

**Table of Contents**

**EDITORIAL**

The Search for Peace of Mind .....1

*Letters from Youk Chhang:*

Tribunal Preparation Moving Ahead .....2

Helping Iraqis, Like Cambodians, Achieve the Goals  
of Memory and Justice .....3

**DOCUMENTATION**

Meas Peng Kry's Life as a KR Driver .....5

Family of DC-Cam Staff Lost Under DK .....7

North Korean Support for DK .....8

The Hill Tribes: Lay Kloeng (a.k.a. Dos) .....9

**HISTORY**

Two More Tuol Sleng Survivors Found .....12

Sen Yen: Scissors and Comb Better Than a Gun ....15

Khmer Rouge Policy on Women .....17

**LEGAL**

Peace and the Laws of War: The Post-Conflict Role of  
International Humanitarian Law .....33

**PUBLIC DEBATE**

Reconciliation Between Victims and Perpetrators...45

Strengths and Weaknesses of the International Criminal  
Tribunal for Rwanda .....50

**FAMILY TRACING**

My Mother Taught Me .....59

*Letter from reader:*

Brother, Where Art Thou? .....61



Chan Kim Srun, S-21 prisoner

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*Editorial:*

# The Search for Peace of Mind in Cambodia

Absolute justice between individuals is frequently unattainable. Finding absolute justice between groups is exponentially more difficult. Normally the best hope to attain justice is one that is practical, not perfect or absolute.

In June 2003, more than twenty-four years after the fall of Pol Pot's genocidal Khmer Rouge regime, the Royal Government of Cambodia and the United Nations signed a practical agreement that aims to make a Khmer Rouge tribunal a reality. Today the government's tribunal task-force is trying to raise funds in order to internationalize domestic courts to prosecute former leaders of Democratic Kampuchea.

According to Stephen Bridges, British ambassador to Cambodia, "...[discussions on the budget for the proposed tribunal] still have a long way to go." While the Cambodian government continues to solicit the donor community, victims and former low-level cadres of Democratic Kampuchea (DK) continue to wait and suffer. Delaying the process to seek justice is a crime. They suffer from emotional trauma caused by the loss of loved ones during DK, from psychological stress and harassment resulting from victims and former cadres living side by side without justice and reconciliation, and from the uncertainty surrounding the future tribunal. Every Cambodian that lost loved ones during DK still suffers to this day.

Take the case of Tim Tuon, a 73-year-old native of Prek Raing village, Tuk Vil sub-district, Sa-ang district, Kandal province. Tuon's son, Lach Yeun, has been missing for 28 years. She does not know what became of him when he joined the Khmer Rouge (KR) revolution, or if he is alive or dead.

Recently, a team of researchers from the Documentation Center of Cambodia (DC-Cam) visited Tuon

with her son's biography in hand. As we pulled up to her house we honked to signal our arrival. The sound of our horn caused Tuon to burst into tears. She explained that the last time she saw her son was as he honked on his way past her house en route to a KR work site, somewhere in the district. She said, "I have been crying on the inside for quite a long time. And now I am crying openly in front of you all."

Ms. Tuon says that she does not necessarily need the future tribunal, but badly needs closure that a tribunal may not even be able to provide—the return of her son or learning his fate. In this case DC-Cam was able to help Tuon find answers to some of her questions. Her son's biography, taken from his S-21 (Tuol Sleng prison) confession, details her family history and her son's life during the Khmer Rouge revolution. Although the biography provides some answers, her son's fate remains unknown. The importance of a tribunal is clear as some questions can only be answered by former DK leaders. And of course, some questions will remain unanswered. But DC-Cam will continue to work for memory and justice to help Cambodians find answers, to find the truth.

Former Khmer Rouge cadres are also suffering. Living side by side with their victims they face social harassment and intimidation and feel they lack personal security. In general, former cadres, like their victims, lack peace of mind. Heng Chung Ly, 48, a resident of Prek Pem village, Tuk Vil sub-district, Sa-ang district, joined the Khmer Rouge revolution when he was about 17-years-old. He was convinced that joining the revolution would enable him to help liberate the country for Cambodian people. He was a proud KR combatant and enjoyed promotion several times. Unfortunately for him, his higher rank has only led to greater suspicion among villagers about his role in DK. He does receive support







# Meas Peng Kry's Life as a Khmer Rouge Driver

*Veng Chheng*

After the coup against Sihanouk's Sangkum Reastra Niyum (SRN) regime on 18 March 1969, almost all the villages in Koh Thom district, Kandal province were considered "liberated." But fighting between Vietnamese [Thieu Ky] soldiers and Lon Nol soldiers continued. Attacks and counterattacks were frequent, damaging houses, slaughtering livestock, and killing innocent people. As they continued to battle a revolutionary Khmer communist movement for "the liberation of the nation and people" was gaining momentum. Around 1971 men and women began volunteering to fight for the Khmer Rouge, while others were coerced into joining the KR by village or sub-district [a.k.a. commune] chiefs. Meas Peng Kry was among those coerced into joining the Khmer Rouge revolution. And this is his story.



Meas Peng Kry

Meas Peng Kry is a native of Kampong Svay village, Prek Sdei sub-district, Koh Thom district, Kandal province. His father is Meas Kris and his mother is Yon Hong. Peng Kry has five brothers and sisters. In 1970, Kry was about 13 years old. He was an 11th grader at Wat Koh primary school in Koh Thom district. During his free time, Peng Kry helped his parents with their farm work. In 1973, Peng Kry and three similar-aged friends, Than, Va, and Then, were "nominated" by the village chief, named Sok Seng, to serve the [Khmer Rouge] army. Their parents were not told. Meas Peng Kry was the luckiest of the four youths sent from Kampong Svay village to join the Khmer Rouge, he was able to return home.

First, Peng Kry was taken to an office of Prek Thmei sub-district for a week under the supervision of a man named Sieng Ly (a.k.a. Tin). Then Khut, the

sub-district chief of Prek Thmei, sent Peng Kry and 10 other combatants directly to the district military unit of Division 18, located in Cheu Khmao sub-district where a person named Kat was put in charge. There they underwent strategic training for a period of almost one-year under the instruction of Sieng Ly, acting instructor and administrator. After the strategic training sessions Peng Kry was deployed with a two-hundred-member unit in Prek Tauch sub-district, Sa-ang district under the control of Ta Kat.

In 1974, Peng Kry was transferred to a fifty-member artillery unit in Division 12 under the command of Ngoy Sim. After Ngoy Sim died, Nat and Pin were placed in charge of the division. During 1974-1975, Peng Kry was sent to fight in Phnom Sandor, Kok Ta Keav and Peareang battlefields in Prey Veng province. His unit was sent on missions to ambush the enemy's food supplies. In its planned attempt to capture the city of Phnom Penh designed by the Communist Party of Kampuchea (CPK), Peng Kry's unit was assigned to attack military targets along Highway 1, crossing the Mekong River at the town of Takhmao.

When the Khmer Rouge (the CPK) took control of Cambodia on 17 April 1975, Peng Kry and his comrades-in-arms were not allowed to return home to enjoy their family life. Instead the upper Angkar assigned Peng Kry's unit to work under the military unit of Takhmao district. Here Division 12 was renamed Division 703 and was supervised by Ta Nat. They were demobilized, trading their weapons for hoes and earth-moving baskets for farm labor. After a year of farm work Peng Kry and ten of his comrades-in-arms were selected for 12-months of driving training. Upon completion Peng Kry was transferred to the municipal messenger unit, where he was in charge of raising animals and delivering mail from Ta Nat and general





# North Korean Support for Democratic Kampuchea

*Note: This is a translation of a Democratic Kampuchea era document from the DK Ministry of Commerce, internal document number 014.76.KO. The original is archived at DC-Cam (Catalog No. D20561).*

## **To Respected and Beloved Brother Hem:**

Herein is a report of our [Ministry of Commerce] meeting with Comrade North Korea held on 9 November 1976 from 8:00 to 8:45 am. [Ministry of Commerce attendees] included Comrades Hong, Sou, and Hun. North Korea was represented by Comrade Second Secretary and Comrade Third Secretary.

### **North Korea:**

1) As regards the signing of an agreement on trade between Cambodia and North Korea for the year 1977; is it scheduled to be held in Cambodia or Korea? We need a quick response.

### **Ministry of Commerce:**

We have reported to Angkar, who've said they were too busy to respond. Therefore, we will [ask them again].

### **North Korea:**

2) In respect of the 175 water-pumps for 1977, we have received a telegram from [our] government that preparations for the shipment have been made. After meeting with Comrade Cambodia on 2 October 1976, we reported internally. So, [North Korea's] State Committee decided already that the 175 sets of water-pumps are of the following sizes:

200 mm (100 pumps)

300 mm (35 pumps)

700 mm (40 pumps)

Total: The total number of the water-pumps will be reported for our domestic administration. What will Cambodia decide?

### **Ministry of Commerce:**

As you know the destruction caused by war in our country has resulted in, on the one hand, need for capital to purchase materials [necessary] for economic reconstruction and rebuilding the country. On the other hand, our product is far behind our immediate needs. Especially, the commercial issues are subsidiary, whereas Cambodia-Korea political matters are principal.

We cannot forget North Korean assistance in our time of need. In addition, our peoples and our parties could read our hearts vividly.

To conclude, allow us to again report to our Angkar and any further discussion will be undertaken later on.

### **North Korea:**

In 1977, we are planning to purchase 10,000 tons of rubber. And if Cambodia offers to supply 15,000 tons we will also accept the offer.

3) A ship, the Moeung Sin, will arrive either by this evening or tomorrow, while another ship, the Vinla, will arrive on 20 November.

### **Ministry of Commerce:**

We will report to Angkar and will confirm the delivery of goods.

The meeting proceeded in a cordial atmosphere overflowing with friendship. [However] concerning the 175 sets of water-pumps, Comrade North Korea seems to force us to accept its offer. Therefore, we are requesting Angkar's comments. It is noted that based on the report dated 29 October 1976, we made clear to North Korea that we would not accept them.

**For the Committee of Ministry of Commerce**

**9 November 1976**

**[end]**

# The Hill Tribes; Lay Kloeng (a.k.a. Dos)

Sorya Sim

*Note: This story was compiled from information obtained from Lay Kloeng's S-21 (Tuol Sleng prison) confession and through DC-Cam's 1999 interviews with her brother, sister-in-law, and a neighbor. As with all confessions extracted under torture, readers are reminded that the truth of "factual assertions" cannot be assumed.*

Lay Kloeng (a.k.a. Dos) joined the Khmer Rouge revolution in 1973. Late in 1977 the KR arrested her. She was sent to Tuol Sleng prison and torture center where she was interrogated by Prak Khan who hand wrote Dos's 14-page confession. Dos was made to sign each page, her thumbprint appearing on the last. Her confession "convicted" her as an enemy of the Khmer Rouge. Her confession detailed how she conspired with the Vietnamese to overthrow Angkar, had secretly destroyed property of Angkar, and once committed a moral offense with a colleague named Sy. Dos was executed sometime after 19 February 1978, the final day of her confession.

Lay Kloeng was born in 1958 in Sre Sangkum sub-district, Koh Nhek district, Mondul Kiri province. Her father, Sim Sinlay, a Sangkum Reastra Niyum (SRN) sub-district or district chief and soldier, was executed by the Lon Nol clique in 1973. Dos left school in grade nine and joined the Khmer Rouge revolution in 1973, perhaps motivated by her father's execution. During her time with the KR, Dos worked for office K-16, the economic office of Region 105 in Mondul Kiri. Her job involved grinding and pounding rice, sewing rice sacks, and transporting rice to the mill. In 1976 she married an ethnic Lao Cambodian named Phai Soth who worked for office K-11, but was soon sent to fight in Cambodia-Vietnam border areas. When Dos was arrested late in 1977 she lived in Chi Mead village, Nang Khy Loek sub-district, Koh Nhek

district, Mondul Kiri province and was five months pregnant. She was sent with a group of others to the Region 105 security office at Phnom Kraol. Shortly thereafter, she was sent to Tuol Sleng prison.

As the DC-Cam team researched Dos's case, her S-21 confession led us to her birthplace in Sre Sangkum sub-district, Koh Nhek district, Mondul Kiri province. There we met relatives and a neighbor who knew that Dos had been killed during the Pol Pot era, but did not know why. And none knew that Dos had been sent to Tuol Sleng prison and torture center.

On 28 December 1999 our DC-Cam research team arrived in Sre Sangkum sub-district, Koh Nhek district, Mondul Kiri province and met 35-year-old Chev Mao. A native of Kampong Soeng village, Kampong Doeng sub-district, Preah Sdech district, Prey Veng province; Chev lived in village 9, Sre Sangkum sub-district, Koh Nhek district, Mondul Kiri province during Pol Pot. In 1979 Chev married Sim Sinkil, a younger brother of Dos. She listed Dos's



siblings as Heanh, Peou, Pok, and Sinkil. Sinkil told her that Peou and Dos were killed by the KR during Pol Pot. He told her that Peou had been killed with a pointed iron, but he did not know how or why Dos was killed. Chev said that today most of Dos's family lives in the provincial capital Sen Monorum, while she lives with her three children in Sre Sangkum supporting herself by farming and selling produce.

The day after meeting Chev Mao we traveled to Trapeang Toeun, the location of the largest mass graves in Mondul Kiri. On the way we met Sal Ra, a former neighbor of Dos's. Ra, a 50-year-old ethnic Phnorn



the whole family. Heanh recalled that after his sister’s arrest he and his mother were made to work harder. His mother eventually died of disease in 1983.

