

EDITORIAL:

NO JUSTICE IS A MORAL CRIME

Justice will be soon become possible for the souls of the dead and the survivors of Democratic Kampuchea. The National Assembly approved the Agreement between the United Nations and the Royal Government of Cambodia and Amendments to the Law on Establishing the Khmer Rouge Tribunal on October 4 and October 5, respectively. Both were endorsed by the Senate and promulgated by then-acting head of state Chea Sim on October 27. These acts show the public that Khmer Rouge leaders will not be allowed to die peacefully of old age before they reap what they have sown: they will be prosecuted by the UN-assisted Extraordinary Chambers. As H.E. Sok An said in a parliamentary session to approve the amendments to the 2001 statute, "The respected government and National Assembly have finally come to the end of the long road we have walked on for a quarter of a century after the fall of the Khmer Rouge."

The Great Leap Forward policy (a yield of three tons of rice per hectare) and the four-year plan (1977-1980) of the Communist Party of Kampuchea were intended to help push Cambodia ahead of other Asian nations. Yet people were subjected to all kinds of hardships. They were forced to leave their homes and families, and to work very hard in the fields with only watery rice soup to eat. Millions of innocent Cambodians lost their lives between April 1975 and January 1979, while the rest lived in fear that death would come to them at any minute.

In the 25 years since their political system collapsed, the Khmer Rouge have lived freely alongside their victims. Now the time is ripe to bring them to justice; the absence of justice would be a moral crime. Although the court cannot bring the dead back to life, it could help bring peace of mind to those who are

still alive. "The adoption of these two drafts [the agreement and amended law] is designed to close a dark page of the nation's history," said H.E. Pen Panha in the October 5 parliament meeting.

Cambodians are anxious to see justice done and to learn why the Khmer Rouge killed their loved ones. I, too, want the Extraordinary Chambers to be established as soon as possible. This courtroom will serve as a forum for the regime's leaders to reveal the truth and to answer the questions people raise. "My husband was a well-respected man, and a real farmer. Why did Angkar kill him?" asked Ngim Chrim. "The Khmer Rouge killed my husband, what can they pay?" asked Tang Kim.

H.E. Sok An said, "Those who were born after 1979 and who did not witness the crimes have also been affected, and they still see the trauma of their parents, sisters and brothers." Although I did not live through the regime, I can see the pain and suffering of those who did, including members of my own family. I hope that the Khmer Rouge leaders will disclose the truth once the court takes shape because I need to know the history of my own country, and why they killed so many. The hybrid court can also contribute to reforming today's weak judicial system, to sending a message to the world that the Khmer Rouge cannot get away with their crimes, and to deterring a repetition of such a regime. Meng Reaksmeay, whose father was killed by the Khmer Rouge, said he wants an independent court with international standards to be established, and that he will never live in peace if those heartless people fail to give responses.

Terith Chy began working as a volunteer at DC-Cam in September 2004.

CONFESSION SUMMARY: POUY TVANG

Sophal Ly

Pouy Tvang, alias Sam, was arrested by the Khmer Rouge in late 1978. An ethnic Tum Poun (hill tribe), he was born in Rokar Te village, Malis subdistrict, Bor Keo district, Rattanak Kiri province. During Democratic Kampuchea, he was an ordinary man living in Cooperative 3, Bor Keo district, Region 107 of the Northeast Zone.

In 1968 Pouy Tvang became a militiaman in Malis subdistrict. When Lon Nol overthrew King Norodom Sihanouk in 1970, his unit became Company 513 under the leadership of comrade Khann, platoon chairman, and Bun Mi, who was in charge of the Ven Sai district office. Later these two men and another named But persuaded Tvang and four of his friends to work for the CIA. The five men were assigned to implement four plans: 1) persuade people not to believe in the Kampuchea revolution, 2) launch anti-party activities and destroy materials such as military equipment and machinery, 3) sow division, and 4) install CIA forces everywhere, particularly in the military.

Khan and Bun Mi introduced Tvang to a number of people, including zone secretary Ya, deputy secretary Vang, Region 102 secretary Khatt, former zone trade chairman On, and zone military chairman Sreng. After becoming acquainted with his network, Tvang started to act. He persuaded two newcomers to join him: Chork, chairman of the Mobile Work Brigade of Bor Keo district, and Balorn, a Charay ethnic.

In 1971, Tvang's unit—including Khan and Bun Mi—was moved from Veun Sai to Stung Treng. Khan was responsible for grasping the situation in Stung Treng, while Bun Mi took hold of the situation in Ven Sai district. Tvang, Deng and Thong worked in Company 513, where they fashioned three forces: Lak, Khon and Mang, whose task was to cause the masses to hate the Khmer Rouge, and combatants to quit and leave for Laos. These three men were able to convince a large

number of soldiers who were doing farm work to abandon their jobs and go back home, and some others to destroy the Khmer Rouge's rice and agricultural equipment.

