken some responsive measures, issuing new guidelines and creating a new anti-corruption commission. However, concerns about corruption have not evaporated, and the measures taken to date have failed to satisfy some donors and external observers.

Another concern about the ECCC's operations surrounds the length and financial cost of the process. The ECCC began with an agreed budget of roughly \$56 million, of which the international community contributed the lion's share. That budget was intended to cover the entire trial process for a period of three years. However, by early 2008, the ECCC estimated a need for a further \$114 million to complete its work. Donors were not enthusiastic, especially in the wake of corruption allegations. The tribunal eventually shaved its budget request by a significant margin but has still requested roughly \$50 million in additional funds. It now estimates that the trials of four defendants will not begin until 2010, making further funding requests likely. Should the ECCC decide to prosecute additional defendants, the price tag will further rise. Donors have taken some measures to improve budgetary and management oversight, but budgetary tugs-of-war will likely continue.

Critics argue that the ECCC is proving wasteful and that money could be more productively used for development projects given all of Cambodia's needs. Supporters of the process respond that the ECCC is still much cheaper than the wholly international

processes carried out for the former Yugoslavia and Rwanda. Moreover, the funds provided for the tribunal would not necessarily be furnished for other ends. Hall evaluates these arguments and assesses the measures that donors and the ECCC have taken to promote sound financial management.

The ECCC's Outreach to Victims

A third key aspect of the tribunal's operations is its outreach to survivors of the DK era and other ordinary people. Robust victim participation is essential if the ECCC is to be successful. The Khmer Rouge trials are not just an antiseptic legal exercise; they represent an effort to help millions of Cambodians heal and to advance principles of justice and human rights in a society that has seen too little of both. The ECCC can fulfill those missions only if Cambodians are able to follow, understand, and meaningfully participate in the process.

The ECCC is part of an evolution of victim participation in international and hybrid international tribunals. Limited victim access has severely compromised the effectiveness of the ICTY and ICTR, in contrast to the Special Court of Sierra Leone, which has made considerable advances in connecting the local community to the proceedings.

Under the framework for victim participation at the ECCC victims can participate directly in the trials-by issuing formal complaints, serving as witnesses, or joining the proceedings as civil parties. They also can participate through educational sessions, visits to the court proceedings, and village discussion forums. There are many challenges that the ECCC faces in responding to the needs of millions of Cambodian victims. These include the legal complexities of including civil parties, the difficulty of managing voluminous victim complaints and coordinating NGO activities in the field, and the need for strong outreach and witness protection programs.

The ECCC's Prospective Role in Justice and Reconciliation

The final section of this paper discusses how the ECCC fits into broader efforts to achieve a measure

of justice and reconciliation in Cambodia. As stressed above, the tribunal is not a cure-all for the wounds inflicted by Khmer Rouge terror. It is part of a broader process of healing that is taking place on both societal and personal levels. At both public and private levels, Cambodians pursued various forms of reconciliation long before the tribunal was created. Those efforts have helped survivors and their families begin to rebuild and have contributed to improved social stability after decades of armed conflict.

The ECCC has the potential to deliver meaningful justice and contribute to genuine reconciliation. To do so, it needs to devote tremendous effort and energy to enhanced public outreach. It must focus as much on the needs of ordinary Cambodians as it does on the imperatives of a sound judicial process. That is a great deal to request from a tribunal that is already entrusted with a complex set of criminal cases. However, even perfectly run cases with well-reasoned verdicts will ring hollow if the public is not able to follow and understand the process.

Of course, the ECCC is not acting alone, and it is not the only body with responsibility to reach the public. It is just one prominent institution working on an array of problems which government agencies, international organizations, NGOs, religious groups, and ordinary citizens have also begun to address. The tribunal draws useful attention to the Khmer Rouge legacy. Schools, NGOs, health clinics, and other providers of education and counseling need to seize this opportunity to address crucial public needs for information, counseling, and dialogue. We note some of the efforts underway and stress the importance of an all-hands effort to make the ECCC-led process a success and to follow up on the trials with a continued commitment to justice, reconciliation, and the rule of law.

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PEACE, JUSTICE AND RECONCILIATION SHOULD BE ATTACHED TO CAMBODIAN IMMIGRANTS IN SYDNEY, AUSTRALIA

Pong-Rasy Pheng

"Without any expectations, I have evolved from being a victim of the Democratic Kampuchea Regime to being person who is carrying out the work of the Documentation Center of Cambodia (DC-Cam), which is searching for the truth, justice and reconciliation for Cambodian people around the country. I had the fortunate opportunity to attend a workshop at the Centre for Peace and Conflict Studies, University of Sydney. I have an ambition to build peace, truth, justice and reconciliation for the Cambodian community in Sydney. How many Cambodian immigrants in Sydney have knowledge about the Extraordinary Chamber in the Court of Cambodia (ECCC), known as the Khmer Rouge Tribunal? And have they received peace, justice, truth and reconciliation from what had happened to them during the Khmer Rouge regime?"

Cambodian immigrants should answer these questions and clarify the kinds of justice, truth, peace and reconciliation that they want. I met some Cambodian immigrants in Sydney: Chhayri Marm, Ben Nhem, Pisey and Chheng. Two of them have very good understanding of the process of the Khmer Rouge tribunal. One knows very little, and the fourth knows nothing about what is happening at the tribunal. This is the same situation for the people in Cambodia. But what is different is that people in Cambodia have the opportunity to understand all the processes of the Khmer Rouge Tribunal through radio, television, newspapers, magazines and some organizations. Also, the younger generation will learn about the Khmer Rouge regime through the public school curriculum in the coming years.

For the Sydney community, I brought some of DC-Cam's "Searching for the Truth" magazines. Chhayri Marm, a migrant consultant, told me after

dinner at his house that almost all immigrants who experienced the Khmer Rouge regime still remember the overwork, starvation and torture. Chhayri, one of the immigrants who understands a lot about the tribunal said, "For me, I still remember all that had happened to me during the Khmer Rouge regime until end of my life, and I want everyone in the community to know and understand that the untruths, injustice and oppression by Khmer Rouge cadres is now resolved."

Some Cambodian immigrants lost their parents, their neighbors and their property. Nearly 30 years after the Khmer Rouge regime, what have they gotten back? Did they receive any reparations from the Khmer Rouge regime? Indeed, they received nothing from the regime. Moreover, they remain traumatized without any relief. Ben Nhem (a name given when he came to live in Australia; his Khmer name is Buntha) lost his parents during the Khmer Rouge Regime. He was very young during that time. His traumatized feelings have stayed with him until the present time. Traveling with him in Australia, he told me much of his story including his imprisonment with his parents in Wat Samrong Khnong in Battambang province (this site was investigated by DC-Cam's Mapping team in 1997). "I have tried to live without parents and struggled to venture to Australia since 1983." Buntha continued, "My life is now ok. I have a good job in Australia. I have money to improve my life. However, I still need justice and reconciliation from the Khmer Rouge Tribunal. I don't want the tribunal to give me my parents' life back, but I need the tribunal to give back a pure truth, justice and reconciliation to all Cambodian people."

Almost all older immigrants in Sydney regularly

go to the pagoda to pray, not only for their safety in the present and future, but also for their ancestors and relatives' souls who were killed under the Khmer Rouge Regime. Many years ago during the Khmer traditional ceremonies, I was sometimes told by my mother to pray for my uncles, brother or other relatives' souls to have good, bright lives in the next life. But I was not told about what had happened to them before they passed away. Many Cambodian people keep silent about what happened to their families because they think that the problems of the past could affect the younger generation. But it is very wrong to hide the truth about the atrocities perpetrated in the past. In order to build peace, to find justice and reconciliation for people who experienced these unthinkable horrors and to connect with what happened in the past, the younger generation should have the opportunity to understand these problems and find a way to prevent these activities in the future.

I was invited to attend a workshop on conflict resolution at the Centre for Peace and Conflict Studies in July 2009 at University of Sydney. I understood much of what had happened in countries such as South Africa, Rwanda, East Timor, Sierra Leone and other post-conflict countries. The main purpose of

the workshop was to exchange ideas about conflict resolution. I shared my experience as a victim of the Khmer Rouge Regime and my work at the Documentation Center of Cambodia. In my presentation, I discussed my current work with the Genocide Education Project, because this project is very important for building peace and reconciliation, especially for the younger generation. I was asked a lot of questions relating to the project.