Although not sure, Heanh thinks his sister may have been killed because of a close friendship with the wife of another accused anti-KR conspirator. This idea is supported by Dos’s S-21 confession. Heanh said that at office K-16 Dos became close friends with Bopha, the wife of Khampoun, a secretary of Region 105 and chief of office K-16. Khampoun had been accused of being part of the Vietnamese network and was arrested and sent to Tuol Sleng in July 1977. Dos’s confession details several meetings where she and others conspired to overthrow Angkar, with the help of the Vietnamese. Her confession stated that she had met several times with Bopha and Yon, messenger of Khampoun, in conspiring with the Vietnamese to overthrow Angkar. The confession also described a time in early 1977 when Dos, Bopha, Khampoun, and others met at a dam in village A for a party welcoming two Vietnamese men named Duc and Thai. She said Duc gave Khampoun a Vietnamese Labor Party flag. It was blue and white with three yellow temples in the middle, a silhouette of Ho Chi Minh in the background. The confession

also stated that in April 1977 Bopha and Dos met again at the same place, where they met a newly recruited conspirator. And finally, in May 1977, Dos, Bopha, and others, named Yon, Hour, Kang, Kha En, Pang, Pon and Prim, met and concluded that, without help from the Vietnamese their group could not accomplish anything because several co-workers had already been arrested.

In the end, questions remain. It is not clear why Lay Kloeng joined the Khmer Rouge. Perhaps she was motivated by her father’s execution and disenchantment with the feudal regimes. What is clear is that the Khmer Rouge did not trust Dos, possibly due in part to her father’s association with SRN, but more likely due to general paranoia within the KR machine. Dos, like so many others, was a victim of internal “sweeping and cleaning” as the increasingly paranoid Pol Pot regime turned in on itself and murdered many thousands of its own cadres, in addition to their hundreds of thousands of non-KR victims.

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*Sorya Sim is the head of DC-Cam’s Research Department.*

An ethnic Phnornng family in northeast Cambodia





and, a week later, we arrived at the provincial town of Kratie only to be caught by the Khmer Rouge a second time. Fortunately, we managed to trick them into thinking that we were on official business, claiming that we were delivering an important letter.

Once again we escaped from the KR. However, this time we ran out of rice. Therefore, we took rice from various cooperative fields. Sometimes we met people from the cooperatives, but they never dared question us since we wore military uniforms. During the day we hid in the forest and ate corn or potatoes. At night we continued walking.

Several weeks later we passed through the provincial town of Kampong Cham and stopped at Prek Kdam. It was here that Brother Voemun (in our group) recognized the sub-district chief of the same name. Brother Voemun had known him since before 1975, when they worked in the same military unit. The chief offered to host us at his office for a night and treated us to a very good meal, which we had not had in a very long time. At about 10 p.m., a group of local KR militia surrounded us, and this time we could not escape. We were detained



Nhem Sal (2003)

in a nearby prison. When morning came we were transferred to Wat Champus Ka-ek, Kien Svay district, Kandal province where hundreds of prisoners were detained. In daytime, all prisoners were taken to do work outside of the prison. However, our group of seven was assigned to remove the human waste from the prison.

A week later we were transferred to Koh Thmei detention office in Sa-ang district, and then to Koh Kor, where we were interrogated for the first time. The KR interrogated us almost every day. I was blindfolded with a plastic bag and my arms were tied behind

my back. A militiaman would move me around, blindfolded, trying to disorient me. When the blindfold was removed from my face, I saw an interrogator sitting on a chair next to me along with a desk. Around me I witnessed a wide variety of instruments for torture. Yet, I was not tortured. The interrogator repeatedly questioned me about my involvement with Khmer Sa (White Khmer). However, I explained that I had simply deserted my unit.

A week later, my friends and I were taken by boat and covered truck to Phnom Penh. When we arrived, we were unloaded on the grounds of a large prison complex [which they only recently learned was S-21 prison]. We saw many buildings each with several floors. I didn't know the name of the prison or its location because I could not see the road [from the covered truck].

At this point we were separated and I was taken, blindfolded, up stairs to my cell. My feet were bound and I was tethered by about a meter length of chain. Although I could not see, I could tell that there were four or five other prisoners with me in the room [in different cells]. In my cell there was a bed, a mosquito net, a blanket and a bullet box to relieve myself.

I was interrogated several times, but I don't remember how many, exactly. Every time I was taken for questioning I was blindfolded and my arms were tied behind my back. And each time I was interrogated the prison guard gave me a nametag, which was removed before I was returned to my cell. One time when they removed my blindfold, they took my photograph.

I always became disoriented on the way to the interrogation office. Turning left, right, walking up and down stairs. I moved very slowly, trying to feel





# Sen Yen: Scissors and Comb Better Than a Gun

*Phala Prum*

*9 June 2003 brought about great surprise, when staff members of the Documentation Center of Cambodia showed Sen Yen his Khmer Rouge biography. He never imagined that people would have written down his life story. Now 48, he resides in Kang Meas district, Kampong Cham province. Yen, who as a KR soldier survived many battles, has since lost a leg and taken up a living as a barber. This is how he feeds his wife and five children.*

Sen Yen left Rokar Ar school in 1970 at grade nine (equivalent to grade 4 in the current education system). He went home to tend cows and help his parents produce palm sugar. In late 1972, with the enticement of his friends and his own boiling motivation, Yen volunteered to serve the Khmer Rouge, even though he was too small to hold a gun. He left and did not even tell his parents.

When he assumed his position Yen was assigned to in the Northern Zone where he was put in charge of patrolling villages without preparatory military training. Two years later [in 1974] Angkar sent him to Samseb battlefield in Kampong Cham. In late 1974 Yen was transferred to a mobile military unit stationed

at Prek Kdam. Sooner he was sent to Sdaeng Chey village, Cheung Prey district, Kampong Cham province for a one-month strategic course. Then he was sent to serve in a special unit of Regiment 502, Brigade 808 under the command of a person named Mach. Later on, Angkar sent him to battle in Trapeang Chrey, Phnom Prasit. When he arrived at Prek Phneou, Yen injured his foot and was hospitalized for four months. First, Yen stayed at Cheung Chhnok Hospital, also known as P-4, and then he was moved to Chamkar Andong Hospital. One day after the Khmer Rouge captured Phnom Penh, Yen walked from the last hospital to Phnom Penh. Seeing Phnom Penh for the first time, Yen and his friends went around here and there, deciding not to return to the military unit at once. During his visit he saw many crowded roads full of evacuees and also witnessed atrocities along the way committed by the Khmer Rouge soldiers against civilians. After a two-day visit he found his unit based next to Chroy Changva Bridge in front of the French embassy. The duty of the special unit was to safeguard security and ready to receive order from Angkar.

Sen Yen said that during the evacuation the

Khmer Rouge convinced Lon Nol soldiers from the rank of captain to return to, and assemble in, Phnom Penh so that Angkar can bring back their positions. About ten days later those who had registered were totally exterminated, even a baby was not spared, he said. Yen said there was a cyclo driver who came to testify that he had been a captain of Lon Nol administration. When he was about to be killed he said that he was really just a cyclo driver. But it was too late and the Khmer Rouge killed him









part of society, including the close-knit Cambodian family: “The socialist revolution encompasses everything,” wrote a CPK leader, most likely Pol Pot. Collective living was imposed and Cambodians were forced to work, eat and raise their children collectively; it was a despised policy, however—a poor substitute for the intimacy of family. Being away from their loved ones caused Cambodians to gradually lose any faith they had in the revolution. As Nay It—one of the interviewees who joined the KR voluntarily—described, “After joining [the Khmer Rouge], they do not let us go back to visit home. That way, they make me completely not believe them.” Parents and children were separated for weeks at a time, if not permanently, and, as Kalyanee Mam demonstrated, the Khmer Rouge even forced Cambodians into marriages they did not want with partners they may not have even known. The attempted destruction of the Cambodian family began during the civil war.

However, assaulting kinship ties was a critical miscalculation on the part of the Khmer Rouge and a key factor in the failure of the Cambodian revolution; it was, according to Ben Kiernan, the most intolerable aspect of the Khmer Rouge regime. May Ebihara’s observations of rural Cambodian life revealed why. The family constituted the most basic social unit for Khmer peasants—there were few clubs, associations or political parties in the villages. As a result, “the bonds between husband and wife, siblings, and especially parents and children are the strongest and most enduring relations found in village social organization.” The bond between mother and daughter was particularly strong. Young women were very attached to their parents who, in turn, were highly protective of their daughters, so much so, that newly married couples usually chose to live with the bride’s parents in the years immediately following marriage—at least until the husband had sufficient resources to build a house of their own.

Attachment to family was part of peasants’

generally conservative outlook—one that was decidedly un-revolutionary. Peasants supported the Khmer Rouge revolution in order to restore the pre-war societal order; quite simply, they wanted an end to the war so they could get back to living their everyday lives, one that included strong, close-knit families.

The behavior of the women interviewed here reflected this conservative outlook, specifically with regards to the family. After being sent to the frontlines of battle where she labored as a porter, Sum Sreng, like the other interviewees, was understandably fearful for her life, and her subsequent actions, as she described them, matched those of other women: “Because of missing home, I ran to my parents often. I always missed my parents and always wanted to escape to return home.” Each time she ran, however, fourteen year-old Sum was caught and returned to her unit at the front, regardless of her condition: “I reached home five times. One time, I was sick—shaking, cold, hot temperature. They put me in a hammock and carried me back.” Nam Sokha endured similarly harsh treatment, as she described how she ran home once because she missed her parents and was “sick and skinny. My belly was swollen and I had the flu. I went home as fast as I could. After arriving home, they said they had to take me back.” Both were punished for their transgressions. Nay It was told by her leaders not to bother returning home because her parents had been killed by the Vietnamese; she later discovered that this was not the case: “They lied. They lie to us not to return home... They didn’t want us to return home.” In fact, as mentioned above, she cited the Khmer Rouge’s rigid refusal to allow her to visit her village as one of the reasons she stopped accepting what the Khmer Rouge had to say. All of the women interviewed made an attempt to return to their villages, most citing a longing for their parents as the reason.

Women like Nam and Sum demonstrated the determination of peasants to maintain their familial bonds, despite—or perhaps because—of the hardships





use of the traditional terms that Khmers used to address members of their own family—terms that were highly respected of elders. One of the most direct criticisms of the institution appeared in a party document listing some of the CPK’s own shortcomings: it lamented the fact that some cadres’ consciousnesses still favored “family-ism,” along with “private property,” “authority,” “notoriety,” and “jealousies.”

Plucking young women from their families in Prek Sdei and forbidding them from visiting their parents was part of a larger systematic process on the part of the Khmer Rouge aimed at undermining rival sources of authority. The KR’s harsh, rigid family policies are an example of their use of Marxism-Leninism as a “blunt instrument and a destructive weapon,” as they implemented Engels’s ideas on productive female labor with a fearsome inflexibility; however, the above-mentioned party self-criticism demonstrated the persistence of cherished family bonds, in however weakened a state.

By contrast, the Chinese and Vietnamese communists gave women a revolutionary role within the family; it was their duty to maintain the home while their husbands were at war. Meanwhile, in North Korea, leader Kim Il Sung proclaimed the importance of the family in strengthening the revolution. While the reformist tendencies in these movements were muted, peasant traditions were respected; the wisdom of such a course of action was evident to revolutionary leaders.

To the ultra-communist Khmer Rouge, such compromise were heresy and they were determined to create the purest socialist regime possible; indeed, as demonstrated in the previous chapter, they believed they had already done so. They paid the price for their radicalism, as they failed to engender loyalty to the regime and from their point of view, their inflexibility proved highly unproductive; from the point of view of Cambodian women, these policies were an incomprehensibly cruel attempt at destroying their most cherished relationships and sealed their hostility to

the regime. Nam Sokha’s anguish at her and her family’s treatment has still not diminished: “All my parents and many others died. There were eighteen people in all that died. Very painful. I want to kill all the Khmer Rouge who killed my parents. If killing them could return my parents, I’d kill them right away.”

**Indoctrination and education**

*“We must further strengthen socialist consciousness so that it becomes the rippling sinews of the collectivity.”*

—From the CPK journal, *Tung Padevat* (Revolutionary Flags), 1976.

Despite continual affirmations such as the one quoted above, the Khmer Rouge was utterly unable to convince peasant women to forget their families and sacrifices for the revolution. The revolutionary education it provided was crude and confusing, often very brief and sometimes, non-existent. The KR, therefore, failed to live up to this oft-repeated goal of awakening the political consciousness of the masses. Political meetings often consisted exclusively of directives to peasants to “work hard” without providing a reasonable reason for doing so—except the threat of punishment, including death, if they refused. The CPK simply could not make its autarkic, communist ideology relevant to peasants, and it also lacked an educated corps of cadres that could explain its ideas effectively.