In early 1972, Angkar sent Tvang and 30 other members of the zone military to study at a seven-month political and technical training course in Kampong Thom. During that time, Tvang persuaded people from different zones (Han, Ley, Chheun, and Bien) to study the zone's situation. Soon after the course, Tvang returned to his zone. But ordered him, Bien, Kham Vieng, and Seng to arrest 20 police, military and ordinary people who were imprisoned in Stung Treng. Then Tvang and his cronies continued working at the base level; their actions were so effective in Hang Savat subdistrict that 30 people migrated to Laos.

In 1973, Tvang and Thong led two new forces to quarrel within their units and helped recruit more forces. In February, Tvang went to Stung Treng to report on his results and to be introduced to new members by Bien and Khan. The following month, Tvang and a number of his members organized troops to work with Sreng (on the North Zone General Staff) on the Kampong Cham battlefields. Sreng assigned Tvang to fulfill the following tasks: 1) when fighting the enemy, cause combatants to quit the battlefield, 2) inform the enemy before a battle so that more revolutionary forces would be destroyed, 3) allow people to sell things to enemy regions, and 4) ruin Angkar's ammunition. Later, Tvang managed to convince three more forces: Kagnoung, Chamay and Nall. In June, Tvang's unit, with the cooperation of North Zone troops, began a gun battle leading to the death of all soldiers of the first platoon, including Kagnoung, Chamay and Nall. Tvang was wounded and sent to Chamkar Leu district's hospital. A few months

CONFESSION SUMMARY: MOK HENG, CHAMKAR LEU DISTRICT MINISTRY OF COMMERCE CHIEF

Farina So

Mok Heang was chief of the Ministry of Commerce in Chamkar Leu district, Region 42 during Democratic Kampuchea. Heang was born in Sla Ket village, Krova subdistrict, Baray district, Kampong Thom province. But later he went to live with his father in Speu subdistrict so he could attend school there. Yeng, one of his teachers, convinced him to join the revolution in 1965, but later, recruited him to work against the Khmer Rouge. Heang quit during his last year of primary school to help his father farm.

In 1966, Yeng hired Heang to work for the CIA, promising him 1,800 riels in salary and 150 to 300 riels for extra activities. Yeng introduced Heang to several agents, including Khuon, Hon, and Ven. After he became an agent, Heang was given many tasks: 1) recruit more members to work against the Angkar, 2) try to find two or three people good at doing business, so they can contact our spies in villages, 3) employ two or three people skilled at building and repairing wood structures and farming; they would work in the villages and convince villagers to become agents, and 4) get rid of Lim Kuch and Thaong. With his two friends Khe and Chearb, Heng destroyed many Khmer Rouge shelters and looted rice and medicine.

In 1967, Heang attended a meeting where he met lots of CIA members. He reminded them to reinforce their movement and to begin working with a soldier named Soeung to arrest Thaong Sam-Art, Rin, Touch, Sim Khun, and Lim Kuch. Then, Heang worked with the military and several commune chiefs to destroy the Khmer Rouge revolution in Trapeang La-Ak subdistrict and to make a base in Chey Yo subdistrict.

In 1969, Thav, the commune chief in Speu subdistrict, promoted Heang to be a 10-house head in Peng Meas Khang Cheung village and lead the militia in Speu. To do this, Thav promised to give Heang 800

riels. Heang had two main tasks during that year: to lead the militia in taking over the subdistrict and to receive bribes, either in money or wood, from timber smugglers.

After the 1970 coup, Yeng was promoted to district chief and Heang was made the chief of Peng Meas Khang Cheung village. His responsibilities were to enlarge his traitorous forces and have them mingle with those working for the Khmer Rouge revolution, to export rice to the CIA base zone so that villagers would lack food, and to distract villagers from farming by having them concentrate only on business meetings.

Traitorous Activities and CIA Communications

Heang exported rice, corn, beans, oxen, and buffalo to the CIA base zone, and wrote letters ordering villagers to bring sugar, rice, and banana preserves to sell in the Lon Nol-controlled zones.

Later, Heang and his subordinates fought with the Khmer Rouge twice, first at Asey Set mountain and then in the eastern part of Angvay village, Speu subdistrict. At the same time, he convinced two more people to work as CIA agents.

After talking with the district secretary, Heang was given more tasks to complete. These included raising revolutionary consciousness in the battlefield, sending those who were anti-CIA into battle, exporting 24,000 kg of rice, 6 sacks of banana preserves, and 12,000 kg more of rice (in July), and inviting villagers to do business so that CIA spies could sneak into the villages and mingle with the businessmen.