Finally, I would like to share what I have learned about peace and conflict in many countries while at the Centre for Peace and Conflict Studies of University of Sydney with people whom I think should know and understand, especially Cambodian immigrants in Sydney. I really want to provide them with the knowledge of the Extraordinary Chamber in the Court of Cambodia (ECCC) and help them to understand how to build peace, truth, justice and reconciliation in Cambodia and other countries.

I would like to say thank you to Dr. Wendy Lambourne who always encouraged and gave me opportunities to share my experiences in the workshop.

Pong-Rasy Pheng is a member of the Genocide Education Project.

SEARCHING FOR MISSING FAMILY MEMBERS

Missing Son

I am Pich Yann, 66, of Trapaing 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 Son

My name is Koh Chann, age 71, I am living in Trapeang Chhouk village, Chralong sub-district, Baray district, Kampong Thom province. I would like to search for my son Sar Hai, who disappeared in 1978 because Angkar assigned him to the battlefield. At the time, he was 15 years old.

If anyone knows or has heard anything about him, please contact me through the Documentation Center of Cambodia via phone: 023 211 875 or P.O. Box 1110, Phnom Penh. Thanks.

BUDDHISM UNDER POL POT

Ian Harris

This pioneering study of the fate of Buddhist monks and their pagodas during the communist period in Cambodia is based on the analysis of interview transcripts and a large body of contemporary manuscript material, much of which is held at the Documentary Center of Cambodia, Phnom Penh [DC Cam]. It represents the first sustained attempt to cross-examine the widely-held assumption that Angkar, the revolutionary organization (angkar padevat) at the heart of the Communist Party of Kampuchea, had a centralized plan to liquidate the entire monastic order (sangha) during the Democratic Kampuchea period.

While not seeking in any way to minimize the horrific monastic death toll and collateral damage to Buddhist spiritual, intellectual and material culture the book indicates that while compelling evidence exists to suggest that senior Khmer Rouge leaders

were determined to track down and "smash" senior members of the pre-1975 ecclesiastical hierarchy, structural reasons related to the economy of Theravada sangha also made it difficult for institutional Buddhism to survive conditions in which the lay population were strongly discouraged from providing its necessary material support.

The very rapid diminution in sangha membership and vigour from the beginning of the communist insurgency in 1970 to its almost complete annihilation by the end of 1977 was the consequence of a number of factors - militant anti-clericalism among some high-ranking cadre, the effects of high levels of coercion in the population as a whole, mind-numbing levels of economic mismanagement, the impact of war, famine and disease, plus the traditionally fragile relationship between Buddhist ecclesiastics and their lay supporters. For these reasons the author

expresses some uncertainty over whether there was a centralized plan for the complete suppression of religion, and asks whether the perfectly understandable desire to find someone to blame for the horrific state of affairs that pertained at the end of the decisively failed Democratic Kampuchea experiment is likely to be successful given our present understanding of the evidence.

Theravada Buddhism had experienced a significant resurgence throughout Southeast Asia during the 2500th year anniversary of the Buddha's enlightenment, or Buddha Jayanti (1956/7), and Sihanouk as the leader of his newly independent



Pagoda destroyed by KR

kingdom capitalized on the atmosphere by forging a modernist political ideology that, in common with parallel developments in Burma and Sri Lanka, he termed "Buddhist socialism". For a variety of reasons the specifically Buddhist elements in this somewhat ill-considered political assemblage were soon revealed to be threadbare and some members of an increasingly politicized sangha appear to have approved Lon Nol's ouster of the Prince in 1970. Indeed, a minority enthusiastically signed up as supporters of the new Khmer Republic's US-supported Buddhist holy war against communism.

Sihanouk's overthrow marked the end of Buddhism as the central axis around which all other aspects of Cambodian existence made sense. The majority of the country's population, especially those in the countryside, had regarded the ruler's legitimacy as deriving from Buddhist principles. His removal, then, threatened catastrophe on a grand cosmological scale and through this one act the entire structure of political, economic and cultural life would be disrupted.

This is, indeed, what happened. The new central government rapidly lost control of large swathes of the country and communist insurgents began a radical experiment to reshape Cambodian culture and society in the zones that they easily captured. It is clear that some of their leaders were aware of the treatment of religion in late eighteenth century France and during the Chinese Cultural Revolution. With these historical precursors in mind anti-religious measures were applied in the liberated areas with some initial attempts to win over "progressive" elements in the sangha to a common cause. But once this divide-and-rule phase had met its objectives (or in some cases had been frustrated), the wheel of history moved on swiftly to crush all obstacles to revolutionary progress.

The book suggests that the genesis of the distinctive form of communist ideology of the Khmer Rouge owes much to indigenous modes of thought in which Buddhism played a dominant role.

This can be seen most strongly in the revolutionary emphasis on asceticism, renunciation, puritanism, a quasi-monastic form of discipline and a distinctive notion of independence mastery (aekareach mchahkaa). The author attempts to embed these notions in the biographies of key senior figures, many of whom had received a conventional Buddhist form of education in their early years. While such influences were easily abandoned by some, others appear to have retained a residual Buddhist allegiance and it is suggested that at least one significant though unsuccessful internal rebellion against Angkar have been led by those who were unwilling to shed the Buddhist mantle in its entirety.

As far as Buddhist practice is concerned this was increasing restrained and finally almost completely extinguished. Although it seems reasonable to assert some underlying strategy, it has very rarely been possible to establish that local restrictions - be they on ordination, the feeding of monks, the celebration of annual festivals or on funerary customs - ultimately emanated from Angkar. The same applies to the desecration of pagodas, sacred images and texts and other forms of Buddhist material culture. The chaotic nature of the regime largely explains this. Anti-religious measures could be pursued with dogmatic fervour but almost until the end there remained scope for determined individuals, occasionally with the connivance of sympathetic officials, to maintain a minimal level of religiosity. In the case of a very limited number of courageous elderly monks and lay people living the life of a white-robed ascetic became an option, if only for a short period. A slightly larger group determinedly confronted their terrors and performed devotions in secret. But by far and away the largest proportion of previously active Buddhists rapidly and completely abandoned any semblance of the religious life. A decision born of rationality and fear in equal measure, it definitively improved one's chances of survival.

The author identifies a three-phased process in the Khmer Rouge treatment of Buddhism:

bureaucratic interference and obstruction, explicit harassment and a final meting out of extreme measures to the obdurate and those close to the previous Lon Nol regime. The establishment of a separate revolutionary form of sangha administration, with its associated differentiation of monks into two segments - "base" constituted by rural monks who had been under Khmer Rouge administration since the early days of the insurgency and "new" made up of those expelled from the towns and cities emptied after final victory on 17 April 1975 - constituted the bureaucratic phase. The harassment of monks, both individually and en masse, was a partial consequence of an uprooting of the traditional monastic economy in which lay people were discouraged from feeding economically unproductive monks. It also involved widespread efforts to force younger members of the order into marriage or military service, plus a policy of disrobing to ensuring the maximisation of labour.

The evacuation of monasteries meant that they could be re-used for a variety of non-religious purposes. But one of the distinctive features of the period is that few monks resisted for long, perhaps because Buddhism does not value martyrdom as highly as is the case with the great monotheistic religions. Indeed, this may be one of the reasons that the Cham Muslim minority suffered correspondingly more severe treatment under the Khmer Rouge. A surprisingly small proportion of the sangha managed to escape to places of safety in neighbouring states. Some, mainly older, members of the order did resist, however. Their elimination along with senior figures from the ecclesiastical hierarchy and assorted "spies" comprised the final act in the tragedy of Buddhism under the Khmer Rouge.

The author argues that previous "guesses" about monk mortality have been wildly inaccurate and that the one attempt to calculate monk mortality rates between 1970 and 1979 on the basis of some statistical evidence cannot be correct. The same tendency towards inflation also applies to the number

of pagodas putatively destroyed by the communists. The issue is fraught with major difficulties - quite apart from anything else it is an ideological minefield - making any accurate quantification of monk mortality deeply problematic.