The first problem with the Khmer Rouge indoctrination was its perfunctory nature; this was especially acute during the latter stages of the civil war when the informants for this study were recruited by the Cambodian communists. The Khmer Rouge purged or used as cannon-fodder some of its best trained cadres, many of whom had spent years training for revolutionary action in Hanoi: their long association with the Vietnamese meant that these cadres were anathema to the xenophobic, anti-Vietnamese Khmer Rouge leadership. Intellectuals who joined the revolution were also mistrusted. Timothy Carney described the resulting situation: “In contrast to their Vietnamese





KR female cadres at temple Banteay Srey (Women Temple)—1976





neighbors, the party rigidly enforces its new values, possibly because not even senior cadre have the experience that generates an institutional self-confidence basis to pragmatic, flexible implementation of principles.” Nam’s family was victimized by such inexperience, which was lethally combined with raw ambition and cruelty. She recounted,

“...the worst were the people who informed and told stories to the leader for names and reputations. Like my parents, they were not Chinese, but [the accusers] said [her parents] were Chinese, Vietnamese. They accused, informed. Especially the young leaders, who just joined the ranks and wanted to be big, they said my parents were Chinese or Vietnamese and took them away to be killed. They even wanted to kill my [younger siblings] also, still too small and who didn’t understand anything.”

The directives of the Vietnamese communists were explicitly designed to avoid such behavior: their recruitment policy was selective, in order that their larger goals not be subordinated to the ambition of ideologically weak individuals. Sandra C. Taylor explained, “the party cautioned against taking in too many members, over whom it might lose control. ‘[O]pportunism’ or ‘voluntarism,’ allowing the group to move the way its members wanted, rather than following instructions from the party, was to be avoided.” Unfortunately for the Prek Sdei women, the leaders they were forced to follow exhibited precisely the insensibility, rigidity and poor leadership Carney observed, as they were unable to empathize with their cadres and find some way to compensate for their loneliness and fear.

The depressed condition of these women was partially the product of their cursory indoctrination, which only produced a shallow commitment to the revolutionary cause. This, in turn, left them incapable of handling the hardships and loneliness of the battlefield. Sum, only fourteen-years-old when recruited, was particularly vulnerable. After leaving her village,

she was given about a month and-a-half of military training, but does not remember being taught about the nature of the revolution, and what its benefits. Would mean for her and her family. She just carried supplies to the front, and almost immediately realized she had made a mistake—that joining the revolution was not the “fun” she had thought it would be: “I knew right away that I was wrong, yes. I made a mistake that was impossible to correct. I just wanted to run away.” She claimed that she had “been tricked by [the Khmer Rouge’s] politics. They took us to join the army. We were not mature yet. We were tricked. We were small.” Disillusioned and confused, they young women resisted whatever training was provided, according to Sum: “We never wished to learn anything, we only discussed how to run home. We ran, they caught us and took us back,” upon which they “guided us to have high fidelity and struggle forward, but not to go back [home].” Now, when asked why she fought, she replied, “I don’t know. Just fight until the front line is broken. I don’t know, just fight.”

Nam’s experience was similar. “[I] never trained. I went all the way carrying rice, never had time to study. They allowed me to enter the battlefield and I never had training.” But once there, she was expected to think only of the revolution: “In the army, they asked us to struggle. We did not think of back home. They didn’t want us to think of our parents.”

Lo Sim said that she, too, was given no training. However, she initially believed in the little she was told about the reasons for the fighting—“for the nation and for the territory” as she described it—and this seemed “acceptable.” She kept thinking about “liberation” and “at the beginning I believed [the Khmer Rouge], I believed in their political view.” That soon changed, however: “At the beginning I believed, but later, why believe? They just talk but do not do what they say.”

Nor were these memories invented long after the fact. The *London Daily Telegraph* interviewed a young woman in 1974 who described a similar experience

to those recounted above: “I was taken from my village nearly a year ago. The men who came to take me said they would kill my family if I refused. I had two or three days training with the American rifle, the rest of the time I dug bunkers and carried supplies...I was there because I could only obey orders.” Evidently, then, indoctrination for many young women was sketchy, at best. They may have been taught slogans and songs, the basics of party policy and how to fire a gun, but little else.

Even worse, the Khmer Rouge displayed a reckless disregard for the welfare of its combatants. According to a dissident, Hanoi-trained communist cadre, KR leaders “would say we should attack right away no matter how many got killed, as long as we won, not to worry about how many got killed because it didn’t matter.” He added, “Once there was some path of attack, that would be it. There would be a single path of attack.” This is in line with the Khmer Rouge’s obsession with revolutionary expeditiousness; indeed, the CPK noted, post-victory, its swift defeat of the enemy: “The party has all the duties of leadership. If the party is strong, it can seize victory quickly. The party promised this before the war.” While the party may, indeed, have delivered a relatively swift victory, the consequences for its men and women on the battlefield were atrocious.

Despite evidence of poor KR indoctrination and horrific battlefield conditions, much of the existing literature portrays Cambodian peasant youth as fiercely loyal to Angkar, both before and after the Khmer Rouge victory. Indeed, the CPK itself acknowledged the fact that youth formed the vanguard of its revolution and boasted that it specifically targeted children and adolescents for recruitment, laughing then nourishing their revolutionary fervor. In an oft-cited passage from one of the earliest examinations of the Cambodian revolution, Kenneth M. Quinn described the process by which rural youth were transformed into militant Khmer Rouge cadre. His description is worth quoting



at length for the contrast it provides to the accounts discussed in this study:

The [Khmer Krahom or Khmer Rouge] began a program of intensive political training for young men and women which involved taking them from their home hamlets to remote indoctrination centers for a period of 2 to 3 weeks. While there is no information about the nature and content of this training, it seems to have achieved significant results. According to all accounts, youths (age 16-18) returning from these sessions... were fierce in their condemnation of religion and the “old ways”; rejected parental authority; were passionate in their loyalty to the state and party; were critical and contemptuous of customs; and had a militant attitude which expressed confidence in mechanical weapons...these youths stopped working on their family plot and instead worked directly for the youth association on its land. The association thus seemed to become a new point of identification for the youth, at least partially replacing the family.

The youths Quinn described appear to have undergone a far more intensive indoctrination than that of the Koh Thom women interviewed here—it would have to have been if a lifetime of tradition was really wiped out in just two or three weeks of training. The Khmer Rouge program, it appears, then, could be terrifyingly effective.

Quinn’s descriptions were almost certainly quite accurate, and were based on extensive interviewing by the experienced U.S. Foreign Service officer. However, there are two factors that Quinn’s analysis overlooks: First, as Michael Vickery underlined, there was significant geographical and temporal variation in conditions throughout Cambodia’s upheavals in the 1970s; therefore, what was true at one place or time was not necessarily true at another. Quinn’s interviews were conducted between July 1972 and January 1974, before most of the women interviewed by me had joined the Khmer Rouge. Presumably, there were more well-educated cadres conducting indoctrination

sessions then there were later, as the radical element within the Khmer Rouge (led by Pol Pot) had still not had a chance to liquidate all of its perceived rivals. Meanwhile, Quinn’s interviewees were from various parts of Cambodia and it is unclear from what part of the country their observations arise from. Second, while the youth Quinn described returned from indoctrination centers thoroughly radicalized, their revolutionary mettle had yet to be tested in the fires of the battlefield—the true test of their commitment to the Khmer Rouge revolution.

Craig Etcheson analyzed the depth of peasant support for the Khmer Rouge’s ideology and concluded that very few cadres were able to internalize it, framing their worldview with it so that “the individual believes in the moral rightness of the cause.” Peasants did not understand communist policy and were not committed to achieving the Khmer Rouge’s aims. Most of the women interviewed remained confused about the reasons that they fought; they had a vaguely nationalistic concept of fighting for their country, but were unable to cite anything approaching a communist revolutionary ideology. Nam explained that she was only taught “to be mentally strong for struggling against the enemy.” She said that she was not clearly told why there was a war; when asked, she replied, “I don’t know. They asked me to go, I went. I didn’t understand. For many years now. We were afraid and we followed.” By 1973, the Khmer Rouge desperately needed bodies to fight the brutal civil war, but did not have the time nor the resources to effectively indoctrinate peasants such as Nam, and coercion, often brutal, had to be used to gain compliance.

However, the KR leadership deluded itself into believing that it was supported by a scrupulously indoctrinated mass of young peasants, brimming with revolutionary zeal, and throughout their brief reign, they continuously repeated the centrality of an ideologically “correct” structural base to the party’s success. An excerpt from a brief history of youth in the party,

published in the KR's youth journal, is typical:

Because of receiving a progressive and revolutionary ideology from the party, the revolutionary struggle movement of youth surged increasingly stronger in both the cities and the rural areas and united with the movements of the people as a whole under the leadership of the party. Which is to say in the combat movement of youth which the party began in 1962...became the right arm of the party under the direct aegis of the party.

In another example, Ieng Sary, Democratic Kampuchea's foreign minister, explained to *Le Monde* in 1972 the importance of proper ideology and political consciousness for his movement's revolution:

*...pour faire triompher la révolution, il est indispensable d'avoir à chaque échelon un noyau dirigeant composés d'hommes fermes sur les principes, sachant appliquer d'une manière créatrice, dans les conditions nationales concrètes, notre ligne politique, avec des objectifs bien précis...Le facteur déterminant de la victoire, c'est l'homme, c'est le peuple, politiquement conscient du combat qu'il doit mener.*

While the CPK leaders boasted of their "success" and described a revolutionary Cambodia that did not exist, their uneducated cadres on the ground went about systematically alienating the masses—youth included—forcing them to work in an ideological vacuum, substituting terror for actual doctrine. The common experiences of Nam Sokha, Sum Sreng and their colleagues, was proof of this situation: instead of being treated for their infliction with "family-ism" through a systematic process of indoctrination, they were simply punished—they were all imprisoned following the Khmer Rouge victory in 1975, and their prison biographies listed their crime as "running away." They were, therefore, castigated—but not treated—for their misplaced loyalties. Only after they had been driven from power by the Vietnamese in 1979 did the Khmer Rouge finally admit that its personnel on the ground may not have had the exemplary ideology

leaders thought they did: "Mistakes might have been made by some cadres" in rural areas, admitted Ieng Sary, later that year at the United Nations. He added the dubious claim that "some acts occurred without our knowledge."

Indeed, the hopelessness of life under the Khmer Rouge is unintentionally captured in one of the Party's own journals. The following passage—dripping with unintended irony—is actually meant to describe life under the KR's capitalist predecessors. Sadly, it reads like an uncharacteristically frank assessment of the bleakness of their own regime:

"Our young people in their youth are comparable to flowers which are budding and brilliantly blossoming. But, in the society of the oppressor class, our youth of all strata are withered and blighted, stifled and muffled, in difficulty and suffering, because of the oppressors' wickedness and because of the threats and intimidation of the fascist, despotic regime of the oppressors. The future of our youth is black, null."

#### **No clear policy**

During the chaos and upheaval of the civil war, the Khmer Rouge struggled to win the support of the Cambodian peasantry. But, as we have seen, through its confusing policies, coercive tactics and institutionalized brutality, it alienated much of the countryside, even while it succeeded in mobilizing its support to a shallow degree.

Rural women were alienated for these same reasons, as well as one other: neglect. Quite simply, the Khmer Rouge did not formulate a cohesive policy on women: it produced no specific directives on how to mobilize their support; it failed to analyze their pre-revolutionary status and propose practical, popular improvements in line with its autarkic, Marxist-Leninist-Stalinist policies; it espoused a simplistic, ill-thought-out formula on women's rights based on a literal interpretation of Engels's theories of female labour; it exploited female labour while passing it off as progress for women; and it never made women's



issues a priority within the party, thereby unintentionally writing off the support of half the population. The lack of a cohesive policy meant that the Khmer communists stumbled badly in their attempts to attract the support of rural women, dealing a significant blow to their revolutionary cause.

Anthropologist May Ebihara spent considerable time in rural Cambodia and her observations are our main window into the lives of peasant women before 1970. She supported the assertion put forth by others that “Khmer women...possess substantial authority, independence and freedom.” This is most evident in the economic sphere, as women actively contributed to household wealth through cultivation and other part-time work. Women also traditionally controlled the household finances, as well as market and commercial transactions. Ebihara noted that these responsibilities brought women into contact with the world outside their village. These freedoms were largely true for adolescent girls, as well. Ebihara observed that young women worked in the fields, earned money (which they could keep) through secondary employment in neighbouring villages, and could even own property. Still, the life of a female adolescent was fairly leisurely. She noted that it was important for female adolescents to remain virtuous, and described how one family forbade their daughter from venturing out at night unaccompanied. Ebihara also, of course, described the family as the primary social unit in rural Cambodia, and underlined the extremely tight bond between parents and children.

Evidently, much of rural women’s traditional lives did not conform with Khmer Rouge practice, and without a concerted effort at addressing these contradictions, it is unsurprising that the Khmer Rouge was unable to garner female support. First, women’s independence and freedom did not make them ideal cadres for a regime that quashed individuality and demanded unquestioning loyalty. Second, women’s commercial role was not conducive to communist economic policies

under the Khmer Rouge. The KR abolished money and markets and imposed collectivized production. As a result, under DK, women found the source of much of their clout and authority taken away from them—something that must have bred resentment. Finally, the strong family bond between parent and child—and mother and daughter in particular—was severely compromised by the KR’s forced separation of families. Most of the women interviewed in Koh Thom recalled their parents’ distress as they left their villages with the Khmer Rouge. Nam, who voluntarily joined the communists, lamented her attitude at the time and recalled the reaction of her parents when she left: “They cried. Because we were young and followed others. Never knew why. Never thought of the worries of parents. Others raised hands, we just raised also.” Sum’s parents also cried when their daughter left, as did those of another young villager, Nop Lai. The Khmer Rouge’s failure to adequately study the contradictions between their communist programme and women’s traditional lives, and produce a policy on women that addressed these issues, resulted in poor female support for the revolution. In fact, the Khmer Rouge was totally out of touch with peasant reality.