Between May and October 1970, Heang and his forces killed Yun, the militia chief of Chamkar Leu district, and his two messengers. They also exported 7200 kg of rice and 6 sacks of banana preserves to agents, and killed pigs to sell to villagers. They enjoyed eating the extra meat with wine.





In 1972, Heang convinced 5 people to become his agents since they were free people and liked a joyful life. He tried to convince people to work against the Khmer Rouge revolution through creating problems such as arresting even villagers who did very small business like selling plants and rice. Some of these small businessmen were held for 2 or 3 days, and some for 15 days to a month. Heang and his traitorous forces kept urging people to create chaos over food shortages, which occurred because most of the rice, corn, and beans they grew were sent to the CIA. As a result, many villagers began to move away from their villages.

In the same year, Heang and his subordinates destroyed four Vietnamese military bases in the district. Later the Vietnamese soldiers marched into the village, but Heang stopped villagers from fighting against them. In May, he sent 60 pigs and chickens to his agent in Tang Kok subdistrict without caring about the food shortage in the villages. What is more, Heang said he was building a road, but only so he could cut down coconut trees and have the owners arrested after they resisted him. Later he conscripted many villagers to clear the land in O-Neang Nung; many of them contracted malaria as a result, and 8 of them

died. Heang contacted Keang to discuss moving villagers' houses and looting their properties. Later, he assigned people who were building dams to build roads instead.

Between November and December, Angkar assigned Heang to lead a special force of 50 people to man the roads, but instead, he sent only 30 unhealthy soldiers. At the same time, he kept contacting his agents. Keam ordered Heang to increase his traitorous force and to seek ways to create starvation

among the villagers.

When Angkar proposed to send good people from poor or middle-class families to the battlefield or to work in villages, Heang assigned those whose relatives were police killed by Angkar or who had been Lon Nol soldiers.

In 1973, Heang lobbied three more people to work as his agents. In the meantime, Keang assigned people to raise revolutionary consciousness in Kampong Cham when this province was about to be liberated. While some of Keang's forces had propagandized that the Lon Nol soldiers were defeated, others fought villagers and the revolutionary militia. After that, they destroyed dams so the villagers did not have enough water to grow rice. This plan resulted in much rice being destroyed. Later that year, Heang planned to frighten people by laying mines and bombing military bases, as well as to plant banana trees along the roads and let the cows eat all of them.

In 1974, Angkar promoted Heang to chief of the Ministry of Commerce in Chamkar Leu district. Heang convinced six more people to join him and ordered them to buy bananas from villagers and sell them to the state. But his friends let horses and cows eat them instead. While the villagers were facing food shortages,

Heang's subordinates had them cut down trees to build shelters and carts. After that, Heang exported 6 tons of rice to his agent through Tol, a minister of the Ministry of Commerce of Chamkar Leu district, and 5 more tons of rice through Thin, who held the same position in Kampong Siem district. Angkar ordered Heang to advise villagers to use fertilizers and select the proper type of rice to grow for their land. But Heang advised them that "late rice grows on high land while early rice grows on low land," and to use fertilizers in only the fertile rice fields, knowing that fertilizer would destroy the seedlings. As a result, the villagers began feeling disappointed with Angkar because the rice seeds it provided did not grow well. His next plan began when he sent people out of their villages to make fish paste until mid-January, making them late for the transplanting season.

In 1975, Heang continued assigning people to clear land in O-Neang Nung and Anlong Pich. Many people died there from malaria. In February Heang told people there was lots of free land for growing rice, but Angkar kept sending people out to clear the jungles.

Heang and his friends made arrangements to provoke people. Whenever they heard an airplane, they pretended to panic and tried to escape or to hide, so people would be afraid and move out of their villages. Heang had also planned to export 5 tons of rice to Thin, the minister of the Ministry of Commerce of Kampong Siem district. However, he could send only 2 and a half tons, while the rest of the rice was shared among the evacuated people. Then the Khmer Rouge took over the whole country.

Tol ordered Heang to observe the people who were evacuated from Phnom Penh and Kampong Cham, and to take motorcycles and other goods so that there would be disagreements between people working in the military and ministries and the Khmer Rouge. He urged only base people to work in the fields while city people just stayed home and ate. When the base people saw this, they became angry with the Khmer Rouge and worked less. Later that

year, Heang also hid some government officers and many other high-ranking people. As a result, people died of starvation.

In 1976, Heang persuaded five more people to join his group. While Angkar suggested that Heang select rice seeds and prepare tools as the rice season was approaching, Heang and his group combined the early rice seeds with the late rice seeds, and postponed the harvest season. This caused much rice to be ruined.