Insofar as it is possible to speak with any precision about violent deaths in the sangha the author offers a figure of approximately 12,500, i.e. around 19% of the 65,062 individuals officially recorded as being in robes in 1969. This figure may be further broken down into three categories: c. 2,200 fatalities resulting from the bombardment of the country until its halt in August 1973, c. 900 senior members of the ecclesiastical hierarchy who were executed within a few days of the fall of Phnom Penh on 17 April 1975 as functionaries of the hated Lon Nol regime, rather than as members of a despised religious group, and a remaining c. 9,300 monks who suffered unspecified fatalities while in robes. It is not possible to be certain what proportion of the latter figure can be attributed to the civil war or Democratic Kampuchea periods. All other monastic casualties must be assumed to have occurred after disrobing. These cannot easily be attributed to individuals' specific associations with Buddhism, and may have resulted from other causes.

The book concludes with a discussion of the slow re-establishment and official supervision of the Buddhist order during the People's Republic of Kampuchea period plus some detailed, Buddhist-inspired, reflections on the cultural appropriateness of the Khmer Rouge Tribunal (or Extraordinary Chambers in the Courts of Cambodia, ECCC) with a discussion of possible alternatives. A lengthy afterword provides the most detailed account to date of the circumstances of the Khmer Buddhist minority in the Mekong delta region of southern Vietnam (Kampuchea Krom) under communist rule.

Ian Harris is the author of *Buddhism Under Pol Pot (Phnom Penh: Documentation Center of Cambodia, 2007).*

KHMER KAMPUCHEA KROM: A MEMORIAL INITIATIVE

Sok-Kheang Ly

Khmer Rouge (KR) crimes against the Cambodian people proved to be one of the worst atrocities in human history. The KR's rule during 1975-1979 caused approximately 1.7 million people to die unnatural deaths. Among the victims, Khmer Krom were one of the groups accused of being traitorous. Many Khmer Krom families were killed off, while some survived and struggled to overcome their losses. This bitter past has plagued their entire lives, filling them with painful anger. In some cases, they have desired revenge against those who hurt them and killed their family members. However, their anger has reduced as the years have gone by.

This article will look into the historical background of the Khmer Krom, including why the KR regime policies targeted them for purges. Having suffered from a horrendously large number of killings, members of this community visiting the Extraordinary Chambers in the Courts of Cambodia (ECCC) with DC-Cam were asked to reflect on these past crimes after witnessing the ongoing court proceedings against Duch, chief of the former S-21 prison. Although justice is now within their grasp, some proposed that a memorial be constructed where people could hold religious ceremonies for the victims and be dedicated to the Khmer Krom who died at that time.

Background of Khmer Krom

The Khmer Kampuchea Krom, hereafter Khmer Krom or lower Khmers, live in the lower Mekong Delta but share a common race and identity as Khmer since the existence of Kok Thlork kingdom during the first century. Their settlement, now in South Vietnam, was controlled by Cambodia until 14th century. However, French colonialism changed Cambodian borders by governing the Cochin China

until mid-20th century and then ceding it to Vietnam.

Since then, there has been a large influx of Khmer Krom migrating and settling within the contemporary borders of Cambodia. During the reign of Preah Bat Monivong (1927-1941), many Khmer Krom left the Preah Trapeang province of Vietnam for Bakan district, Pursat province, after they found that area conducive to agriculture. However, Meas Chanthan with the Khmer Krom



name Kim Ya Thay said that even before arriving in Pursat, Khmer Krom came to Reang Sy commune, Battambang province in the 1910s and moved to Pursat only when there was a war between Cambodia and Thailand.

Both Thay and Tep Huoy, also a Khmer Krom, said that Prey Chheu Teal village, now called Rumlech village, has become a rallying point among Khmer Krom. Huoy's parents migrated there from Tra Ving province along with another 16 Khmer Krom families. Van San, a Khmer Krom, said his ancestors also came from Tra Ving province of Vietnam to live in Kampong village in 1922. At that time, only 10 Khmer Krom families came with them but the settlement increased to 150 families by the early 1970s. There were at least two reasons for

their migration: to escape the war in Vietnam and to find land for farming.

Chao Ny, an An Giang-born Khmer Krom, said that at the beginning, Khmer Krom could travel back and forth between Vietnam and Cambodia. For example, their children were sent for education in Cambodia. Chao Sao was a Khmer Krom who came to study in Cambodia and continued his doctorate degree in law in France. However, migration was restricted or cut off during the deteriorating political situation between Vietnam and Democratic Kampuchea in 1970s.

In contemporary Cambodia, Khmer Krom live mostly in Pursat, Kampong Cham, Kampong Chhnang and Takeo provinces. Many find it hard to recognize who is Khmer Krom. According to Ben Kiernan, Khmer Krom can be recognized by their accent, which is different from Vietnamese. DC-Cam researcher Kim Keo Kanitha, who is also a Khmer Krom, wrote that Khmer Krom could be recognized by their clothes. Ny agreed with both observations. He added that Khmer Krom often have surnames such as Chao, Thach, Kim, Seun, Taing, Seung, and Tep, which makes it possible to trace their identity.

Khmer Krom: Victims of DK Policy

Although they have a common race, religion, tradition, and culture with other Khmer, Khmer Krom were targeted by the Khmer Rouge regime.

DC-Cam researcher Tieng Sopheap Vichea has provided three reasons for the killings. First, Khmer Krom were accused of serving as Vietnamese spies for the Ho Chi Minh Youth Labor Party. Second, they were considered to be members of the Indochinese Freedom Solidarity Movement led by Chao Dara, better known as Field Marshal Lon Nol. Third, they were arrested and detained on suspicion of being Vietnamese spies when Khmer Rouge attacked Vietnam in 1977 and 1978. So, the mistreatment stemmed from their perceived political and military involvement during the old regime. San acknowledged that many Khmer Krom did in fact serve the Lon Nol regime.

It is generally acknowledged that shortly after its total victory, the KR began to single out all former government officials, capitalists, feudalists, and many groups whom they branded as reactionary elements. Ny recalled that in 1975, Chao Sao was an early victim of the KR regime. At that time, Khieu Samphan ordered two soldiers to search for Sao. Five days later, they came across him at Prek Kdam, around 15 kilometers north of Phnom Penh. Samphan wrote a letter to ask Sao to return to Phnom Penh. However, Sao refused to return to Phnom Penh unless all evacuees were allowed to return. Then, a new order came urging him to follow, otherwise he would be killed. He was finally killed



Villagers are standing in line to enter the ECCC

along with all his family members.

They said that in 1976 and 1977 many Khmer Krom who served as commune and district cadres were killed. He pointed out that at first Khmer Krom were not accused of being Vietnamese. But the situation got worse from July 1978 when the Cambodia-Vietnam war took place. The killings were aimed at Khmer Krom's main forces, old people, women and then children.

Huoy agreed with Thay. She said Khmer Krom in Rumlech commune were screened and sent to live in Khnar Torting beginning in June 1978. The KR provided them several days to mobilize their family members to come together and work there. However, Khmer Krom family reunions were just KR political ploys aimed at exterminating them altogether at one time. The killings each time numbered from 500 to 700 people. Khmer Krom survivor Kim Sour said he escaped the killings because he had been imprisoned at Veal village. His parents did not know that he was there.

All of these interviewees observed consistently that the KR targeted them when the KR ignited a border war with Vietnam. They said that at first Vietnamese people were searched and killed. Later, Khmer Krom were targeted because the KR considered them to be Vietnamese or Vietnamese spies. Ny emphasized that Khmer Krom were branded as "Vietnamese heads with Khmer bodies." In some cases they were considered to have two different brains.

San, who lost his parents and five siblings, pointed out that the killings ceased when people from the Eastern Zone were sent to Pursat province. At that time, the KR used Khmer Krom to kill the Easterners. Their turn would be next. However, with the KR toppled by Vietnamese forces in 1979, some Khmer Krom managed to survive the regime.

Kanitha, a former DC-Cam researcher specializing on Khmer Krom, has written: "based on documents found at S-21, 40 Khmer Krom were sent there.... In 1977, eight prisoners were killed and 3 prisoners in

1978." In Rumlech village, Kanitha spoke to Prak Sarin who said that there were 500 Khmer Krom families with up to four thousand members by 1964. Sarin observed that all Khmer Krom in this village were killed off during the DK.