The interviews conducted in Koh Thom reveal that the Khmer Rouge reduced their women’s policy to a simple formula. Roughly, it stated that because women do the same work as men, men and women are equal. Kalyanee Mam came to similar conclusions in her study of women in Democratic Kampuchea. This idea resonated with some interviewees, but met with confusion and contempt from most. Nay It recalled the Khmer Rouge teaching that men and women had equal roles, but she said that they lied. They only preached an equal role for women as long as one worked hard and went to battle. She believed that the KR wanted to destroy the family; she is not sure why. Overall, Nay said, the KR treated women badly by sending them to the front, and she stated the obvious



worries: their husbands and their sons could be conscripted at any moment at all, their daughters could be kidnapped and raped by the troops of Phnom Penh and Saigon. The American way of life, a depraved society, and prostitution have poisoned the minds of so many girls and women.

There was hope, however, as “More than ever, Cambodian women know that the only possible way to free themselves from this thrall-ring is to join in the struggle with the men, without hesitation or compromise, against the American aggressors and their valets for the national liberation.” The document listed many of the revolutionary duties of women, including combat, medical work, making booby-traps, village defense and agricultural production. It also praised them for their efforts: “Just like men,” the document trumpeted, “Cambodian women, yesterday and today, have contributed greatly to the struggle against foreign aggression in defense of the fatherland.” The anonymous author of this document also gave women a sense that they were part of a larger struggle, and depicted them in heroic, virtuous terms: “For arming themselves with their high revolutionary morality and demonstrating supreme revolutionary heroism, they have achieved exploits which our people hold in high esteem. They are thus contributing to tearing apart those backward perceptions of women which still have currency in the world.” The document concluded by recounting a story that described how a group of cunning revolutionary women lured a group of Lon Nol soldiers into a trap, liberating a village. The story may actually have had its source in Vietnam, as it resembled one used by communist Vietnamese propagandists in describing the exploits of Ut Tich, a popular revolutionary heroine of the independence war against France.

The document is a relatively sophisticated piece of propaganda by Khmer Rouge standards, as it directly addressed issues important to village women and how they were affected by war. It acknowledged the threat war posed to the family and the virtuousness

so important to peasant women, and then linked the fight against these threats with their cause. Notably, there was no mention of communism and Sihanouk was still described as the front’s leader. Clearly, this tract was produced during an early, more moderate phase of the revolutionary movement; at a time when Sihanouk’s presence attracted a high number of peasant recruits to the front, and the North Vietnamese contributed heavily to recruitment and training. But while such propaganda may have worked in attracting women to the revolutionary cause, it was not capable of indoctrinating women to endure the hardships of the battlefield. That could only come from sustained indoctrination, a process that was sorely lacking by the time the interviewees were recruited. The tract was also devoid of any reference to concrete, long-term benefits for women who joined the revolution: there was no mention of political equality, maternity leave, or access to education. During the war in Vietnam, the communist’s women’s propaganda specifically contrasted the equality enjoyed by the women in the North with Americanized South; it promised equality to Southern women following victory. On the other hand this tract was also exemplary of a limitation common to the Chinese, Vietnamese and Cambodian communists: women’s reforms were linked tightly with their wartime service and were not portrayed as being worthy in their own right.

But lacking a level of depth that even came close to matching the women’s policies of communist China and Vietnam, the Khmer Rouge use of women in the war was exclusively exploitative—no argument could be made for their liberation; it was a brutally rudimentary application of Engels’s ideas, forcing women to accept their “liberation” as they were thrust into the military or production, and it foreshadowed their abuse of female labour during Democratic Kampuchea, as described by Mam: “the Democratic Kampuchea regime used gender-specific policies only to offer an appearance of providing equal rights



effective women's policy that specifically spoke to Cambodian women and addressed what was important to them. It also failed to organize women in any meaningful way. Instead, the KR based its policy on a primitive reading of Engels's theory on women, thrusting women into the military or production, and declaring that through their work, they would become liberated and equal to men. These deficiencies ensured that the support the Khmer Rouge garnered from Cambodian women was weak and superficial—if it existed at all.

### Conclusion

The Khmer Rouge's failure to gain the support of women was part of the massive overall failure of Democratic Kampuchea as a state and the Khmer Rouge as a movement. Tragically ambitious agricultural policies, extreme paranoia and systematic terror—all characterized the rule of the Khmer Rouge, while careful planning, an effort to nurture a positive relationship with peasants and flexible leadership were all sadly absent. Angkar's voice was the only one permitted under the Khmer Rouge, but little of what it said resonated with peasants in general, and, as this thesis has argued, with women in particular.

The Khmer Rouge was unable to effectively recruit women for its cause. It squandered the initial enthusiasm of women who joined voluntarily, and immediately alienated those who did not, by forcing them from their homes. This was an intolerable hardship for many women, whose bonds with their parents represented their most important and cherished relationship. They demonstrated their commitment to their families by repeatedly running away from the war front and home to their parents, ignoring the Khmer Rouge's demands for undying and unquestioning loyalty to their revolution.

The KR decried this persistence of "family-ism" in Cambodia, yet it was utterly unable to provide a viable alternative. To peasants, Angkar represented an amorphous, bewildering, but terrifying entity that

only brought unwanted change and hardship; it simply did not translate its political ideals to peasants effectively. Often, it did not even bother to try, as inexperienced cadres resorted to terror rather than doctrinal persuasion to gain compliance on the ground. Indoctrination, therefore was weak, and sometimes absent altogether. Here, the Khmer Rouge ignored Fanon's warning that the various groups of peasants must be "enlightened," "educated and indoctrinated"; politics, he continued, must not be used as a "means of mystification, but as the only method of intensifying the struggle and of preparing the people to undertake the governing of their country clearly and lucidly." The Khmer Rouge practice of ignoring grass roots politics was self-defeating and belied their own theories of the importance of political training, particularly for the country's youth, as outlined in the party's youth journal: "A nation which has a youth strong in revolutionary consciousness and revolutionary political principles... will win over the enemy aggressors." The reality in Cambodia, however, was weak "revolutionary consciousness" existing alongside a decidedly conservative peasant outlook; and the hardships that peasants suffered under the Khmer Rouge only reinforced the value of tradition—particularly the traditional family.

Women, too, of course, lacked "revolutionary consciousness" because the Khmer Rouge provided nothing to nurture it along. Still, the KR was committed to upholding women's rights: Article 13 of the Constitution of Democratic Kampuchea stated unequivocally that "men and women are fully equal in every respect." However, there was no elaboration on this point in the constitution—a lack of attention to detail that matched the perfunctory rhetoric to which female cadre were subjected. In their interviews, women recalled learning little more than the platitudinous phrase, "men and women were equal." Some agreed, but expressed little satisfaction that such was the case; to them, it simply meant that they had to work as hard as men, performing the same backbreaking labour in terrifying wartime

conditions they were woefully unprepared to deal with. Other women, however, described this rough form of gender equality in positive terms, expressing pride in the difficult work they performed at the front on equal terms with men. Such sentiments, however, existed in an ideological and political vacuum, and were left undeveloped, lacking reinforcement through indoctrination. Consequently, the exigencies of life at the front and the loneliness caused by separation from their families easily overcame any commitment to the Khmer Rouge cause that may have existed.

Women in revolutionary China, Vietnam and North Korea, however, operated within a solid ideological framework that offered tangible benefits in exchange for service to the revolution. The rights of women to vote, to divorce their husbands, and to own land became part of the communist party's platforms. Women's responsibilities were expanded during wartime struggles and they performed well in their new roles, making valuable contributions to the communist cause while men were fighting at the front. At the same time, however, the communist leaders in these countries hesitated to radically change certain peasant traditions, including the family: patriarchy was a powerfully entrenched force in all the three Confucian societies. Attempts were made, particularly in China and North Korea, to communalize certain domestic tasks (thereby freeing women to enter communal production) but the nuclear family remained intact and important to these Asian communist regimes. Women's liberation was identified as a goal, but its attainment was to take place through revolutionary activity. This idea originated with Frederick Engels's belief that women could only be "liberated" once they were fully involved in industrial production. Engels, however, went further than the communist parties in China, Vietnam and North Korea were willing to go to liberate women: he saw the nuclear family as enslaving women, and called for its abolition, with domestic tasks such as child-rearing becoming a public, communal responsibilities.

Engels's radical ideas are most clearly evident in communist-controlled Cambodia, where an awkward but devastating attempt was made at mass communalization that was supposed to render the family obsolete; they also dovetailed nicely with the Khmer Rouge's desperate need for labour and military personnel. The experiences of the women interviewed here provide an early example of this policy, as they were punished severely for their attachment to their families and "disloyalty" to Angkar. The Khmer Rouge wanted to implement the most purely communist programme yet attempted; indeed, the Cambodian communists liked to brag of the uniqueness of their revolution, and Engels's family theories provided a rough blueprint for some of the truly radical change they hoped would be a model for revolutionaries around the world. As such, the experiences of their Asian communist brethren may have served as important examples—not for their relative successes, but for their failure to enact the truly drastic social change Engels prescribed.

This attempt to "go it alone" on the part of the Khmer Rouge was, of course, a dismal failure. Its leaders were simply unprepared to govern the country effectively, and important details such as a well-defined women's policy were never considered. Complex social, agricultural and economic reforms were to be implemented through "revolutionary fervor" and not careful planning that responded to actual circumstances. Just as agricultural production was to be boosted through hard work alone, women were to be liberated through their backbreaking labor. The result, Chandler wrote, was that "Cambodia soon became a gigantic prison farm." Ironically, this situation did mark the achievement of gender equality in Cambodia: ultimately, the cruelty of Pol Pot's regime did not discriminate between men and women, and all Cambodians suffered equally.

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*Zal Karkaria, a reader, submitted this article.*



# Peace and the Laws of War: The Role of International Humanitarian Law in the Post-Conflict Environment

*Colm Campbell*

While international humanitarian law has long generated a rich body of scholarship on substantive legal issues, particularly in relation to combat situations and military occupation, considerably less attention has, until relatively recently, been devoted to its role in post-conflict scenarios. What consideration there was tended to focus on the Nuremburg and Tokyo precedents emphasizing justice-as-accountability, with occasional events, such as the Eichmann trial, serving as a catalyst for broader discussion.

The reasons are obvious: there was little discussion of the role of international humanitarian law in such situations because there seemed little to discuss (through this begs the question as to whether the law might have played a larger role if a broader debate on its possible contribution had emerged earlier). With the closing of the Tokyo and Nurembeg Trials and those under Control Council Order No. 10, an internationally validated infrastructure came to an end. The absence of any similar ad hoc bodies, the unwillingness of the international community to establish a standing tribunal with criminal competence in the area, and the limited use of humanitarian law by national criminal tribunals in post-conflict situations despite the creation of universal jurisdiction over grave breaches of the four Geneva Conventions of 12 August 1949 on the protection of war victims all contributed to a situation in which international humanitarian law seemed to be playing quite a limited role in the post-conflict arena, generating only sporadic academic interest. Compounding matters was a tendency by some lawyers towards compartmentalization, resulting in a perception of humanitarian law as somewhat removed from the mainstream of legal debate.

The picture has now changed almost beyond recognition. Not only has the role of international humanitarian law in post-conflict situations become an area of increasing scholarly focus, there has also been a noticeable whittling away at the perceived isolation of this area of law, with the result that the links between humanitarian law and other areas of public international law have been become more clearly visible.

Three factors have contributed largely to these developments: the first has been the growing convergence of international humanitarian law and international human rights law, most obviously in the adoption, virtually verbatim, of the fair trial provisions of the 1966 International Covenant on Civil and Political Rights in the two 1977 protocols additional to the Geneva Convention. This convergence is also evident in the elaboration of a number of codes of conduct and declarations which have attempted to bridge the gaps between human rights law and international humanitarian law in relation to crisis situations of various sorts.

The second factor involves two interrelated developments. One is the emergence in recent years of a trend towards structured (some would say choreographed) peace processes in relation to intractable or stalemated violent conflicts (examples include El Salvador, the former Yugoslavia, Palestine/Israel, South Africa, and Northern Ireland). Since the balance of forces or the circumstances in these conflicts were such that no side was able to achieve a military victory and thus to impose its will on the other(s), the negotiating processes have had to attempt to reconcile the interests and concerns of all sides. This has frequently required





in a domestic tribunal of the state on the basis of a charge framed in terms of domestic law which might also have been framed as a crime against international law (for instance a killing might be charged as murder rather than as a crimes against humanity). It is in relation to these various possibilities that the validity of the arguments and counter-arguments surrounding the relationship between deterrence, justice, and truth must be judged, rather than in terms of a simplistic “trial-in-the-abstract” standard.

### **Trial and deterrence**

The best that can be said about the viability of deterrence theory in the context of major violations of international humanitarian law is that it is, as yet, unproven. Standard criminological literature describes two kinds: specific (deterrence by trials of those who have already engaged in criminal behavior), and general (deterrence of potential criminal behavior in society at large). After the combined experiences first of Bosnia and Herzegovina, and then of Kosovo, there can only be said to be a severe doubt as to the specific deterrent value of international trials in such situations, a conclusion which Cohen had reached well beforehand when he branded the theory as “dubiously relevant.”