In the same year, Angkar put Heang in charge of providing rations for men and women building the dam in Kampong Thmar. As Heang did not give them enough food, some of the workers returned home. Heang then took their properties such as bikes, watches, and radios for his own use. Also, he kept such foods as salt, fish, and fish paste, causing some people to die of starvation. Later Angkar gave him pesticides for the villagers, but Heang kept them, causing the pests to eat large amounts of rice.

In 1977, Heang confiscated people's wood to build shelters, storehouses, and offices. When Angkar suggested that Heang send more people to help build dams, he assigned only those who were slow and unhealthy to work. And when Angkar asked Heang to take charge of distributing rations to people, he did not provide them on time. In February 1977, Heang received a hundred sewing machines from the Speu subdistrict office. But then he asked an expert to remove parts from the machines so they would not work. Heang did not maintain those machines properly, either. Some were left in the open air and were ruined.

Later in 1977, Angkar started to observe Heang and found that he was working against them. On 25 February 1977, Angkar arrested him. He was sent to S-21 on 1 March 1977. After he was arrested, Heang confessed to all of his traitorous activities and named his associates. The interrogator was Seng.

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SPECIAL BRANCH DOCUMENT

EXAMINATION OF PREVIOUS INTERROGATIONS

(Excerpted from Document D395)

Duties in Sweeping away Traitors

Duties to sweep away traitors fall into two sections:

1. Sweep traitors within the unit
2. In cleaning up the traitors, our duty is interrogation.

I. Traitors in the Unit

a. Advantages

We often sweep away traitors within the unit based on public views and documents. In general, we are trying to sweep up both traitors within our unit and to get rid of the diseases of left and right subjectivity. We have a good start.

b. Deficiencies

There are two deficiencies:

1. We receive instructions from Angkar in implementing a sweep. But, in launching arrests, sometimes we ask for permission from Ankar, while sometimes we do not.

2. Some of our cadres do not pay close attention to their work of sweeping away the enemy. Because they do not carry out their duty properly, enemies sometimes manage to escape.

c. Reasons for Deficiencies

1. The first deficiency reflects our relaxed discipline. Usually we report verbally in urgent situations.

2. We sometime make missteps because our cadres are subjective, and do not conduct thorough investigations into both advancing and weak sectors. We do not see these missteps because of our emotion. This emotion permits us to see only good deeds.

d. Solution

We have to learn to make written reports in the name of investigators or Youth of Communist Kampuchea. We shall make more accurate reports to ask for approval from Angkar. While we are waiting for

consent, we shall be well prepared for any newly emerging circumstances.

II. Our Duty to Interrogate the Enemy

a. Advantages

We are committed to fulfilling our interrogation tasks toward sweeping out traitors within our party and army. If we share the views on “cleaning up traitors,” we will perform our duties quite well.

We try to question traitors to get their anti-revolutionary biography from the start of their anti-party campaign. Traitors reveal their traitorous activities in each case, and we will try to produce better-quality confessions leading to the identification of their networks.

b. Deficiencies

We are very slow in performing our tasks, and our analytical stance is not strong. Sometimes we analyze the confession thoroughly, while sometimes not. As a result, the confessions are occasionally long, complicated, and a mixture of necessary and unnecessary information and of invented and true stories.

Our stance on searching for traitor networks is not solid enough. Sometimes we have not analyzed the network connections: When did the connection start? How do they connect to each other? Why do they connect to each other? If we take a close look at our advantages and deficiencies, we find that our work is moving ahead, but at a slow pace.

c. Reasons for Deficiencies

♦ Party Leadership: secretaries of the branch [party], particularly, do not have effective actions and battle strategy. They do not strengthen, but exhaust the resource of our stance on analysis and searching for enemy networks.

♦ Each and every one of us still has a careless

SOME PERSPECTIVES ON ECONOMIC ISSUES

(Democratic Kampuchea)

I. Suggestions

1. The important thing is to adapt a number of principles on economic issues as a foundation to examine, consider and inform our economic tasks.

2. The second suggestion is to determine our economic direction for the present and future.

II. A Number of Principles on Economy

When it comes to basic economy, we are to talk about the means of production because it is the source. This is the foundation of Marxism-Leninism dealing with *historical materialism*.

If the means of production is good, the economy will progress. If the means of production is poor, weak, and reactionary, the social economy will also be weak.

a. Relation of Production

The relation of production is a direct relation between the people who own the means of production and the producers – for instance, the relation between landlord and peasant, capitalist and worker. There are three types of *production relationships*: 1) an exploitative relation of production, 2) a mixed relation [state and private], and 3) a relation of independent, identical and communal production.

♦ *Exploitative relation* (landlord and peasant, capitalist and worker). If the relation is an exploitative one, social communication is controversial because the outcome merely falls into the hands of the exploiting classes. We have to identify the exploitative relation so that we can smash it and advance our society.