General Perception on Court Proceedings

All of the 130 villagers attending the Duch hearing at the ECCC with DC-Cam, especially Khmer Krom, consider themselves to be representing those who died at that time. They want to see justice delivered for Khmer Krom and all Cambodian people. A sense of satisfaction, joy, anger, sorrow and hope came to their minds as they stepped into the courtroom for the first time. Huoy and Ny said they had waited a long time to participate in and observe the court proceedings against Duch.

They believe that with the joint cooperation between the UN and Cambodia, Cambodians can have justice from the ECCC because it will be monitored. He added that it is in accordance with the rule of law that the perpetrators be tried and sentenced for their crimes. However, he worried about influences that might put justice, fairness and independence at risk. Ny further stressed that the trial against Duch, head of notorious Tuol Sleng prison, represented the first process against Khmer Rouge leaders since 1979. This trial brought back bitter memories of what the people suffered during the regime.

Kim Sour, a Khmer Krom, said, "It reminded me of being handcuffed for three days and tortured. I was asked, 'who are you?' I said I am a farmer. [Then] they kept asking me about my connections. The torture caused me to fall unconscious many times. I was accused of serving as a Vietnamese spy. In fact, I was not involved in that activity. I was working for the regime in a mobile unit." This led Sour to conclude that prison chiefs like Duch hurt prisoners in a very brutal way. As his anger ran high, he decided to join the army after 1979 in order to take revenge against those mistreated him. However his soldierly life was not a success; he lost

one of his legs in addition to losing all of his family members who were accused of being enemies and killed by the KR.

Observing the trial and reflecting on the crimes they experienced in their communities, Huoy expressed frankly that the accused should have been placed in the same condition as prisoners during the regime. However, at the same time she said that survivors should not take up violent acts. Justice would help them refrain from participating in a new round of violence. In her view, reconciliation is a theoretical concept that we should keep in mind and turn to practice to help each individual and the whole society. San echoed Huoy by emphasizing that he felt relieved when seeing the trial. At the very least, he said, his sufferings were not ignored. Ny had no objection to San and Huoy's views. Nevertheless, he underlined that reconciling with the tremendous losses and forced family separation is difficult. He believed that justice alone can provide relief to only 20 to 30 percent of survivors. Among the interviewees, most said that retributive justice could bring them a certain degree of closure.

Memorial for Khmer Krom

During its three years, eight months and twenty days, the DK regime claimed a huge number of human lives and brought untold sufferings on the Cambodian people. Justice for the survivors could come when the ECCC begins trying all five KR leaders in custody. Duch is the first KR leader to face the trial. Apart from justice, survivors struggle to deal with the traumatic psychological scars and mental illness. This prompts them seek out a variety of processes that could help them.

Although the regime ended thirty years ago, efforts by Khmer Krom to build a memorial dedicated to families of Khmer Krom have proven to be a time consuming task. Thay, who initiated the idea of erecting a memorial, described how he came up with the idea. He stressed that shortly after 1979 a wooden memorial was constructed to properly preserve the remains of Khmer Krom and other

victims. Later, the decaying construction threatened the victims' remains. Then, monks attempted to protect the bones by provisionally burying them. They decided to rent four trucks to carry and bury the remains in Rumlech pagoda pending a new construction. Unfortunately, his plan did not get off the ground until now. The bones are under threat from natural erosion and animals such as cows and pigs that consume them.

When DC-Cam's Living Document project invited Thay to observe the court proceedings against Duch, he took the opportunity to express his wishes for a memorial. He explained to me that the proposed memorial would play a vital role in helping Khmer Krom victims and survivors. He said that first, the Khmer Krom have a desire to express love and respect to their ancestors who were killed during the KR regime. They want their souls to rest in a safe and peaceful place. Second, it would be a meaningful and helpful process to help reduce survivors' trauma. Third, it could serve as an educational center to teach the younger generation to remember the past and help prevent the reoccurrence of mass atrocities.

Thay remains steadfast in making his proposal a reality. He believes that his proposed memorial, called "Rumlech Historical Memorial," will attract the general public's attention and generous contributions. Sour, Huoy and Ny appreciated the initiative and pointed out that the memorial will help survivors religiously, culturally and psychologically. San, whose seven family members were killed, welcomed the initiative but was skeptical about its construction. San's cautiousness is because building it requires financial contributions and political approval. For this reason, Thay called on the general public and the international community to contribute to the memorial construction in memory of all Khmer Krom who were killed during the KR regime.

Sok-Kheang Ly is co-Team Leader of the Living Documents Project.

VICTIMS' REACTIONS TO DUCH'S APOLOGY: IS FORGIVENESS POSSIBLE?

Terith Chy

"All I asked for is forgiveness. Even if you cannot forgive me now, please leave the door open for me in the future," said Duch at the start of his trial in Phnom Penh, seeking forgiveness for the atrocities he perpetrated during the Khmer Rouge period. In light of the grave nature of the alleged crimes, it is hard, if not impossible, to anticipate victims' reactions to Duch's plea for forgiveness. In order to better understand their reactions, I decided to conduct a number of interviews with Duch's victims and other survivors. Those questioned were individuals who survived the torture chamber of S-21 and the relatives of those victims who perished under Duch's supervision. All of the six civil parties questioned - with the exception of one, who was unsure - stated that they cannot forgive Duch for the atrocities perpetrated against them.

At the Documentation Center of Cambodia (DC-Cam), the Victim Participation Project (hereinafter "Project") has held series of meetings to update civil parties recognized in Duch's case on developments in the proceedings. On May 27-29, the Project brought twenty-eight civil parties to a meeting in Phnom Penh where their lawyers (Civil Party Group 1) and I briefed them on developments in the proceedings. In addition, these civil parties attended the hearing at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Their reactions to Duch's apology were as follows:

Hor, Banteay Meanchey: Hor is a civil party and was himself a direct victim of S-21. He was one of only a few lucky prisoners released from the torture chamber of S-21. Hor does not have full use of his left hand as a result of the beatings and torture he endured at Tuol Sleng. According to the annotation

on his confession, Hor was released from S-21 on 8 March 1976 after spending around five months in Tuol Sleng. Seeing Duch in the Court, Hor told me that his past came flooding back to him. He said, "I started to remember everything, eating... sleeping, defecating." Although Hor conceded that Duch was likely placed in a difficult position due to his fear for the safety of himself and his family, he stated that he believed that Duch still had choices open to him.

Sophan, Kampong Cham: Sophan is a civil party recognized in Duch's case. Her sister was taken to Tuol Sleng. She explained that it was a case of "guilt by association," as her husband had previously worked for the Embassy in Beijing, China. She stated that she had decided to become a civil party in order to seek justice for her sister and other victims. When asked if she could forgive Duch for his crimes, she said, "[I] cannot forgive him in light of what victims suffered. He has to be tried and deserves the punishment imposed by the Court. I cannot forgive him." Sophan believes that Duch must have a very cruel nature in order to be able to do what he did. She added, "I do not believe Duch followed orders. From my experience living through the regime, they [the regime] would keep alive only those who are cruel."

Piseth, Svay Rieng: Piseth's wife - whose sister perished at Tuol Sleng - was recognized in 2008 as a civil party in Duch's case. Sadly, following severe illness, she passed away in late 2008 before seeing Duch prosecuted in a court of law. Her sister was brought to Tuol Sleng and presumably executed there as were with dozens of thousands of other inmates. Piseth now acts as his wife's representative in the trial. His ultimate purpose is to fulfill his wife's

unrealized dream, namely, to bring a case against Duch and see him convicted and punished. According to Piseth, he seeks to claim reparation, be it personal or moral or collective, and to seek justice for his wife's family and all the victims who perished under Duch's supervision. In response to Duch's apology, he said, "I believe people in general, including me, cannot forgive him. He will have to be judged and punished for the crimes he has committed." He added that when his wife was still alive, she wanted to confront Duch.

Khon, Kampong Thom: Khon is a civil party active in the proceedings against Duch. His brother was arrested and detained at S-21 and disappeared thereafter. He intervened in my conversation with Piseth, saying that, "With the anger I have, I want Duch to be sentenced to life. I want him to live and see the development of the country he once made poor. Now I want him to see this very country develop from being poor to rich." Khon feels satisfied with the tribunal proceedings so far. For him, revenge is still necessary, though it does not need to take the form of retaliatory physical abuse. He said, "Although we cannot physically beat him the way he did to us, I do not want him to enjoy freedom as we do." He wishes to request that the defense stop cross-examining about issues that are not important so that the proceedings will be shorter. Victims, such as himself, have been waiting too long for justice by now.