While the possibility of trial for breaches of humanitarian law before an international tribunal might, because of the gravity which international trial signifies, be taken to have greater deterrent value than trial before a domestic court, this does not appear to be the case. At least part of the problem may be that referred to by Farer: “relative certainty trumps relative severity” in the deterrent stakes. Thus since the numbers tried in international tribunals must, on the basis of logistical considerations alone, be relatively small, individual violators will know that the chances of their being so punished are remote, and the deterrent value will be correspondingly low. The picture might be different if widespread, systematic and impartial domestic trial for such breaches were instituted at the domestic level—indeed it is arguable that it could be

different only if that were to occur—but until such evidence becomes available, theories of specific deterrence will remain of unproven value in the context under examination.

Admitting that the ICTY may have achieved little under the “specific” heading even before Kosovo, Payam Akhavan, who has acted as Legal Adviser to the Tribunal, sees it as contributing significantly to general deterrence in that its operation serves to produce “the gradual internationalization of expectations of individual accountability and the emergence of habitual conformity with elementary humanitarian principles.” From this perspective, trial becomes something akin to a social engineering tool: “the prevention of future crimes is necessarily a long-term process of social and political transformation, entailing internalization of ideals in a particular context or ‘reality,’ or the gradual penetration of principles into given ‘power realities.’” This focus on inculturation meshes with a broader discussion, mentioned above, on the possible culture-building role of international humanitarian law generally, while the emphasis on internalization resonates with Akhavan’s view on trial as a route to truth and will be further explored below.

### **Justice, accountability and the rule of law**

Explicit justice-claims, quite separate from deterrence theories, surface in the trial debate under two main headings: justice-as-fairness (mainly discussed below in the context of the relationship between truth and legal procedure); and a cluster of arguments around the “justice-as-accountability” theme, focusing on the moral obligations of a State faced with massive violations, and on the need to uphold the rule of law as a value in itself. As both Huyse and Cohen note, regimes which have been responsible for serious and systematic human rights violations are taken to have fractured the moral order, producing in the process countless victims of torture, murder and general abuse. The suffering of these victims, it is claimed, renders it morally unacceptable that perpetrators should escape







The most obvious potential weakness is that it stands or falls on the validity of a particular theory, or set of theories, about ethnic conflict, which Akhavan labels “instrumentalism.” This holds that ethnic conflict comes about largely as a result of manipulation by self-interested power-elites, a truth that is to be proved by the prosecution of leaders—the “big fish.” Other theories, by contrast, focus on possible structural causes and historical roots of ethnic conflict, and look to addressing these causes as a route to reconciliation or at least to coexistence. Another possible related weakness is that of the compatibility of Akhavan’s suggested strategy with perceptions of due process. While focusing on ringleaders is clearly a good use of resources, the danger exists that what is itself a morally laudable enterprise may be seen as tainted, if it creates a perception that prosecution strategies are being manipulated in order to prove a particular (contested) theory of ethnic conflict.

There may also be problems with the notion of truth, or perhaps with the notion of the truth, in the face of what Cohen has referred to as the “postmodernist black hole.” This of course raises issues which impact not simply on Akhavan’s views, but on any attempt to extract truth from the trial process, and even more forcefully on the project of truth commissions. And assuming that the search for particular truths is a legitimate enterprise, does the criminal trial offer the best or even a good vehicle for determining it?

Akhavan’s solution is twofold, relying on legal procedure to provide the pieces of a factual mosaic and upon overarching theoretical insights to provide the principle for assembling them. Thus, in the words of Michael Ignatieff, the formal evidentiary procedures of tribunals such as the ICTY are to be seen as “conferring legitimacy on otherwise contestable facts.” From this proven collection of particular facts, the “optimum” truth—responsibility of the big fish—is then to be inferred, extrapolated or constructed.

Not everyone has been as sanguine about the utility

of the trial process as a vehicle for discovering truths, even amongst those who see the exercise as potentially worthwhile. Lawyers are not historians, and are concerned not with facts in the abstract, but with the fact-law nexus, with such facts as the rules of the legal world are geared to engage with. Thus Cohen questions whether the “conventional rituals of evidence” of criminal law offer an effective way of obtaining knowledge and, with reference to the Klaus Barbie prosecution, raises the possibility (no more than that) that a trial strategy may obliterate or distort rather than serve the cause of truth-telling.

Clearly there is no easy answer to this question, and it may be that paradoxically, the weakness of the trial process in this regard is also its principal strength. At best, trial can conclusively determine a limited truth, since the truth to be decided is circumscribed both by substantive law and by legal procedure, e.g., by rules of evidence which exclude consideration of certain facts—and the only facts that are relevant are those which relate to a particular criminal offense, thus risking a double distortion. But this offers two advantages: the very rigor of procedural rules can produce findings of fact that “stick” because the trial experience resonates with historically validated collective notions of justice—“justice-as-fairness.” And the legal categorization of such facts as constituting a specific crime, particularly a heavily stigmatized crime (such as a war crime), may go a long way towards addressing the victims’ sense of hurt, combating strategies of denial and, to that extent at least, establishing a truth. Such denial and, to that extent at least, establishing a truth. Such denial strategies can take many forms, from crude dismissal of facts by Holocaust-deniers to more subtle conceptual failings.

A key to unlocking the truth-trial-law-reconciliation matrix may lie in the notion of “acknowledgment,” attributed to the New York philosopher Thomas Nagel. If the concept is unpacked, it can be seen to have elements of both acceptance and evaluation. At its core



a representative sample for examination.

Inevitable, any selection risks distortion, but in the case of truth commissions the danger of distortion of the truth which Cohen suggests may be inherent in the trial process should be less apparent, since the strategic choice of subject matter for investigation is not restricted to those cases in which a specific perpetrator can be identified, and in which the subject is physically available for trial. By the same token the information to be accessed is not limited by the evidential requirements of the criminal process.

International humanitarian law provides a particularly important reference point in this context for two reasons. The first is that it sets a standard by which the behavior not only of a state's security forces, but also that of non-state players can be assessed; the second is that this evaluation is tailored to the precise context most frequently advanced in justification or exoneration by those responsible for violations, namely the existence of some kind of war or armed conflict.

#### **State and non-state actors**

While in recent years international human rights law has been paying more attention to the legal consequences of the behavior of non-state player, it remains the case that international humanitarian law articulates a much more deeply rooted doctrine of individual responsibility. Returning to Hayner's analyses of the role of truth commissions, it is likely that the legitimating function that she envisages can be achieved only where the commission itself achieves a kind of popular legitimacy. Achieving this legitimacy requires that truth commissions in post-conflict situations avoid any taint of political partisanship and be insulated against any suggestion that their operation amounts to the truth-eliciting equivalent of victor's justice. At least part of the answer may lie in a willingness to examine violations from across the spectrum. Thus for instance, the Rettig Commission in Chile, the Salvadorean Truth Commission and the South African Truth and Reconciliation Commission all investigated abuses

not only by the state's security forces, but also by armed opposition groups, with the Salvadorean and South African Commissions in particular drawing explicitly on international humanitarian law to assess the behavior of non-state entities.

Such use of international humanitarian law challenges head on the self-justification most frequently advanced (or tacitly accepted) by both state and non-state players: "We did what we did because we were fighting a war against terrorism/a civil war/a war of liberation." Since humanitarian law, strictly applied, takes as its starting point the existence of an armed conflict of some sort, whether national or international (including wars of national liberation, it facilitates coming to grips with the rhetoric of those taking part in the conflict and in a sense turning it back upon them. Thus an apparent escape route—the war as justification—can become a channel to some kind of accountability.

Even where the existence of an armed conflict in a technical sense may have been in doubt—it will almost invariably be contested—there is a growing body of opinion that the standards and principles articulated and expressed most sharply in international humanitarian law retain a validity in all conflict situations, irrespective of whether the legal threshold (armed conflict) has been reached. In this respect they may help to fill a gap left by international human rights law, which attempts to deal with conflict situations by means of the heavily criticized derogation mechanism.

The clearest example of this trend is the formulation in recent years of a number of codes of conduct and sets of principles which are based upon humanitarian standards but which also draw upon human rights law. Two somewhat different strategies can be identified: the first aims to devise a code specifically designed to apply in a sub-armed conflict environment: situations of "internal disturbances and tension"; the second aims to codify a set of standards to be applied irrespective of the categorization of the conflict. Progress on this

later line can be traced from the adoption of the Oslo Statement on Norms and Procedures in Times of Public Emergency or Internal Violence (1987) to the adoption of the Declaration of Minimum Humanitarian Standards at Turku/Abo (1990), sometimes referred to as the Turku/Abo Declaration. In 1994, an amended version of the text was adopted which received a degree of validation from both the United Nations and the Organization for Security and Cooperation in Europe.

While punitive trials must, by definition, apply hard law, truth commissions may have a considerably greater degree of flexibility in the standards they employ, precisely because their primary purpose is not a punitive one. Thus truth commissions may offer a route, which the trial process cannot follow, to the application of codified humanitarian principles, thereby increasing the reach of such principles in post-conflict situations.

While there is much to be gained by the application of international humanitarian law and standards to the activities of both state and non-state entities, the area is not without its pitfalls. Enhancing the legitimacy of truth commissions by casting the net widely is one thing, but a juxtaposition suggesting a facile equivalence is quite another. As Cohen writing on the parallel issues presented by mutual amnesties notes, treating state and non-state actions in the same way provides “a convenient symmetry to disguise very different social realities.” In the same vein Popkin and Roht-Arriaza warn of the dangers of treating state and non-state violence as “functionally equivalent,” thereby producing a “distortion of the historical record.” Specifically, they caution that the educational effects on the population as a whole could be lost in the notion that “terrible things happen in all war and are committed by all sides.”

Clearly there is no easy answer to the question which these issues raise. Perhaps the best that can be said is that while the use of international humanitarian law to assess the behavior of armed opposition groups

can advance the authoritativeness and therefore the legitimacy of truth commissions, this should not be done in a way which detracts from the focus on the responsibility of the state as the entity with primary responsibility for upholding international law. Of pivotal importance in this regard is the set of strategic choices to be made at the outset as the legal and factual scope of the truth commission’s inquiry. The fact-situations investigated should be those calculated to reach the educational objectives signaled by Popkin and Roht-Arriaza. And it needs to make clear that while armed opposition groups can be held to have committed breaches of international humanitarian law, heed should be taken of Mera’s criticism that by characterizing actions of non-state players as human rights violations, the Rettig Commission undermined the educational role of its report.

#### **Truth and reconciliation**

Whether the behavior of state or non-state players is in question, more is at stake than simply the discovery of the truth. Thus Hayner, in a passage which again parallels the punishment literature, argues that “...the importance of truth commissions might be described more accurately as acknowledging the truth rather than finding the truth.... Official acknowledgement of the facts outlined in a truth commission report by government or opposition forces can play an important psychological role in recognizing a ‘truth’ which has long been denied.”

As with the case of prosecution, international humanitarian law can play an important role in defining the “as” in the process of acknowledgement. The finding that the behavior of particular actors in a conflict should be thought of as a breach of international humanitarian law or standards (and therefore acknowledged as such) highlights the seriousness of the violation, and may help to address the victims’ sense of hurt.

This once again raises the question of possible routes to reconciliation. It was suggested above that to see prosecution as itself producing reconciliation



may be to assign a responsibility to the prosecution function that it is unlikely to fulfill, and that it might be more realistic to see engagement with the concerns of victims (through prosecution) as paving the way for, rather than itself generating, reconciliation, though this inevitably leads on to the old calculation about the possible counter-productive effects of prosecution. Employment of international humanitarian law in the findings of truth commissions seems to offer a means of signaling the seriousness of what has taken place while at the same time sidestepping the potential counter-productive effects of prosecution, and therefore offering an alternative route towards reconciliation.

This still leaves open the question of the relationship between the findings of a truth commission and possible subsequent proceedings, whether criminal or otherwise. One possibility may lie in tying the process in with, or reformulating it as, a lustration mechanism, designed to bar violators from the old order from public service in the new, and perhaps involving some engagement with the issue of reparation. A variant may lie in adapting Braithwaite's criminological model of "reintegrative shaming" which, Cohen speculates, might lead to "public shaming and denunciation that would answer the demand for acknowledgement."

Another option is the South African model whereby full disclosure by a perpetrator before a truth commission may lead to amnesty, but this in turn raises problem, addressed at the start of this paper, of the formal legality of amnesties. Yet another is to leave the issue of prosecution fully open, but this would probably make the truth-eliciting function of a truth commission much more difficult to discharge since there would be no incentive to perpetrators to participate in the process. But whichever route is taken, it is clear that international humanitarian law and standards have a role to play in defining yardsticks to be employed by either criminal tribunals or truth commission. Thus even if there is a perception that a pragmatic decision whether to proceed by the trial or the truth commission route has to be

made, this need not be equivalent to a decision as to whether international humanitarian law is employed or not, but rather as to the mode by which this body of law is drawn upon.

### Conclusions

What this brief survey has hopefully shown is that international humanitarian law can make a much broader contribution in the post-conflict environment than traditional approaches might have suggest, concerned as they tended to be with the question of individual accountability almost as an end in itself. And this paper has been confined to an examination of the employment of humanitarian law in the trial process and by truth commissions, thus putting to one side possible contributions in lustration processes, and in relation to reparation.

Not all the arguments currently in the public domain for the utility of international humanitarian law in the trial process are equally compelling. While its rules provide a highly appropriate route to individual accountability, the deterrent value of trials employing international humanitarian law is at best unproven, and is likely to remain so, unless and until potential violators face a much greater probability of trial, whether at the domestic or the international level. Ultimately this ties in with a broader project calculated to lead to the generalized inculturation of humanitarian standards—a goal which should be central to strategy for the dissemination of humanitarian law.