The nature of each regime is a *production relation* other than production. This is an historical principle. For example, economic reform in 1963 did not alter the regime of society, and did not demolish the exploitative relation of production; this also occurs in other imperialist and capitalist countries.

♦ *Relation of mixed production*. This is a transitional

relation between the exploitative communal relations (from socialism). The part-private form is a transitional form put into motion during the time in which workers and peasants have insufficient conditions such as capital. First the state, workers and peasants need some capital from the private sector in a state [workers and peasants], making it a private mixed form.

♦ *Relation of independent, identical and communal production*. We want this sort of production relation. We need to fight the exploiting regime and modify socialism in order to build a society in which all means of production are state-owned (worker-peasant).

Our economy today is still built on imperialistic and capitalist grounds. Physical and practical attributes require us to walk on the path of fighting the exploiting regime, implementing a mixed [state and private] regime, modifying socialism, and building socialism. We have to understand each step of the process scientifically, reasonably and regardless of sentiment.

To see our economy improve, we have to compare it to that of other nations, and to that of the former regimes.

b. Production Force

There are three production forces: human force, force of means and tools of production, and force of techniques and experiments on growing crops.

Human Force: Those who have political and conscious enlightenment are progressive forces of production, while those who do not have it are poor production forces because they do not pay close attention to what they are working on, or have any innovation.

♦ With regard to the exploiting regime, we have to push people to enlighten themselves about this regime and start to fight it in order to build a new one in which people will be enlightened about crop planting

also needed. Therefore, the process has to be done by people (different classes) and under the authority of the party by experimenting from time to time.

Economies and cooperatives are part of socialism, and have to be operated in order to pressure the capitalists. That the state takes hold of the economy and cooperatives is a constant class struggle that needs steady perseverance.

Mixed State-Private: industry, commerce, transport and agriculture. These economic segments shall be under the law of the state.

Private Ownership: Under the Democratic Kampuchea regime, our people have not yet destroyed the capitalist regime, and have only demolished the feudal regime. That's why a private economy still exists. In the countryside, after land reform, the middle class and rich peasant economy remains, for instance. In the city, the economies of businesspeople, transporters, craftsmen, small industrialists and so on are still privately owned.

To become socialist, the state and cooperatives must play their part: they must grasp the essential means of production in order to be able, on a step-by-step basis, to reform the private economy. This is our strategic target. To reach this end, we have to compare each class force in our society and to deter the spread of feudal and capitalist regimes. To not go beyond our strategic target set, we have to smash the capitalist regime one step at a time, and continually step forward.

Socialism: After smashing the capitalist regime, there will only be the state and cooperatives. Private capitalists and private possession in the countryside will be overturned and collectivized. This is done through the process of building socialism.

IV. Factors in Building the Economy through the Party's Policies

Ruling Policies: This first factor plays a cornerstone role. People under capitalist regimes cannot build socialism or democracy.

Ruling Mechanisms: The ruling mechanisms are the ruling party, authorities (for applying dictatorial revolution) and cadres.

Ruling Party: The party leads the whole revolution and puts the economy on the right track. Our party has a strategic sharing procedure for the economy, but it needs to be implemented by each individual. The party needs unity from the lower levels up to the top level in applying policies. Therefore, it is necessary for the party to adopt, follow and adjust policies according to tangible experiments. For example, the party's policies on crop planting are still poor in both normal and drought situations. This is because its policies are not yet pervasive and strong enough. It is imperative for all members of the party to have a deep understanding of economic policies; if not, there will probably be misconduct leading to affecting people's strengths.

Authorities: must have power that can be used as a tool for launching the party's dictatorial revolution.

There must be a strong authority to implement the party's policies accurately, not right or left. If we execute the policies to the left, there will be division. But if the authority is relaxed, it means that they will not carry out the policies as set by the party and that they must join with the exploiting classes. Running the economy is complicated and class struggle in the area of the economy is even more complicated. To win, we must have a powerful authority.

Political power exists only if authorities exist. Managing the means of production can be done only after authority exists.

Cadres: We must have cadres in all sectors, namely political cadres, technical cadres and economic cadres. We must be self-reliant in strengthening the nation's low economy to be a higher one. We must depend on our independent position in running the economy while strengthening it. Relying on foreign countries is not our foundation. With this view, we perceive that it is necessary to educate our cadres on our political position.

The Factor of the Masses: We can use the public as our force until the public understands and is gradually enlightened in terms of political ideology. Although we have an economic plan, we should educate people on political ideology so they become an advantageous

THE IMAM SANN CHAM COMMUNITY: THE ANCIENT WAY

Isaac Tabor

Most Cambodians know that the Chams are Muslims who descended from the Kingdom of Champa, which ruled over much of Vietnam between the 2nd and 17th centuries AD. What most people do not know, however, is that the Cambodian Cham community is split in two. Just as the Buddhist community in Cambodia is separated into Mohanikay and Thommayut (branches of Hinayana) Buddhists, the Chams are of two types: those who follow modern Islam and those who follow the ancient Champa Islam.