Phally, Kampong Cham: Phally is also a civil party recognized in Duch's case. His elder brother, who once served in the Khmer Rouge's revolutionary army in the Eastern Zone, was arrested and taken to S-21. Phally never saw his brother again. Phally filed an application to become a civil party in order to seek justice for his brother. To him, justice means seeing Duch prosecuted and tried fairly. Phally expressed great satisfaction with the judicial process. He said, "[The tribunal] has satisfied 70 percent of my expectations." In addition, Phally wishes to seek personal and financial reparation for the loss of his brother. He plans to use any financial

reparation to hold a funeral ceremony for his deceased brother. According to him, it is culturally important that a ceremony be held for those who have passed away. He is not sure whether he could forgive Duch and leaves Duch to be handled by laws of the country. "Even if we take revenge, it would not be possible to reverse our victimhood."

Sophea, Kampong Thom: Her father was arrested and taken to Tuol Sleng three weeks before she was born. She has never fully understood why her father was arrested. She had always hoped that her father was still alive somewhere and that would return to her one day. It was only in 2006 that she found out the fate of her father. "In his photograph found at DC-Cam, my father looks very gentle." Her goal is to seek justice for her father, whom she has never seen and never will. The loss of her father greatly impacted her entire family's living and her educational possibilities. "It has been 30 years and I cannot lift myself out of poverty because I do not have a father." In order to help her family, she had to quit school, dashing her dream of becoming a teacher. Sophea does not believe the accused, Duch, has honestly and whole-heartedly confessed, despite making a show of cooperating with the tribunal. "His cooperation is simply to avoid a longer sentence," she said. She cannot accept Duch's apology and never will, no matter what. "I cannot reconcile with him," she added. As for reparations, she understands that the tribunal can only award collective and moral reparation and, thus, hopes that the tribunal would award something that would benefit future generations of Cambodians. Personally, she wants the history of the Cambodian genocide to be taught in schools in order that the young remember the country's tragic past. In addition, she hopes that a foundation be established to help poor and unfortunate women victimized by the Khmer Rouge regime.

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WAIT FOR TOMORROW

Pal Vannareak

As a writer, I was shocked by hearing Mr. Sothea A Run, a director of the "Sovan Koma" Organization say, "I do not know how old I was exactly at that time," while meeting him at his office, located in Chhraoy Changva Village, Russei Kae Sub-district, Phnom Penh City. It is such a tragic story if one person begins his life journey as an orphan and has no real clue exactly how old he is. He also said that his parents, grandparents, uncle, aunt, and 30 relatives had lost their lives, while others have disappeared. I was horrified to hear that he had lost so many relatives.

Even though he cannot remember it well, these events still causes him pain and continually remain in his mind. A war between Khmer and Khmer had made people suffer; moreover, a house which used to serve one family was made to serve 3-4 families and sometimes even 10 families. City dwellers were evacuated out of the city in order to escape war. In 1974 four members of Sothea's family: himself, his father named Keo Hieng, a captain; his mother named Sa Met, a teacher in a primary school in Phnom Penh; and his younger sister named Sao Phan, around 1 years old, left Phnom Penh and went to live on the outskirts in a house covered with tile that belonged to a villager and was located along National Road Number 1, about 500m from town.

The shooting between the armed forces made his mother, Sothea and his younger sister frightened. Like other military families who lived near Niraot Rangsi Pagoda, Sothea's mother took her children to hide in a trench to avoid artillery. Sothea remembers that every time he went hiding in the trench he was horrified because the sound of the artillery was not far from his hiding place. Sometimes the sounds went over his head, and sometimes they dropped on the left or right or in the front, which made his chest tremble non-stop.

While in a state of shock, Sothea would hear his mother say, "Tomorrow we will be fine." Many people living along National Road Number 1 died due from artillery fire.

At that time, Sothea's grandmother, named Grandmother Heng, a widow in her early 50s living in Prek Tasa Village, Pea Rang Sub-district, Prey Veng province, wrote a letter to her son, Keo Hieng, her daughter-in-law and her two grandchildren, asking them to come to live in her village located in a liberated area. However, she never received any letter in response, and her son and children never went to live in her village. Seeing the situation getting worse and worse from day to day, especially Lon Nol soldiers who seemed to lose the war one by one, Grandma Heng decided to hire someone to deliver a letter to her daughter-in-law and her son, Keo Heang, in order to encourage them to escape to the liberated area soon.

Grandmother's sacrifice

While fighting was erupting, a letter reached the hands of Captain Keo Hieng and Teacher Samet. After a discussion, Sothea's father decided not to defect from his military unit. He told his wife that if necessary, he would later escape to Prey Tasa Village. The letter mentioned that grandma Heng would wait for the three of them at Lvea Sa dock, located in Tik Khleang Village, Lvea Em District, Kandal province.

At 6 am, using a jeep, Kheo Hieng secretly drove his wife and two children out of Ni Raot Reangsy Pagoda. From that time on, information about the Captain was vague for Sothea because he did not know for sure whether his father was alive or dead. In desperation, Teacher Samet and her two children took a reumork [a kind of three wheeled vehicle pulled by a motor bike] along

National Road Number 1 and crossed Boeng Chhouk Village, Boeng Snay Sub-district and other villages where people have a clear view of the river. Traffic along the road was not quiet at all. After arriving in Ta Sa Village, Sothea realized that most people walking along the road were people who lived east of the Mekong River, a liberated area. At that place, Sothea's family and other people, probably 50-100, were standing and waiting for a boat to help them cross to Lvea Sa dock.

Lon Nol soldiers suspected that boats taking people from Lvea Sa Sub-district came to take food to supply liberated soldiers, while liberated soldiers considered all people living under the Lon Nol regime to be the enemy. As a result, every boat that crossed to Lvea Sa or Tik Khleang dock needed to provide information. If not, Khmer Rouge soldiers would shoot and sink the boat immediately since they were afraid that Lon Nol soldiers were hiding in it.

To help Sothea's family escape, Grandmother Heng woke up very early, walked from one village to another, crossed forests and swam in the dark in order to reach Tik Khleang and receive her daughter-in-law and her grandchildren. Sneaking from one village to another without having permission was a dangerous thing for her to do.

After they waited for one hour, a ferry boat arrived. While in the boat, one elderly woman gave Sothea a krama [a very popular scarf which Cambodians usually use] for covering themselves, for it was very cold at that time]. Sothea has never forgotten her favor even though at that time he did not say thank you. Hit by the strong waves again and again, the boat became unstable and seemed as if it would sink, and that made people became very frightened. Horrified, Sothea did not talk to his mother at all; he did nothing. After checking for weapons and Lon Nol soldiers, Angkar permitted everyone to continue on their journey. Teacher Samet, who was walking, met Grandmother Heng in Tik Khleang Village, Lvea Em District, Kandal

province. At that time, because of wearing wet clothes and riding a boat exposed to the wind, Sothea had a fever.

Many hours later, the sky grew dark. At that time, Grandmother Heng had not gone to bed yet since she was busy talking with their host whom she had not seen for many years. The reason was that people living in liberated areas did not have the right to walk freely from one village to another in order to visit friends or relatives. If anyone wanted to travel to somewhere, he or she had to ask permission from Angkar first. However, some people received permission to travel widely.

The next day, Grandmother Heng again gave malaria medicine to Sothea. Sothea's family did not depart from Tik Khleang Village immediately; they had to wait till the night came before heading for Prey Tasa Village. Sothea's family and their hosts finished their dinner before dusk so that they could go to bed early and leave at midnight. That evening, grandmother Heng cooked rice and prepared food for eating along the way since it would take many hours to reach their destination.

At midnight, Grandmother Heng put Sothea on her back and carried a rice box, while Teacher Samet carried packages on her shoulder and carried Sao Phaon, and they walked across watery forest and swam across deep water.

Arriving at Sam Paoch Pagoda, Sothea was petrified as there were lots of newly dug graves. After crossing water and walking for many hours, they rested at Salachatean [a place where elderly people go to worship on holy days and a place where travelers can sleep while traveling long distance]. Because of the long journey, they became exhausted and fell asleep immediately. The next morning, Sothea saw his mother waking his sister up and grandmother Heng preparing food that she had kept since last night for eating along the way. Sothea does not remember what kind of foods, but he still remembers there was food at that time. Delicious or not, that food was valuable to them.