As regards the question of trial as a route to truth, it is inevitably the case that the rigorous procedures of the criminal trial limit the kind of truth that can be determined, while also, potentially at least, underlining the validity of the truth that emerges. Here international humanitarian law can make a particularly useful contribution with regard to acknowledgement of the seriousness of violations. A finding that a particular act was a breach of the laws of war signifies that gravity of a crime much more effectively than a finding that domestic law has been breached. Invariably, argu-



# Reconciliation Between Victims and Perpetrators

Vannak Huy

## I. Introduction

Democratic Kampuchea generally refers to the period from 1975 to 1979 when the Khmer Rouge regime ruled Cambodia and caused the deaths of about 2 million people through starvation, forced labor, disease, and execution. In June 2003, the Documentation Center of Cambodia published, *Khmer Rouge Division 703: From Victory to Self-Destruction*. This book was written based on research and analysis of documents left behind by the Khmer Rouge, and from interviews with victims and perpetrators.

Khmer Rouge cadres were ordinary people, led astray by Khmer Rouge leaders. Since they were led and cheated into committing crimes, we should not hate and fear them. What they need is education-not blame, which will enable them to align themselves with the rest of society. This paper aims to help readers understand that hate is not the answer to the Khmer Rouge tragedy. Truth will bring relief and allow for reconciliation between victims and perpetrators.

Education will also help younger generations better understand the KR. Although the history of the KR is known, the truth behind their motivations can only be answered by the former KR leadership. When we ask, “why did decent and polite Cambodians commit such atrocities?” We know that the only credible answers can come from the former leaders of the Khmer Rouge.

Likewise, victims and perpetrators often raise questions that only former KR leadership can answer. For example, former prisoners still have no idea why they were arrested, or why they were not killed. And former KR cadres still have no idea why they were told to kill so many people. All they seem to know was that they would be killed if they failed to follow

orders. Such questions and ambiguity about history create doubts, accusations and grudges among Cambodians. These are the legacies of the Khmer Rouge regime. Cambodia today must have solutions to these problems. Answers, the truth, will lead to real peace and national reconciliation which, in turn, will lead to genuine democracy and development.

I will reveal my opinion on how to achieve reconciliation based on my experience through working at DC-Cam and other solutions on the topic. It is not easy to achieve reconciliation in a short period of time and there is no way to change the view of Khmer people about themselves and others in a blink of an eye. Youk Chhang, director of DC-Cam, said, “Letting victims and perpetrators of the Khmer Rouge say and hear the truth from both sides will make them feel relieved. If not, how can they know the truth? How can they tolerate and reconcile?” I hope that my experience and work at DC-Cam will play an important role in bringing about reconciliation in Cambodia and the future of my motherland.

As proposed solutions to reconciliation in Cambodia, I first present a brief history which led to the massacre during the period from 1975 to 1979 and disagreement between former victims and perpetrators in the 1980s. Then I will describe DC-Cam’s work regarding peace and reconciliation before and after the Khmer Rouge tribunal. Finally, I will explain the role of the future Khmer Rouge tribunal in preserving peace and national reconciliation in Cambodia. In the conclusion, I will discuss the demand for justice, peace and national reconciliation of former Khmer Rouge victims and relate them to democracy and economic development in Cambodia.

## II. Field Experience

Having had an opportunity to know the “truth”

of what led to genocide in Cambodia under the Khmer Rouge leadership from 17 April 1975 to 6 January 1979 is vital for Cambodian people, as well as the world. More than two decades after the collapse of the Khmer Rouge regime, many unanswered questions remain: Why did the Khmer Rouge regime happen? How did it happen? What happened? Why did millions of people die? Along with these questions, former Khmer Rouge leaders had a chance to evade the truth and the many acts they committed under their power. This would make victims and low-level cadres live under more traumas of their past's ordeals.

Cambodians people have long been known as very decent people who are cordial and have a ready smile, the smile that Khmer people call the “apsara smile” or “Bayon smile.” Because their lives are closely linked to the Buddhist Sangha, few Cambodians kill and they take pity even when killing animals. In addition, the elderly advise the children that those who make their living through killing animals like cattle, pigs and chickens, would be less likely to prosper. The property earned through this kind of business is then called “hot property.” Since the Khmer Rouge’s revolution began, the most noticeable feature of the society is the behavior of some Cambodians which changed. However, the future Cambodia must be free of those unusual behaviors.

After the collapse of the Khmer Rouge regime on 7 January 1979, some former cadres, particularly security staff, were executed by survivors in revenge for their suffering. Cadres were clubbed to death, burnt alive, shot and drowned.... Many Cambodian people talked about the Khmer Rouge’s atrocities. Since the Khmer Rouge years, people normally talk about their relatives who died under the regime, prior to discussing other topics.

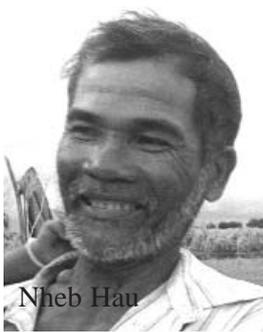
Since 2000, I interviewed 40 former Khmer Rouge soldiers, who during the Khmer Rouge regime, patrolled along the Cambodian-Vietnamese border. Very few of them talked to me without apprehension, while

many of them did not tell me everything they know. Although they did not work at the places where people were killed, with the past working experience, perhaps they thought they had better not to talk about it or their words could put their families in danger. Sometimes, they did not answer to such simple question as “where did you live or work during the Khmer Rouge regime?” Once in a while, this question was answered by the observing interviewee’s spouse. Nonetheless, after being acquainted with my presence and purpose, I received the following information:

Phan (a pseudonym), wife of a former Khmer Rouge sub-district security chief said, “Soon after the Khmer Rouge regime was over, my husband was tied up, beaten and burned to death at the village grave hill. I was appalled. My husband pleaded to the villagers, but it was useless.” Today Phan lives with her two children in Takeo province. When asked what she thinks about the death of her husband, she said, “I don’t know what to say. This is his sin.” Phan’s neighbors said that during the Khmer Rouge regime Phan’s husband was the most atrocious person, whom everyone was afraid of. He ate the livers of his victims.

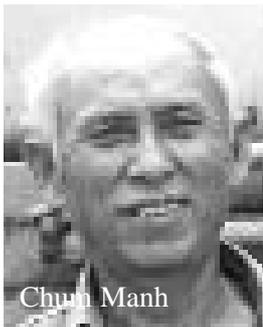


In 1984, Tuy Kin was detained by Kandal provincial authority for 18 months in Kandal province’s prison for having connection with the Khmer Rouge and the murder of 300 people in Tuol Sleng (S-21). The reason which led to this accusation was that her biographical photograph was posted in the Tuol Sleng genocide museum. According to biographies and witnesses, Kin worked in S-21Kh (Prey Sar prison), where prisoners were tempered and was the branch of S-21. Nonetheless, Kin said, “I swear to god I did not kill anyone. My palms are clean of blood!” Although she was later released, she lived for years under suspicion and hatred from her neighbors.



Nheb Hau

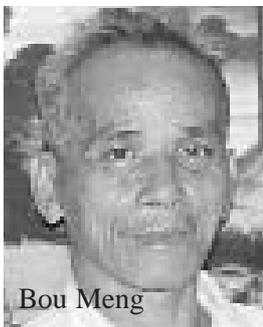
Nheb Hau, a former S-21 guard, revealed, “The villagers call me pro-Pol Pot. I am not angry with them, because I used to be. Many villagers know I was Tuol Sleng staff. I am not regretful, but I pity my family.”



Chum Manh

During Pchum Ben days, Chum Manh offers food to the monks in dedication to the souls of his wife and children, who the Khmer Rouge shot right in front of his eyes while S-21 prisoners were forced to leave the prison to Cambodian-

Thai border in 1979. The tragedy is always in his mind. When he heard that a deal was reached for the establishment of the Khmer Rouge tribunal, he could not sleep and sometimes has Khmer Rouge nightmares.



Bou Meng

Bou Meng returned to his homestead after miraculously having survived the killing in S-21. Meng lived in a sub-district with Him Huy, former deputy security chief of S-21, whose responsibilities included transporting prisoners to

execution site Cheung Ek. Huy revealed that Duch, the chief, and Ho, the deputy chief, used to order him to kill about 5 prisoners with an iron bar. Meng once despised Huy so much that he wanted to kill him in revenge for what Huy did to him in S-21.

### III. Toward Reconciliation in Cambodia

Many scholars give a similar definition to the word “reconciliation.” Professor Andrew Rigby explained, “...reconciliation refers to future and requires active participation of those who were divided by enmity. At the core of any reconciliation process is the preparedness of people to anticipate a shared future.

For this to occur they are required not to forget but to forgive the past, and thus be in a position to move forward together.”

Professor Hizkias Assefa suggests that the process of reconciliation “...not only tries to find solutions to the issues underlying the conflict but also works to alert the adversaries’ relationship from that of resentment and hostility, to friendship and harmony. Of course for this to happen both parties must be equally invested and participated intensively in the resolution process.”

Youk Chhang, expresses, “for real reconciliation, Cambodia must confront the truth and find justice.... Only then can Cambodians put their terrible past behind them and begin to build a new future. “ He added, “Truth will make people feel relieved and vent their grudges. Justice is not about revenge.”

The surviving cadres of the Division 705 see themselves as victims of Democratic Kampuchea—the regime they served nearly a quarter century ago. But in the eyes of many of the civilians who suffered between 17 April 1975 and 6 January 1979, when 1.7-2.2 million Cambodian people died of starvation, forced labor, and illness, or were executed, they are not victims, but perpetrators. Without listening to both sides, how can we learn about the truth? How do we provide justice to victims of torture and their families? How can we avoid revenge? Cambodia will not move forward with such a past.

#### A. Truth and Catharsis

Concerted efforts by Cambodian people will lead to genuine reconciliation. One of the experience that I have about catharsis is allowing both victims and perpetrators speak the “truth.” For many years, they have lived with the past. The disclosure of truth in this way, little by little, both sides will understand more clearly about the causes of their discord and are willing to peacefully accept the truth in their mind. In the end, Cambodia will achieve “reconciliation.”

Men Lay (a 68-year-old resident of Kandal





foundations for the rule of law and genuine national reconciliation in Cambodia.

In order to accomplish these missions, DC-Cam carries out a number of basic work projects to document the Khmer Rouge regime and the crimes committed during the Pol Pot-era. These include: 1) a documentation project, 2) a mapping project, 3) a microfilm project, 4) a research project, 5) a magazine project, 6) a project to promote accountability, 7) a translation and publication project, 8) a victims of torture (VOT) project, and 9) a forensic project. There are a number of other projects that DC-Cam would like to undertake such as: 1) a history textbook project, 2) oral history video archives, 3) digital photo archives, 4) collation of sample petitions, and 5) local presentations. Individually and collectively, these projects and activities facilitate DC-Cam’s aims of preserving the history of the Pol Pot period, and encouraging accountability and reconciliation in Cambodia.

Ultimately, DC-Cam endeavors to bring about reconciliation through research. DC-Cam continues to compile the true, uncensored history of what happened during the Khmer Rouge regime. Recently, DC-Cam has been looking into the secret pages of the Khmer Rouge’s central security documents. And DC-Cam is now revealing the names of perpetrators, and revealing the fate of missing persons to their surviving relatives.

The cathartic effect of knowing the truth illustrates the value of DC-Cam’s work objectives. Showing the truth through systematic research about the Cambodian genocide, step by step, Cambodian people can accept the truth silently. Even though the credible Khmer Rouge tribunal will be established in the near future, what DC-Cam has been doing have the power to “make immediate and significant changes” to Cambodia and its people and, in the end, reconciliation will be achieved.

At the same time, DC-Cam has done many things, including disclosing the truth to the VOTs of the Khmer Rouge regime and improving their mentality

and helping to establish a formal agreement between the Cambodian government and the UN in creating a Khmer Rouge trial process.

**IV. Conclusion: No Truth No Justice, No Justice No Reconciliation**

Many Cambodians still suffer from the effects of the Khmer Rouge’s atrocities; and this must change. Victims and perpetrators, alike, only hope that a KR tribunal will help to bring about immediate, necessary changes. When the tribunal is convened, DC-Cam will play an important role in providing relevant materials to the court, and certainly, will carry on the current projects and other projects pertaining to the trials. A Khmer Rouge tribunal will deal a strong blow to the culture of impunity in Cambodia. KR trials will reveal the truth to victims who would never have known otherwise. This will also become a source of healing, of reconciliation. The overall result will be peace, democracy and sustainable development in Cambodia.

*Vannak Huy is a supervisor of DC-Cam’s Publication Project. He is also the author of Khmer Rouge Division 703: From Victory to Self-Destruction.*

**KHMER ROUGE SLOGANS**

◆ Constantly strengthen patriotism, revolution, and be proud of our revolution, nation, people, revolutionary army and our party. Make them become as hard as iron.

*(Quoted from KR notebook Number 076 KNH)*

◆ Outstanding cadre and committee have to spare no effort to tackle and improve the living standard of people in all fields and at all times based on the stance of responsibility and high creativity.

*(KNH076)*

◆ Destroy communication networks!

*(KR notebook 194 KNH)*





agreement between the warring factions generally held, but violent demonstrations, killing of political figures, and politically motivated murders of civilians increased sharply.