Almost all of Cambodia's Chams follow modern Islam; their leader is Ouk-nha Sos Kamry, who King Norodom Sihanouk appointed as the chairman of the Highest Council for Islamic Religious Affairs in Cambodia. The modern Muslims can be found throughout the country, and form the majority of the inhabitants of Kampong Cham province. Their population is thought to be around 500,000 (according to the Ministry of Religion and Cults and Ouk-nha Sos Kamry's researchers).



Ouk-nha Khnuor Kay Toam

A much smaller and seemingly forgotten group of Chams is the Imam Sann community, led by Ouk-nha Khnuor Kay Toam. Its adherents still follow the ancient Champa ways, in numerous respects, and are spread over 35 villages in Kampong Chhnang, Battambang, Pursat and Kandal provinces.

Cham Traditions

It has been said that when the Champa Kingdom fell, it was taken over by Malaysian and Arabic tribes, and most of the Chams converted to modern Islam. The Chams under Sos Kamry kept the religion and traditions passed down from the Malaysians and Arabs. They also changed the Cham script to Arabic, which is used in almost all Cambodian Cham villages

today.

The Imam Sann's 35 villages, however, have kept the religion and traditions passed down from the ancient Kingdom of Champa. Unlike the modern Cham Muslims, the Imam Sann Chams also have some Hindu and Buddhist influences, and incorporate elements of these religions into their ceremonies. For example, the most important part of the Imam Sann Cham wedding ceremony is the *La T'a*, which is very similar to *Kan Sla*, the most important part of the Buddhist wedding ceremony.

Also, the number of ceremonies in a year is considerably higher for the Imam Sann Chams. This is because they celebrate the old Champa ceremonies as well as the modern ones. The modern Cham Muslims, however, do not practice the old Champa ceremonies due to the Arabic and Malaysian influence of modern Islam.

The use of language also sets the Imam Sann Chams apart. For example, they still chant ancient Champa poetry (which was written in old Cham before Khmer words were incorporated into the language), a practice completely abandoned by the modern Cham Muslims. They also use the old pronunciations when reading the Qur-an. And today, the Cham language uses the Arabic script, due to Arabic and Malaysian influence at the fall of Champa, while the Imam Sann Chams use the original Cham script. The old script is still being taught at the Imam Sann villages, but it is no longer written. However, all the ancient poetry and Champa texts are written in the old script and a good number of these documents are stored in Ouk-nha Khnuor Kay Toam's village.

Perhaps the greatest difference between the two communities is how often people pray. The Imam Sann Chams pray once a week at the village mosque, while the modern Muslims pray five times a day. This has been a large factor in the modern Muslims' view

again and returned to their village. Before they reached home, however, his mother-in-law and daughter died of illness and starvation. Later in the regime, he worked in the rice fields, tapped palm trees, and was on mobile and rope-making units. He lost his son, who had fallen ill, and heard that he was buried alive.

Ouk-nha Khnuor was moved to Andang Snai during a mass evacuation of the Chams, and was accused of being a *hakim* (leader of a Cham village) and of still practicing his religion. He was saved twice at the foot of the killing fields; once by explaining that he never ate beef (the Khmer Rouge considered this behavior suspect, but Ouk-nha Khnuor ate no red meat at all) and the second time by the Vietnamese when they came into Cambodia in 1979. He is very grateful to be alive today and recognizes that not only Chams, but all religious groups, were persecuted during Democratic Kampuchea, and strongly supports the upcoming tribunals.

The Imam Sann Chams Today

As highest leader of his community, Ouk-nha Khnuor Kay Toam is frequently invited to the Royal Palace for ceremonies. This year he has attended the coronation of King Norodom Sihamoni and Norodom Sihanouk's birthday. Ouk-nha Sos Kamry also attended. Together, they have supreme knowledge of Cham Islam and share responsibility for the Cham community. The two have a good relationship and an agreement that all questions (whether asked by Muslims, foreigners, or even the king) about the modern Muslims will be answered by Ouk-nha Sos Kamry and those about Cham history or the traditions of Champa will be answered by Ouk-nha Khnuor Kay Toam.

The Imam Sann Chams receive non-monetary support from the royal family and the government to preserve Cham history. Those under Sos Kamry, in contrast, enjoy funding from the Ministry of Religion and Cults, where they have a representative. Also, because they are recognized as an Islamic community worldwide, the modern Cham Muslims receive monetary support from Arabic and Malaysian Muslims.