In the light of the shining sun, the evacuees saw torn clothes that belonged to the Khmer Rouge soldiers and blood everywhere, even on Salachatean, where they had slept and eaten the night before. Grandmother Heng thought that it was probably the blood of the Khmer Rouge soldiers who came to stay in this place while escaping from Lon Nol soldiers.

After walking across water for a long while, they arrived at Prey Kang Reach Pagoda. At that place, people could see Ta Sa Village, a place where evacuees lived, a meeting place between Sothea's mother and father, and a place where Grandmother Heng lived. As they had to cross Prek Tauch Village, Lvea Em District, Kandal Province first, all evacuees could not cross the river at Prek Tauch Kang Reach Village. Only when arriving near Vihea Khpuos Pagoda, located in Prek Tauch, could they travel by boat to Prek Tasa Village of Prey Veng Province before reaching their destination.

Liberated land in Prek Tasa

A majority of people living along rivers in Cambodia had good living condition by fishing and dry farming crops such as bean, sesame, and tobacco. Even though Prey Tasa Village had been under control of Khmer Rouge since 1973, people could still conduct business. Although people ate individually, Angkar still kept track of their consciousness and activities in order to target revolutionary enemies.

Like other villagers in Prey Tasa Village, Grandmother Heng was a merchant, and Sothea's mother looked after her two children. At that time, doing business with areas under the control of Lon Nol soldiers was nearly prohibited. Therefore, all villagers in Tik Khleang Village sneaked to Sak Pi dock to buy merchandise. Sneaking to buy merchandise was not a good way of making business because those villagers had to bribe the Khmer Rouge soldiers to go through the area. Sothea still remembers that while living near Niraot Reangsy Pagoda, his father negotiated with a military chief at Kean Svay District for the release of all people coming from Prey Tasa

Village, so that those people would escape death from Lon Nol soldiers. At that time, money still existed as grandmother Heng as well other villagers always took Prahok, dried fish, and other things to exchange for rice from other villages.

Starting in 1973, most men in Prey Tasa Village ran into the forest to establish a national liberation movement called the National Army. The duty of those soldiers was to fight against the Kampuchea



Child unit in DK period

Republic soldiers stationed in Prey Veng Province, Kandal Province, and along the National Road Number 1.

In 1975, Angkar accused these national soldiers of being their enemy. From that time on, Angkar began killing people who used to be national soldiers since they had a tendency toward national soldiers, even though they came back to the village in the name of people. So, those people always concealed their background and hid quietly at home and dared not show their faces in front of others.

New people coming from areas controlled by Lon Nol were all enemies of Angkar, especially Sothea's family who became a target. Like other children at that place, Sothea did not go to school since school had been eliminated, and children were taught to be Angkar's children.

At that time, all children were the children of Angkar, not children of their own parents, and they were taught about revolution theory. They had to



report to Angkar about their parents' wrongdoing against the revolutionary's path. Weddings between new people and base people were prohibited. This made a clear distinction between new people and base people. It was a class division between new people and base people as base people had the right to get married even before 1977. There were other points relating to this division such as speaking, dressing, and other things. For new people, they had no right to do anything. More than that, affairs between men and women were strictly prohibited.

If two people dared love each other, they would be accused of committing moral offenses when Angkar found out. Then they would be assigned to carry dirt, 5-6 meter cubes per day, jailed, or severely mistreated before being taken to be killed.

When Angkar wanted to execute new people, they assigned base people to use carts to carry the new people to the village hall of Kampong Preang at 7am. The base people drove the carts as slowly as usual so that the new people did not know that they were being taken to be executed. The number of killings rose to 30-40 carts. In each cart, they placed people to sit together with their family. One family was feeding their child with porridge, while others were talking happily and thinking that their new shelter in a further village would make them feel comfortable. Some people were urging the cart driver to drive faster in order to reach their destination sooner. However, when the carts stopped next to Kampong Preang Village Office, their crying voices begged for their lives, terrified and suffering; sympathetic voices cried for their husband killed by Angkar in front of them, and children's voices cried while being hit against tree trunks or being thrown up and stabbed with a bayonet and roared like a dead bell against the ears of the new people sitting on the carts. In addition, images of soldiers raising their bayonet and stabbing the chest of an elderly man or of the head of a female hit by hoe and kicked into a grave appeared in front of the face of those new people transferred to this place. Inmates of Angkar became very frightened and could not jump out of the carts. However, the soldiers used their words and gun barrels to force the trembling people off the cart and toward the killing pits. Those people were accused of being new people or being castoffs imperialists, including teachers, police, military police, civil servants and other enemies of Angkar. Another way of killing conducted by Angkar against the new people was to drive them by carts to Snay Pal river, located in Pea Reang District, Prey Veng Province, and then tie people to

a pulley placed on a tree that grew near the bank of the river and beat the people down into the river where the water was flowing.

At that time, Sothea's family lived in fear with every single breath. His family tried to live by hiding his parents' background, without making this information leak to Angkar. Teacher and her children tried to tolerate their hunger and dared not say a word and found anything to eat besides their ration. Trying to make themselves become poor peasant class, they did not wear any colorful clothes or clothes which were better than those of other villagers. Sothea's mother advised him to tell others a lie and use strange words, and strictly banned him from telling anyone about the position of his parents.

After living in Prey Tasa for a while, a relative of Grandmother Heng came to inform her that Angkar had found out about the background of Teacher Samet's family, and they [Angkar] had also learnt that Samet used to be a teacher and her husband used to be a captain. In that regime, both teachers and soldiers were enemy of Angkar. After learning this information, Heng and Samet's family became very frightened and tried to find a way to get out of this village soon.

Though Grandmother Heng was a widower, she had raised 5 children up in good living conditions and supported them to study until they finished their high school degree under the Lon Nol regime. Besides, Captain Keo Hieng, she had 3 other children, living in Chamkar Leu District of Kampong Cham Province, a province that was under control of the Khmer Rouge. She came to live in this place because she wanted to retrieve her oldest son, Keo Hieng, and take him to live in Kampong Cham Province together with her and 3 other children. She was a clever and strict woman, and she made a raft from banana trees in order to leave this terrible village for Prey Sniet, Pea Reang District, Prey Veng Province and then on to Chamkar Leu District, Kampong Cham Province.

Another evacuation

When the cocks crowed, Grandmother Heng woke Sothea and Sao Phan up in order to climb and sit on the banana raft. The possessions on that raft were a bag of cloth, pot and plates, and other equipment, and they headed for Prey Sneat Village. Because of the pouring rain in that season, Prey Tasa Village sank, including the house of Grandmother Heng. So the raft had to leave behind the house and head toward a lake. Grandmother Heng and Sothea's mother pulled the raft.

As time passed, the raft reached a high land that seemed to be a small village, and there were probably 3-4 small houses there. Looking around, Sothea saw rice field and many palm trees, but he did not see forest as he had seen in other villages. Grandmother said that this place was called Tuol Prey, a place where fisherman always built small temporary huts as they usually spent a long time, probably a month or a whole season until they went back to their village. After eating, Teacher Samet tried to breastfeed her daughter since the milk they had brought was gone. As she herself did not have any milk to breastfeed her daughter, she decided to crush rice and to feed her daughter instead. At night, the two continued pulling the raft to further on their journey.

The next morning, Sothea's family arrived at Prey Sniet Village, Pea Reang District, Prey Veng Province, located near Tbong Khmum District of Kampong Cham Province. As soon as they arrived in that village, they decided to settle there for the short-term.

Living conditions in Prey Sniet Village

In Prey Sniet Village, Angkar divided the village into 2 categories: base people and new people. Base people lived in a wooden house with a roof made of tiles and a wall made of brick mixed with straw or house built up from the land with a wall made of brick mixed with straw and the roof made of a kind of grass used for thatching roof or leaves. Those houses were located on a huge plot of land, and there were many kinds of crops growing there

such as yam, potato, arum, and banana. Nevertheless, the size of those houses was still smaller than those in Prek Tasa. As Prey Sniet was a poor village and did not have many fish, Angkar established collective eating. But crops and animals that base people grew and raised could not be eaten since they belonged to Angkar. If anyone dared pick the crops that they themselves grew, they would be guilty.