Between January and April 1994, tension continued to mount with several attempts to install a transitional government failing at the eleventh hour. President Habyarimana was under pressure from two opposing parties. The international community, the Security Council, and Rwanda's neighbors were insisting on his government honoring the Arusha Accords. Being under all these pressures, President Habyarimana went to Tanzania for a regional summit where he eventually committed himself to implementing the power-sharing accord signed at Arusha. Having crossed the Rubicon, he boarded the presidential plane on 6 April and headed home for Kigali. The plane was hit by a rocket at 6.30 pm while coming in to land at Kigali Airport.

The systematic killing of Tutsi and Hutu political moderates began almost immediately. Several reports concluded that the killings were planned, well-organized, and fuelled by radio broadcasts of hate propaganda. Many of the killings were carried out by militias known as Interhamwe ("Those who attacked together") and Impuzamugambi ("Those who have the same goal"). These two militia groups were established by the ruling MRND party and its allied party, the Coalition for the Defense of the Republic (CDR) and by the presidential guard. The international community failed to intervene despite evidence of planned genocide, and the UN severely reduced its peacekeeping forces after ten Belgian peacekeepers were killed.

Between 6 April and mid-July 1994, from 800,000 to 1 million people were killed, and up to 2 million people, predominantly Hutu, fled to neighboring countries such as Democratic of Congo, Burundi and Tanzania. Another 1 million persons were displaced inside Rwanda. The massacres and the ensuing conflict between the Hutu-dominated former Rwandan

government and the Tutsi-led RPF, millions of Rwandans have been traumatized by violence; many have suffered severe injuries, lost their homes, and seen family members and friends raped and killed.

In addition, the country's governmental infrastructure collapsed. There were no offices intact, no chairs, no paper, nothing at all. The streets of Kigali were almost empty. From a previous population of 300,000, there were 50,000 people left and half of these were displaced. An estimated 250,000 women had been widowed. At least 100,000 children had been separated from their families, orphaned, lost, abducted or abandoned. Most of Rwanda's children had witnessed extreme forms of brutality and 90 percent of them had at some point thought they would die. Most children felt they had no future. More than 300 children, some less than ten years old, were accused of genocide or murder. An estimated 300,000 children were thought to have been killed.

Ten years later, much of the physical fabric of the state and the economy has been rebuilt—at times better than it was before. However, the most significant issue in the Rwanda's society has not been resolved. Achieving justice and reconciliation remains the great challenge for Rwanda.

## 2.2 Justice and reconciliation

Having described the history of the conflict and the crime of genocide committed in Rwanda from 6 April to mid-July 1994, the remainder of this chapter focuses on the strengths and weaknesses of the reconciliation process in Rwanda. From 1996 to 2003, the Rwandan government and international community have adopted two main strategies as the basis for reconciliation. These are 1) The International Criminal Tribunal for Rwanda (ICTR) and 2) The Gacaca courts.

## 2.3 The International Criminal Tribunal for Rwanda

As a response to the request of the special rapporteur, the commission of experts as well as the Rwandan government, the Security Council established

the ICTR on 8 November 1994. The ICTR's mandate is to bring to justice the most responsible persons for serious violations of international humanitarian law, genocide and crimes against humanity in Rwanda and neighboring countries between 1 January and 31 December 1994. One of the original concepts of the court was intended to overcome the culture of impunity evident in Rwandan society and thereby to promote reconciliation and peacebuilding. The secretary-general of the United Nations, Kofi Annan, stated:

"I am sure that I speak for the entire international community when I express the hope that this judgment will contribute to the long-term process of national reconciliation in Rwanda. For there can be no healing without peace; there can be no peace without justice; and there can be no justice without respect for human rights and rule of law."

Since its establishment in November 1994, the ICTR has arrested 65 suspects, including 12 ministers, a number of senior civilians and military officials, business people, church leaders and journalists.

#### Summary of Detainees

|   |           |
|---|-----------|
| Detainees on Trial  | 18        |
| Awaiting Trial  | 31        |
| Awaiting Transfer (Ruggiu, Rutaganda)                               | 2         |
| Pending Appeal (Arusha) (Ntakirutimana, E & G, Semanza, Niyitegeka) | 4         |
| <b>Total Detainees in Arusha</b>                                    | <b>55</b> |
| Awaiting Transfer   | 0         |
| Serving Sentences (Mali)  | 6         |
| <b>Total Detainees</b>  | <b>61</b> |
| Released  | 3         |
| Died  | 1         |
| <b>Total Arrests</b>  | <b>65</b> |

#### 2.4 Strengths and weaknesses

Justice is important in any orderly society. It is even more important in a Rwandan society that has suffered the trauma of genocide. Without justice, there is no relief and no hope of reconciliation for the society. The prosecution of the genocide could bring an end

to the culture of impunity; lay the foundation for the rule of law and cover revenge against perpetrators that could produce the cycle of hatred and violence between the communities. It also provides an occasion to establish the independence of the judicial system from political influence and to set the courts on the path of respect for the rights of all the people of Rwanda. All this has produced significant results. Many victims feel happy that their sufferings have been acknowledged and healed and they also feel free to live and work with a sense that the nation they are living in is governed by law. In addition, Lennart Aspegren, former ICTR judge claimed that the strengths of the ICTR were as follow:

Acts like murder or mass rape are not free of charge, wherever committed. Impunity can be replaced by accountability. The Geneva Conventions are kept alive. Those who break the law risk being punished. To have obeyed an order does not constitute an excuse. All individuals have their own value and also their own responsibility.

Another of ICTR's strengths is as a deterrent to potential perpetrators in the future. Kabera Asiel, governor of Kibuye, explains that even if the tribunal will try only a few people at the very top, it can at least hope that the next time, someone might think twice about joining in a massacre. If you have done that, you have done a lot. "In Rwanda the culture of impunity ran so deep in the past, the tribunal will bring to an end to that bad culture. Killing with impunity has been part of the tradition in this country. No one ever repents. They only want to kill again. The tribunal will eradicate this culture of impunity." A spokesman for the ICTR moves a step further. He claims that the sentence is "a message for powerful people all around the world that there will be accountability in the 21st century."

Because of the enormous scale of the crimes and the extent of suffering it has caused, some Rwandan genocide survivors are not happy with the Hutus. They regard all Hutus as bad people, if not perpetrators.

For example, Marguerite Lense-Nyiranjhinka has lost all of her family. When asked how she felt after the tribunal, she said, “Today we feel that our humanity has been recognised.” However, one woman who was raped during the genocide testified at the international tribunal “Not all the Hutus had wild hearts...I cannot say that all the Hutus have killed. There is a difference between Hutu and assassins.” This example shows that the work of the ICTR marks the individualisation of guilt and removes the shadow of collective guilt from all Hutu people.

At the same time, the work of the ICTR is one way to help the process of reconciliation in Rwanda. Lennart Aspengren pointed out that, when presented during the judicial proceedings, each case when written down, witness statements, mostly by eye-witnesses, can cover 6,000 to 8,000 pages. This kind of evidence and documentation relate not only to the specific actions of the accused, but also to the general context in which they occurred. Moreover, the ICTR archives contain photographs, videotapes, and other documentations are all valuable material forms a useful supplement to other archives around the world.

It is true that for some victims, punishment of their aggressors may serve a cathartic function. Trials for paradigmatic violations of human rights, may set standard, codify legal principles and create precedent. A trial may debunk the arrogance of dismissive leaders and channel the anger of the violated collectively.

However, not all Rwandans are convinced and happy with the ICTR. The critics present six main arguments:

1. Material obstacles: The study of Human Rights Watch shows that the burdens faced by the post-genocide judicial system in Rwanda and inadequate funding have proved impossible to satisfy the survivors of genocide. At the start, tribunal staff were supposed to spend a great deal of their time running offices and administration. They all were exhausted with lack of paper clips, pens and paper. Even the most basic

supplies failed to arrive, sometimes because of the lack of money, bureaucratic problems, and even corruption. Another problem was that when the tribunal staff members were hired, it could take UN headquarters up to a year to process their contract and get them to central Africa. Thomas L. Friedman adds that after the genocide, the people of Rwanda who want justice want it now, and they want “an eye for an eye” justice. Unfortunately, they are disappointed by the slow pace of justice and the perceived inadequacy of judicial remedies.

2. Procedural obstacles: As well as distant in location, the tribunal is also alien to Rwandan law in procedure. Rwandans are used to presenting their complaint to local authorities both in a formal court and to the local burgomaster. The tribunal procedure requires them to work with a professional legal staff with whom most of them have previously had no contact. In the Rwandan capital, the office of prosecution staff is well-guarded. Persons without prior appointment or acquaintance with tribunal personnel find it hard to gain entrance. When Rwandans want to contact investigators, they have to contact through an interpreter. Another problem of the prosecution was that it was chaotic from the start. The first chief prosecutor, Richard Goldstone, focused on Yugoslavia and showed little interest in Rwanda. Goldstone’s successor, Louise Arbour, put most of the cases on hold while she attempted to put together one large Nuremberg-style trial. That would have at least had the advantage of demonstrating the scale of the conspiracy, but the judges would not permit it. Instead, the cases were again delayed as the prosecution grouped defendants for trial according to their area of responsibility, such as the military or media. As a result of these circumstances, Alison Des Forges said many victims feel that the entire process has little to do with them and their suffering. In addition, the genocide’s survivors often find more reasons for bitterness at the tribunal’s activities than hope for justice.



reconciliation to the broader Rwandan community. For the interest of promoting reconciliation, in mid 2002 the Rwanda government started to launch its indigenous reconciliation approached known as Gacaca, pronounced as ga-CHA-cha.

### 2.5.1 What are the Gacaca courts?

The Gacaca courts are to be based on an ancient form of traditional Rwandan justice. The “Gacaca,” meaning literally, “judgement on grass,” has been used by the elders in traditional Rwandan society to bring together the victims and the accused of a given crime. They are normally assembled on the grass under the tree to try to achieve some sort of reconciliation. It was mainly concerning civil conflict in the village. For example when someone’s cattle had destroyed a neighbour’s crops, this was both sensible and practical. The Gacaca courts in Rwanda’s today context requires persons of high moral integrity elected from their communities to decide the fate of thousands of genocide suspects languishing in crowded prisons across Rwanda.

In summer 1999, a draft law began to circulate. This was followed by a large number of meetings and discussions involving various parts of government and society, as well as the international donor community. On 1 January 2003, the president of Rwanda issued a decree granting provisional release to a projected 49,376 detainees. The detainees released include those who have confessed to participation in the genocide (excluding category 1 offenders who led and organized the genocide); those whose case files do not contain sufficient evidence to warrant their detention; and pre-trial detainees who have already spent more time in detention than they would if convicted for the crimes they allegedly committed. The sick and the elderly—constituting nearly ten percent of the total number of those released—were released in January. During October last year, 260,000 judges were elected in public elections. Candidates were chosen “among blameless women and men who did not themselves take part in the genocide.” All the judges were

provided with training by 700 teachers, comprising those Rwandans who have received legal training and themselves were schooled in applying the new Gacaca laws. The formal Gacaca courts will be kicked off in June 2003 and last until 2008.

### 2.5.2 The system of the Gacaca courts

Throughout the country Gacaca courts have been created composed of persons of integrity elected by the inhabitants of cells, sectors, districts and provinces. Each prisoner (except those accused of category 1 crimes) will be brought before the court in the community where he or she is alleged to have committed a crime. The entire community will be present and act as a “general assembly” discussing the alleged acts, providing testimony and counter-testimony, argument and counter argument. The community will elect among those present 19 people to constitute the bench. These people must be of high moral standing, non-partisan and not related to those accused.

There are four administrative levels in a Gacaca court. These are cellules, sectors, districts and provinces. Each administrative court has a level of responsibility for judging. At the cellule level, the Gacaca court is authorized to judge those suspected of looting and other material damage, meaning the fourth category of detainees. Those judged guilty will repair or reimburse the victims. According to the Gacaca law there is no possibility of appeal at this level. At the next level up, Gacaca courts of the sector are concerned with third category matters, meaning suspects who injured without intending to kill. At the district level the courts will judge second category suspects, meaning those who have killed and for whom the maximum penalty would be life imprisonment, along with hearing appeals from sector level judgments. Finally Gacaca at the provincial level would only be dealing with appeals.

In the Gacaca courts the accused do not have lawyers. According to the law, the population will at the same time be both complainant and judge. As for the first category suspects, comprising the organizers



and planners of the genocide, along with those suspected of rape and other sexual torture, for whom the maximum sentence is death, they will continue to be judged in law courts where the judges are fully trained professionals.

One of the innovative elements of the Gacaca law is the confession procedure. Prisoners who confess and ask for forgiveness can receive dramatic reductions in penalties. Reductions are greatest for those who confess before the proceedings against them start, either while in prison or at the very beginning of the Gacaca proceedings, when they are explicitly asked if they want to confess. Reductions are smaller for those who confess only during the Gacaca procedure, while penalties are unchanged for those who do not confess at all but are found guilty. Additionally, up to half of the sentence of all convicted can be transmuted into community service, the modalities of which are yet to be determined by further laws. To benefit from the community service provision, the accused have to ask for forgiveness publicly.

Finally, the Gacaca law greatly simplifies the reparation procedure for survivors of genocide. Part of the Gacaca proceedings consists of a detailed listing of all the damages suffered by each survivor—destruction of property, physical harm or loss of relatives and providers. When the procedure is completed the claimants receive a statement of their losses and can use this to received reparations from a public fund that will be set up for this purpose.

### 2.5.3 Strengths and weaknesses

The Gacaca courts have been reintroduced in Rwanda for the following reasons.