The Imam Sann Chams are facing a difficult

time as many of their members are converting to Sos Kamry's group and the preservation of their history seems to be at risk. Because they are not accepted as Muslims in many other parts of the world, funding is lacking and their community is shrinking. As the only Cham community in Cambodia to practice the old traditions of Champa and to hold the history of Champa, it is extremely important to keep this community alive. Hopefully one day it will thrive again.

Isaac Tabor joined DC-Cam as a volunteer in September 2004. In 2005, he will be attending university in the United Kingdom to study history and sociology.

Announcement

Khmer Rouge History Preservation Forum Essay Contest

On April 2, 2004 DC-Cam and the Khmer Writers' Association (KWA) announced the four winners of an essay competition for survivors of Democratic Kampuchea. Contestants submitted narrative essays on their lives during the regime or their thoughts on issues related to the Khmer Rouge.

Because of the important role this contest can play in preserving the history of the Khmer Rouge period for future generations and in giving a voice to its survivors, DC-Cam and KWA are holding another essay contest. It is open to students, survivors of Democratic Kampuchea, and other Cambodians, both those living in Cambodia and abroad. The winning essays will be announced in April 2005. The winners will be given cash awards. The winning essays will be published in *Searching for the Truth* and in a forthcoming DC-Cam book on the experiences of victims of the Khmer Rouge.

Please submit your narrative essays by mail to P.O. Box 1110, Phnom Penh, Cambodia or email: dccam@online.com.kh. The deadline for submissions is February 28, 2005. For details please contact Mr. Sophearith Chuong at (855) 23 211 875 or by email: truthsophearith@dccam.org. Thanks!



CONVICTED BECAUSE HUSBAND WAS CONVICTED

Ratana Oeur

The black and white photograph of a woman with short hair and wearing black hangs alongside those of other prisoners at the Tuol Sleng Genocide Museum. The inscription at the bottom reads Chhum Rim, but her real name is Chhum Thoeun.

As Rim remembers, she and her three-month-old daughter first arrived at Tuol Sleng prison in 1976. Angkar had arrested her and five Khmer Rouge cadres' wives who were accused of being in a "traitor group" in Kean Klong. A truck brought the six women to Tuol Sleng around midnight. A security guard escorted Rim into the basement of a building, but took the other five women to a different place.

Rim saw piles of clothes and shoes in the building's passageways as the security guard led her to a very dirty and smelly room. The guard commanded her to sit on a bed in front of the interrogator who was sitting on a chair

with a desk between them. The interrogator grabbed a lock and banged it loudly on the table. He then began asking about her biography and activities before and after the revolution. Next, he asked her about her husband's biography and conspiratorial acts. Rim responded that she didn't know anything about the latter, because she had only married him when ordered by Angkar; the two had not known each other before they were married. Not satisfied with her answers, the interrogator asked the same question again and again, and threatened to torture her if she refused to confess.

Thong Hen, Rim's husband, was a platoon chairman (his biography lists him as a company chairman). He

was arrested after receiving a letter from the staff ordering him to go for a meeting and visit to Kampong Som province. Six days after Hen's departure, Rim and about 30 other cadres' wives were called for a meeting arranged by Angkar. There she was informed that her husband was a bad element and had a plan to sell national territory to foreigners. Rim was shocked when she heard this and became afraid for herself and her little daughter. After three days, the Khmer Rouge informed Rim that Angkar had appointed her to a cooperative. Rim was forced to leave hastily and could not take any belongings with her, even milk for her baby.

But she did not argue, remembering that she was told; "Whenever Angkar orders, one must obey at once. Don't be stubborn or say you have to prepare anything. At Angkar's region, everything is abundant. When Angkar sends you, Angkar knows how to solve problems."



Chhum Rim in 1976



Chhum Rim in 2004

After interrogating her, the security guards confiscated all of Rim's belongings, even the cotton scarf and shoes she was wearing, and then took her photograph. Then she was imprisoned by herself in a room, but was not handcuffed or shackled. The following day she was questioned again by a different interrogator, and the next night, Rim was interrogated four times. The questions were always the same, and her answers were always the same: that she didn't know about Hen. The interrogator slapped her face, pulled her hair and banged her head against the wall each time her answer was unsatisfactory. After the last interrogation, Rim, her daughter and one other woman were sent to Prey Sar

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prison.