The house of Sothea's family was located in the new people village. The house, with a wall made of brick mixed with straw and a roof covered by palm leaves, was built by grandmother and Sothea's mother. At first, Angkar allowed all the family to live in one house, and did not assign them to work in cooperatives. Then Angkar assigned Grandmother Heng to work at the grandmother center (Elderly Women Center). Their task was to weave palm tree nets and a kind of grass used for thatching roofs. As it was intensive work, she could not ask permission from Angkar to do something else or to postpone the work by giving an excuse, no matter how exhausted she was. Otherwise, she would be taken to be killed by the Khmer Rouge. Angkar assigned Sothea's mother to work in the middle-age women mobile work brigade, an intensive unit. Her duties were to transplant rice seedlings, harvest rice, and build dams. Mostly, this unit went to work in various villages and spent the night in those villages. As a result, rarely did Sothea's mother see her children, leaving the children with grandmother.

Because of working late till midnight, people became exhausted and fell a sleep as soon as they lay down on the mat. However, they could not sleep well for long since sounds from the women's unit woke them up to continue working. At that time, looking at the dark sky, Sothea's mother wondered why they used people as equipment as though they could not be exhausted and starve. Everyone ate only watery rice soup mixed with banana trunks and a few grains of rice. For food, there were chaipov and soup cooked with prahok with vegetables such as sleukbas [a kind of leaf

used for cooking], trunk of banana, or convolvulus. Even though, people did not receive enough rations to eat, Angkar still ordered every unit to work from 3-4 am till 12 am and gave a twenty-minute rest for eating. Then people had to start working till 6 pm, so they could not take a rest. Doing so, weakened the body of Sothea's mother and other people.

Every 3-4 am, the sound of a whistle rang and woke all children in the village up to work. Among those children, Sothea was responsible for collecting cow dung from the cow stables and homes and gathered them to a place arranged by the children's unit chief. A pile of cow dung was the scale used for measuring those children's work. So if the pile of cow dung was small, those children would be punished. But if the pile of cow dung was huge, it meant those children were active and Angkar complimented them and reported to the dining hall to give them 3 rations, which was better than that received by other children. However, among those children, no one could work beyond the work assigned by Angkar because it was beyond the children's strength. They could finish the plan only if they tried to work very hard and were base children-children, nephew, or niece of Angkar. So, collecting cow dung for the children's unit was a very challenging work because if they could not do that task well or finish according to the plan, Angkar would discipline them by reducing their rations and mistreating them in various ways. Sometimes, it could also lead to imprisonment. Children jailed rarely came back home; they all disappeared forever. For Sothea, he never finish the work according to the plan like the base children because he used to live as part of a quite wealthy family in Phnom Penh, sleep till morning and eat delicious foods, so he had never worked so hard like that. Nonetheless, due to the enforcement from Angkar, Sothea had to get up at 3-4 am and work unlike before, until he became very skinny and weak like a patient.

One day at 4 am, the bell rang out loud in the whole village to signal all children to get up and collect

cow dung. However, Sothea did not get up since the night before the food had not filled his stomach and he had worked late in order to complete Angkar's assignment. Discovering that Sothea was in peaceful sleep, Grandmother Heng looked at him sympathetically, did not dare to wake him up, and let him continue his sleep for a short while. After thinking, she left for work. At around 10 am, Angkar came to call her for reeducation due to the accusation that she had hidden her child's strength to collect cow dung as other children. In liberated areas, even people who did not even have tendencies toward the enemy would be taken to be smashed if they were called by Angkar many times.

In this place, even though people became ill, Angkar did not permit them to stay at home. If they did, those people would be punished by cutting off their rations or taken for reeducation or killed. Khmer Rouge forced sick people to work or be accused of malingering. Because they were afraid people worked even though they were sick, and sometimes some people fell down unconscious at the farm. They were then taken to receive treatment at social work hospital located in Prey Sneit Pagoda. At that time, unable to tolerate the rations, Sao Phoans became chronically ill with a swelling disease. Consequently, Grandmother had to stay inside the house and look after her granddaughter; she could not go out to find food and medicine to cure the disease. Aware that her condition was getting worse and worse, Grandmother Heng requested Angkar in the village to allow her to take her granddaughter to the social work hospital at the village level. At the hospital, there were only rabbit dropping medicine and a serum made from coconut used to cure patients, no matter what kind of disease they had. Many days later, Sao Phoan died. At that time, Sothea did not know what his Grandmother was doing, but he noticed that her face looked different than before and sat still and said, "My granddaughter died!" Sothea never saw his younger sister again. A few days later, Sothea was aware that his

Grandmother Heng had send letter to his mother, informing her about the death of Sao Phaon.

Many months passed; Sothea's body got thinner and thinner and looked very pale. Furthermore, Angkar made him work terribly. Since the ration that Angkar gave was not enough, Sothea tried to catch other animals to eat and to escape going to collect cow dung in order to pick up guava that grew along the base people's house. By doing this his hunger was reduced. While he was picking the guava, the chief of children's unit came and found him, ordered him to get down from the tree, and accused him of betraying the collective and escaping labor. Angkar beat the back of Sothea with a rifle and summoned him to knee down on hot coals of thatch which were burning, and today marks still remain on his feet.

After Sothea was tortured, Grandmother Heng asked permission from Angkor to allow him to take time off because he could not walk. Grandmother cried and felt very sorry for her grandson, yet she dared not cry out. During the time Sothea was sick, Angkar assigned her to tend the rice field. Not wanting her grandchild to stay at home alone, she carried him on her back to the field every morning. In her free time, she secretly made a kind of equipment to chase birds called krapeh so she could use it to steal rice grain from the field. Even though he could not walk, Sothea could use his hands to reach in a crab hole or catch fish nearby in the field. When Grandmother arrived home, she dug a hole in order to use it as mortar to husk the rice grin. Then she took rice which had been husked to cook and used fish and crabs as food. Not long after, Angkar became aware of her activity and took her for reeducation and banned her from going to tend the rice field as before.

During the year of the dragon, a year during which there was a terrible flood, sinking the village, a sub-district chief ordered villagers to build shelves for grange and children to swim and carry rice grain to put into granges. As Sothea refused to get into

the water, the chief of the children's unit ordered 3-4 children to carry and throw him into a lake twice a day. Fearing that Sothea might drown, Grandmother Heng knelt down and pleaded with the unit chief not to do that. But her request was not effective; until at the end, Sothea could swim.

Angkar allowed Sothea to study at 10 am every day after coming back from collecting cow dung. During the session, the teacher often slapped Sothea's face, for he did not pronounce clearly while spelling. Even though the teacher tried to make Sothea read letters, Sothea still could not read well as he had no teeth to block his voice. Frightened, Sothea snuck to hide in the thatch to escape learning. Nevertheless, at the end, he decided to get out of the thatch because Angkar looked for him everywhere and blamed Grandmother Heng. At that time, the unit chief whipped him a lot. Witnessing that whipping, Grandmother Heng pleaded and promised that she would bring her child to study everyday. After that event, never again did Sothea escape studying. After many days of studying, Sothea still could not read well, Angkar sometimes took a bayonet to scrape his tongue till blood came out of his mouth, and they accused him of having big tongue which made him not read clearly. In addition, they said that Sothea was not a Cambodian child as he could not speak clearly.

Angkar did not teach children about letters much; they mostly taught them about political theory, indoctrinating them to act against American imperialists, capitalists, and feudalists, teaching children that they were Angkar's children, making them very good reporters for them, and especially teaching them to sing brightly red revolutionary songs.

Soon after, Sothea got away from work once again, sneaking to one elderly man's house, a base person, in order to ask for 2 boiled potatoes since base people usually were able to sneak potatoes that they grew on their land and secretly exchange edible things to store in their home. Walking to one

rice field, Sothea met 4-5 children, including Sal and Ponleuk, who stopped and called him to pick up potatoes that had been ploughed. At that time, Sothea refused, saying that he wanted to go further in order to catch fish to cook; those words, however, were not true. Later on, Sothea found a puddle in which a buffalo was soaking, and he then chased that buffalo out to catch the fish. However, he saw a soldier pointing a gun at his head 4-5m away and calling other soldiers to arrest him.