1. They will enable the truth to be revealed about genocide and crime against humanity in Rwanda.
2. They will speed up the trials of those accused of genocide, crime against humanity and other crimes.
3. They will put an end to the culture of impunity in Rwanda.
4. They will reconcile the people of Rwanda and strengthen ties between them.
5. They revive traditional forms of dispensing

## The Structure of the Gacaca Courts

| Level    | Number | Competence  | Observation  |
|----------|--------|---|--|
| Province | 12     | To judge appeals for category 2 crimes                                    | The competence of Gacaca courts to judge appeals for category 2 crime, which carry a life sentence, has been controversial. Many believe such appeals should be heard before a formal tribunal.  |
| District | 106    | To judge category 2 crimes and to judge appeals for category 3 crimes     | Category 2 crimes were the major category in the traditional Gacaca system covering 80 % of all cases  |
| Sector   | 1,531  | To judge category 3 crimes and to judge appeals for category 4 crimes     | It is likely that there will be few category 3 crimes  |
| Cell     | 9,189  | To categorize the accused. To list damages and to judge category 4 crimes | With respect to the categorization of crimes, a major innovation is the classification of rape as a category 1 crime, and therefore outside the scope of the Gacaca courts. The penalty for category 4 crimes is restitution not imprisonment. |



justice base on Rwandan culture.

6. They demonstrate the ability of local communities to solve their own problems.

The Gacaca courts should be able to reach these goals much better than the ICTR. With around 10,000 courts, it should be able to judge all prisoners over a much shorter period of time. Drawing from local culture and regional practice may make a greater sense of familiarity among victims than the pure legal trials. A mediated approach might flow more naturally from, and return Rwanda to, traditional patterns of hospitality. The judging is carried out by members of the very communities in which the crimes took place will help empower victims, involve witnesses and possibly reconstruct local communities. For those found culpable, there may be community-based shaming as well as the ability to flexibly fashion sentences and solution. The Gacaca may be a device to allow the truth to come out in individual situations more than the ICTR has so far managed to do. In addition, the confession procedure and the community service commutation option bring significant reductions in length of prison sentences, even for those found guilty. As a result, many people should be able to finally rejoin their families and get on with life. Finally, the streamlining of the reparation procedure provides a way to buy some support from the genocide survivors' organizations.

Pierrete Mukamurengo is happy with the Gacaca courts. She was 16 during the genocide and was arrested after survivors in her neighborhood accused her of having participating in the killings. Mukamurengo has spent 6 years in prison. She said, "I have not committed any crime. I cannot confess. I feel I cannot do that with a clear conscience, I am innocent. Even the government has admitted that there may be innocent people in jail." Mukamurengo has already appeared before a preliminary Gacaca session during where villagers cleared her of the charges. Consequently, she has been allowed to go home. Another Hutu detainee

was defended by a Tutsi during the Gacaca court in Gisesero. The suspect was released at once.

However, some Rwandans are still skeptical of the Gacaca process for different reasons. Janvier Mbonishimana, a taxi driver who lost his parents, three brothers and a sister does not support the Gacaca courts. He sees the Gacaca courts are useful for genocide suspects but not for anybody else. The genocide suspects are lucky because they are going to get out. He said adapting the traditional justice system is not appropriate to judging genocide. The Gacaca system was a mild approach of settling minor crime, not serious genocide crimes. Similarly Bonaventure Nitibizi said, "Gacaca will mean Hutus gathering to let other Hutus off."

Others oppose the Gacaca system, which they know will certainly return the killers to the villages where the survivors, often widows and children, are desperately poor, marginalized and fearful. Alphonsine Uwimana is a widow. She lost her husband, children and father during the genocide.

There are things that cannot leave my mind. They would take young girls, and old women and rape them repeatedly. Think about it, put yourself in our place, someone raped you, and then you see him come back, a free man. Understand our fears, suppose one day he is drunk or you have a confrontation in public, then he starts bragging that he raped you, what then? They told us that Gacaca would solve everything, but now I see that they have short circuited the process. What good will it do?

Many foreign legal specialists and human rights observers have been skeptical about the Gacaca that seems to provide inadequate guarantees for impartiality, defense and equality before the law. At the same time many survivors of genocide do not share the idea that the Gacaca will uncover the truth and bring about reconciliation. They are concerned that the truth will not be uncovered as some Gacaca judges have no legal background, and whether or not the judges will be



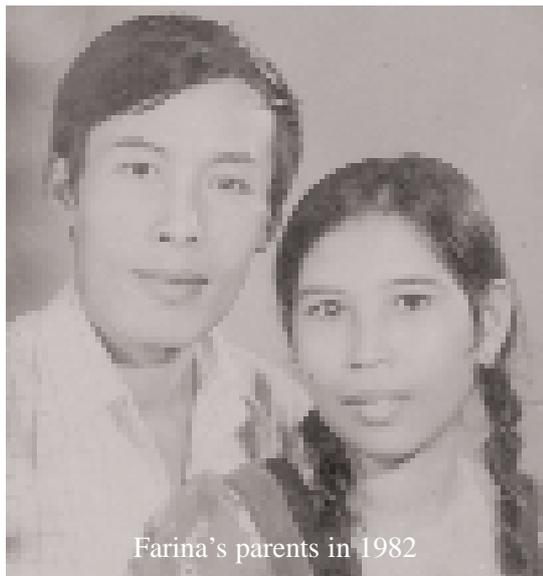
## My Mother Taught Me about the Horrors of the Khmer Rouge

*Farina So*

My name is Farina So. I am 23-years-old and live with my grandmother, mother and siblings in Phnom Penh. I am the oldest of four children, with two brothers and a sister who are still in school. My mother, a Cham Muslim, is a businesswoman; my father, a Khmer Krom, passed away in 1989. My grandmother and mother love and care for us, and we are a happy and independent middleclass family.

I have never experienced hardship like that of living under the Khmer Rouge, and I hope that I never will. I learned about the horrors of the KR that my mother, father, uncles, aunts, and grandparents experienced during Democratic Kampuchea (1975-1979). My family was starved, overworked, seriously ill at times, denied their basic human rights, and witnessed the killing of innocent people.

Until 1972, my mother and her family lived in Prek Kdam village (her home village) in Kampong Luong sub-district, Ponhear Leu district, Kandal province. My mother had five siblings, four sisters and a brother. In 1972, they moved to live at Kilometer Six, outside of Phnom Penh. In 1973 my mother's younger brother, Kiya, who was working as a medical technician for the Lon Nol regime, died. Later, my mother was sent to live and work at Trang X factory. She told me that when the Khmer Rouge took control of Phnom Penh on 17 April 1975, she was working in the factory with many others. Khmer Rouge soldiers, dressed in black and carrying rifles, burst into the factory and ordered everyone to leave immediately. The KR also forced people to evacuate the city. If anyone questioned or resisted the order, they were punished or even killed. Some people were panicked and did not bring anything with them.



Farina's parents in 1982

My mother and her family were first evacuated to her home village of Prek Kdam in Kandal province. However, her younger sister, Aysas, whose husband was a Lon Nol commander, was sent to live with him in Kampong Cham province. My mother and her family stayed in their home village for only three days. Next, they were forced to move to Speu pagoda in Kampong Cham province, where they stayed for one day before being forced to move again, this time to Kratie province. Three days after arriving in Russei Keo sub-district, Kratie, my mother's older sister, Riya, bore a baby boy. Two days later the forced march continued; Riya, her newborn, and her husband were allowed to stay temporarily in Kratie, but were to be separated from Riya's other son and daughter. Riya asked my mother to take care of her other children. Riya rejoined them a month later in Saob sub-district.

My mother traveled by oxcart to Saob sub-district, Prek Prasob district, Kratie province. The cart driver, named Tahe, warned my mother not to disobey Khmer Rouge orders. Base people told my mother to be careful in speaking to the driver, because the Khmer Rouge sent him to investigate her and her family. My mother and her family were very nervous after learning this. When they reached Saob sub-district, they and ten other families were forced to live in an old abandoned mess hall, and to work in the rice fields. The KR gave each person daily rations of a half-can of rice mixed with corn. My mother grew thin on the small rations.

A month later the Khmer Rouge held a meeting to talk about religion. The KR said that religious beliefs were strictly prohibited, and, specifically, that Cham Muslims

were not allowed to pray and fast. Out of fear of the KR, and the warning from the cart driver, my mother and her family worked hard to follow the Khmer Rouge's rules. Though my mother wanted to pray, she was afraid that the KR would find out. In addition, the KR destroyed the Keitap, Qur-an and forced females to cut their hair short and change their names. My mother had to change her name from Halymas to Ly. As a further insult, the KR made Chams eat pork, forbidden by Islam, and punished anyone that did not. To this day my mother and other Chams cannot forget being forced to eat pork.

After one-year in Saob sub-district, the KR started to choose single men and women to work in mobile groups. My mother was chosen to join a mobile group and was separated from her family. Her mobile group was sent to work near Sraong jungle, about 15 kilometers from the village. She worked with many other people from different villages. And people in the unit found to be students or members of the former regime were simply killed near the dam.

My mother's responsibilities included transplanting rice, carrying soil, and building a dam named A-Lum Phneou, the biggest in Prek Prasob sub-district. My mother was made to work from morning till night without rest, save for lunchtime. They were given two daily rations, one at 11 a.m. and the other at 5 p.m. The meals were mostly watery rice soup, and very few times, when the chief of the unit was happy, the group was given rice to eat.

In 1977, before my mother's group had completed the dam, the Angkar sent my mother's mobile group to work in A-Tes village, located near Kampong Thom province. The village was very quiet, full of empty houses. Only five cooks lived there because it was a malarial area. The base people were removed from every mobile group and sent to live elsewhere so that they would not contract malaria. All that remained were the mobile unit chiefs and the new people. Since there were fewer people, my mother had to work even harder and the rations got smaller and smaller. Nearly half the mobile unit, including my mother, came down with malaria. They were sent to a hospital about five kilometers from the unit, and more

and more people were sent to the hospital every day. Fortunately, after two weeks in the hospital, my mother recovered. But she was simply sent back to work under the same difficult conditions.

At night, my mother often heard the haunting call of owls, telling of the presence of ghosts. She always prayed that the regime would end soon. A month later, she was sent back to the village near the A-Lum Phneou dam. When she returned, everyone told her she was so lucky to survive the "hot educational area" (malarial area where people were intentionally worked to death).

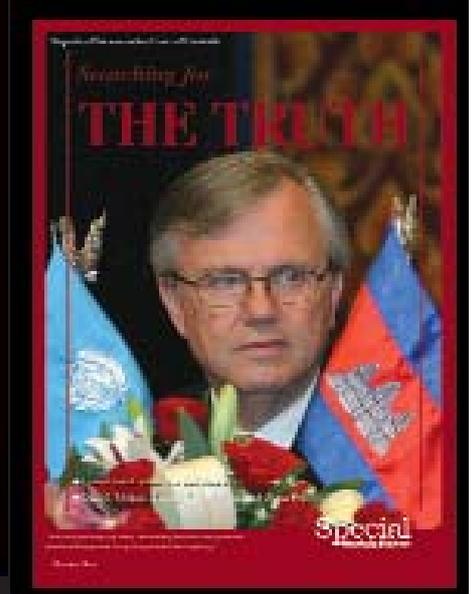
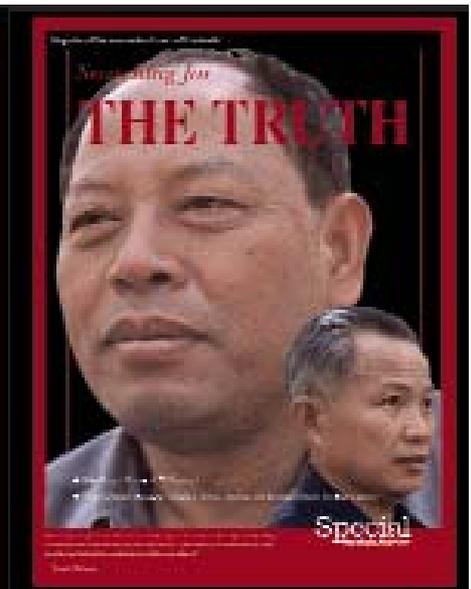
Later my mother was sent to work on another dam, this time in Prek Roka village, Saob sub-district, Prek Prasob district. There she received larger rations and the work was less difficult. But soon she was sent to work in the fields in Boeung Chreng village. Two months after that she was sent to again work on A-Lum Phneou dam. This was at a time when the Khmer Rouge began to execute many more people. My mother said that the Khmer Rouge executed about 20 people per day at the dam. Some corpses were not properly buried and arms and legs could be seen sticking out of the ground. The KR killed officials, clerks, and ministers of the former regime, and students and scholars. My mother recalled that her friend, Vysony, cried bitterly when her two older brothers were killed near a big Koki tree near the dam.

In mid-1977 the Khmer Rouge arranged for my mother to marry a man from her mobile group, but she refused. Later, the Khmer Rouge arranged for her to marry another man, but she still refused. The Khmer Rouge threatened her, saying that if she continued to disobey, whatever punishment she got was her responsibility. My mother relented and chose one of the men, my father. Initially the KR disagreed, but in 1978 they were allowed to marry.

My father was one of the April 17 people (a.k.a. new people). He was living in Phnom Penh when the Khmer Rouge took control of the city. And while most people were simply evacuated from the city, the KR accused my father of being an officer in the Lon Nol government. He was bound at the elbows and escorted, with a hundred







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