When arrested, the soldiers tied his hands and legs and brought him to be detained at the sub-district office located in Prey Khla Pagoda. Arriving at kot [a dwelling place for monks], those soldiers put him under kot, which was extremely dark, except light coming through a hole in the boards. In that office, Sothea saw more than 20 children being detained in that prison, including Sal and Ponleuk. They were accused of stealing potatoes and escaping work. At that time, Sothea thought that he would be dead since a bit later two soldiers took 2 big rounds of metal to put on his hands and legs in order to prevent him escaping.

Every day at 7pm, Angkar came to torture children in the cell by hanging them on a pulley connected to a crossbar of the detention room. They then used a kind of whip to severely whip the children many times and interrogate them. When hearing crying sounds, Sothea turned his face away with trembling and cold feet and his heart beat nonstop and he dared not move his body. The torture was done in front of every child. The sound of whipping the prisoners sounded as if they were beating 20 prisoners sitting with their hands and legs handcuffed and shackled in the detention place. Both the children being interrogated and those not yet interrogated were very frightened. Sometimes children confessed to offenses that their parents committed against Angkar. No one could know if the answers confessed were true or not since if a child did not provide the answer Angkar wanted, he or she would be whipped till she or he became unconscious. However, children

whose answers either satisfied Angkar or did not satisfied Angkar were all later carried out. No one knew where those children were taken to, but there was one thing they knew: those children never returned.

Sothea's turn had not yet come. Angkar gave very little rice soup and water to prisoners. Sothea always heard the whipping sound caused by the torture. He lived in fear and he dreamed only of children tortured by Angkar. Even though handcuffed and shackled, Sothea struggled to escape, yet he had no way to escape. Every night and day, Sothea and other children who had not yet been tortured always listened very carefully to footsteps walking outside the detention cell since if there were footstep near the cell, it meant that Angkar would come and torture prisoners. Sometimes, Sothea shifted to take a look through a key hole and saw whether executioners were coming from outside or not.

Angkar inhumanly mistreated young prisoners every day. Now, there were only Sothea and Ponleuk left, the remaining prisoners who were not yet tortured. Sothea became more frightened because tomorrow he might be taken to be whipped. He wished the sun would not rise and he did not want to see tomorrow. At dawn, one soldier walked toward Sothea, and that really made Sothea tremble and almost could not walk. After that, the soldier told Sothea that that Angkar released him. Hearing those words, immediately he almost became unconscious and could not believe what he heard with his own ears, hearing that he was reborn.

Upon reaching home, Sothea became petrified till he became sick and deliriously shouted, "don't let Angkar kill that child, don't beat that child, that child was too hungry that was why that child caught the fish." Grandmother rushed to hug her grandson and comfort him by saying, "Grandchild, you had to struggle to survive. Tomorrow it will be better and tomorrow we will enough food to eat." His sickness made her feel so worried, reminding her of the death of her granddaughter named Sao Phoan. As

a result, grandmother Heng went to beg Angkar to allow her to take Sothea to the hospital.

At the hospital, patients had swelling disease, fever, and some had gangrene everywhere on their body which made them unable to walk. There was no serenity, only the bad smell that came from the patients. No matter what kind of diseases patients had, medical staff gave them only coconut juice or rabbit dropping medicine. That was why many patients died almost every day.

A month after recovering, Sothea returned home. There was only skin on the body of Heng's grandson since the ration for patients was a ladle of rice soup less than those who went to work. Grandmother Heng felt so sorry for her grandson, she did not think about her own life and acted against Angkar's regulations, deciding that she would go to steal a chicken and cook it and let Sothea keep look out as she was afraid of Angkar. That night, they both cooked and ate the chicken, and fell into such a peaceful sleep.

The next day 3 soldiers came to Grandmother Heng, saying that Angkar wanted her to attend the meeting. A presence of 3 soldiers and the calling to attend a meeting meant being reeducated. Seeing this situation, she and her grandson were very scared, thinking that Angkar might have known that she stole the chicken. At that time, Sothea was hiding near the wall of the house and staring at his grandmother with tears rolling down his face while his grandmother was getting weak and kneeling down on the ground. However, she was still brave and walked toward those soldiers without looking back at her grandchild. They blamed and threatened that they would take her for reeducation if she continued to commit mistake against Angkar's path.

That month in 1977, there was always sound played over a loudspeaker coming from Prey Sniet Pagoda. This song did nothing to help people because Angkar made people work even harder than buffalo, and everyone was annoyed by the sound coming from that loudspeaker. This was

such a bitter persecution that it seemed intended to kill the whole village because they received inadequate food at day and were bothered by the sound coming from the loudspeaker. As he could not tolerate such a noisy sound and the starvation, Sothea got up and secretly walked out of the house without letting his Grandmother know. Sothea intended to steal a potato or arum that belonged to base people in order to boil and eat them. Luckily, while he was walking across the village, dogs did not bark to wake the soldiers up. Normally, Sothea was really scared, but hunger made him take more steps to find the place to steal arum and potato.

While walking, Sothea heard slight moaning coming from a clump of bamboo next to Prey Sniet Pagoda. Upon hearing that sound clearly, he came closer to that clump of bamboo to hide and to find out where that sound came from. A short while

later, Sothea saw soldiers killing many people and throwing them into the pond behind the clump of bamboo. At the same time, sound from the loudspeaker growled to hide the screaming and moaning. While witnessing the soldiers killing people, he became very frightened and while walking back, he fell down many times in different places before reaching his home. When he arrived at home, Grandmother Heng guessed that soldiers were coming to arrest her and her grandchild, but the fact was that Sothea was lying unconscious at the front on the cottage. Grandmother Heng held his chest to found out what made him become like this. Sothea spoke hesitantly to his grandmother about how Angkar killed many people in secret.

Pal Vannareak is a victim of Khmer Rouge Regime.

SEARCHING FOR MISSING FAMILY MEMBERS

My name is Cheng Chhun Eang and I am looking for the following persons:

1. Nguon Eng alias Ta Ny (male), a high-ranking cadre of the Khmer Rouge
2. Cheng Chhun Sreng, Nguon Eng's wife and my elder sister. She has five children: a. Nguon Sao Yut (male), b. Nguon Vuthya (male), c. Nguon Vuthavary (female), d. Nguon Rathana Bopha (female) and e. Nguon I did not know the name of the youngest child, who was born in the forest.
3. Cheng Kallyan alias Nei, a Khmer Rouge cadre
4. Cheng Kheang Meng (elder brother), Prince Chan Raingsei's army major, arrested in 1977 in Kampot on the pretext of going to Phnom Penh by train to meet his brother in-law, Nguon Eng.

The following might be helpful for the search:

Nguon Eng alias Ny, an electrician, joined the revolution in 1967 or ,the latest, early 1968 several months after Hou Yunn, Hou Noem and Khieu Samphan fled to the forest. While in the forest, he was with cadre "Chab," former chief of Southwest zone and chief of mount "Veay Chab." He was once deputy minister of Ministry of Public Transports (under the Khmer Rouge government), and deputy chief of S-1, whose chief then was cadre Tauch Phoeun alias Phin. Nguon Eng was arrested and sent to Tuol Sleng prison (S-21) in 1978.

Cheng Chhun Sreng (elder sister) was a chief of children unit within the Ministry of Public Transports.

Cheng Kallyan alias Nei (younger sister), a team leader responsible for child treatment at Russian Hospital, was arrested at night under the command of Son Sen's wife, Yun Yat. In late 1976, cadre Leng Soem Hakk alias Sei, professor Tiv Ul's wife, transferred Cheng Kallyan to work at Calmette Hospital.

If anyone knows or has heard anything about him, please contact me through the Documentation Center of Cambodia via phone: 023 211 875 or P.O. Box 1110, Phnom Penh. Thanks.



Pol Pot (right) with Chinese delegation Wang Dongxing (left). The second Chinese official behind Wang Dongxing is Yu Qiuli. Both Wang Dongxing and Yu Qiuli were Chinese Communist Party (CCP) Politburo members. They visited the DK on November 5, 1978. During this trip, Pol Pot asked for direct Chinese troops. Wang did make such recommendation to the CCP Politburo but it was turned down for several reasons. Behind Pol Pot were Khieu Samphan and Nuon Chea.

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