When she arrived at Prey Sar, the brigade chief ordered Rim to begin work at 3 a.m. like the other convicts. Every day she was awakened by the sound of a whistle and then dug channels and transplanted rice until 8 p.m., and sometimes until midnight. Once in a while, they had to begin work at 1 a.m. On these occasions they were rewarded with a few ladles of watery rice soup. Rim said, "Doing laborious jobs and receiving only a sip of gruel, everybody was starving, exhausted, and almost died. Because we were hungry, we ate anything we saw, even if it made us ill. In the rice fields, if a grasshopper or a crab passed by, the convicts ran, fought each other for it, and ate it raw. If the militiamen saw this, they sometimes hit the prisoners until they vomited or took the crab or fish out of their mouths, accusing them of inappropriate eating or neglecting work. If a convict was absent from work several times, he or she would surely disappear."

Angkar sent a woman named Saut to Prey Sar one night after she had surgery for appendicitis. A day later, she was called to go to work at 3 a.m. She implored the unit chief to let her rest because the wound from her operation still hurt, but the chief didn't listen. Instead, he pulled her off a twelve-step staircase, opening her wound, and she bled to death.

Rim spent most of her time working, with no time to look after her three-month-old daughter. Before she went out to work, she had to take her baby to the nursery where an old woman cared for 60 children. After living in Prey Sar for a month, her daughter's health declined. Her face was pale, her cheeks hollow, and her body wasted from insufficient food. Rim had no breast milk for her daughter, who ate only thin gruel and drank unclean water. Later her daughter died of starvation. Rim always remembers her daughter's tiny body lying dead in her arms.

Fear always occupied Rim's mind during the Khmer Rouge regime, especially when they forced her to move from one place to another. At Prey Sar, Rim saw several trucks take convicts away and bring in new ones almost every day. "Those who were sent out would be killed.

I lived there only waiting for death. Now is the others' turn, the next day will be ours. It was inevitable although we attempted to avoid it."

Rim was imprisoned in Prey Sar until 1979 when the Vietnamese liberated Cambodia. At that time, all of the Khmer Rouge cadres and prisoners went to live in the forests and along the border. Rim traveled on foot from Phnom Penh to Koh Kong province, walking across plains and jungles, climbing up mountains, running and hiding without any particular shelter, medicine or adequate food.

In 1980 Rim decided to return to her home town in Srey Santhor district, Kampong Cham province. She is now 52 years old and has five children with Sot San, who she married after the regime. Rim tells her relatives her history during the regime and has visited the Tuol Sleng Museum with them. There, she seeks evidence about the Khmer Rouge and looks at her photograph. Rim once asked the museum for her photograph, but the administration didn't allow her to take it.

When it comes to her past, she said "I feel very regretful that I was fooled by their propaganda and put all of my effort into serving the revolution in 1973. I was not reluctant to run through the rain and gun battles in order to liberate the motherland with hope of being able to live peacefully together. Yet, as a result, I was imprisoned without knowing what crime I had committed." Now Rim is eager to see a court created to try the Khmer Rouge leaders. She wants a trial that does not arrest or detain innocent people for their actions, but punishes the murderers.

Ratana Oeur is a DC-Cam staff member working for the Publication Project.

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THE TRAUMA OF KANG VORN

Socheat Nhean

The three-quarters of Cambodia's population who survived the Democratic Kampuchea regime are not lucky in every way. Research from the new Victims of Torture Project, which is being conducted by the Documentation Center of Cambodia and the Transcultural Psychosocial Organization, has found that those who faced family separation, imprisonment, and torture are at risk of having serious mental problems.



Kang Vorn

One such person is Kang Vorn, who lives in Kous subdistrict, Tram Kak district, Takeo province. The Khmer Rouge imprisoned him at Office 204 from 1973 to 1974. Although they accused him of being a spy, Vorn did not know what it

meant to be a spy. He related that because of the insecurity in his village in the early 1970s, he decided to bury his money, but after a while, dug it up. A Khmer Rouge soldier learned about this and informed his superiors who put Vorn in jail. "They arrested me after she saw a lot of money on the floor. I hid it under the ground before I escaped. And when I returned, I dried the money in the wind at my house. They denounced me as a spy when they saw the money. I knew nothing about that, how could I know about being a spy? I got that money from selling our cows and sheep, but they assumed that it was my salary for working as a spy. Without a salary, I would not have had so much money. I told them we did some business selling fish sauce and had no children, so that was why we could save some money. They still believed that money came from my work as a spy."

Vorn was shackled and given very little food at

the Office 204 prison. He was allowed outside only in the morning when he was made to clear out his own urine container. The guards usually killed prisoners in front of the other prisoners, sometimes chopping their necks so they died immediately. Vorn recalled, "Sometimes they just used their hands to kill prisoners in front of us, but at others they were taken to be killed in the fields. We saw this. Since then, I have been depressed and cannot remember anything clearly. It seemed everything was jumbled."

Vorn said that Office 204 was moved twice, first to Trapeang Damrey, then to Prey Kdouch near Trapeang Andek after fighting broke out between Khmer Rouge and Lon Nol troops in Trapeang Damrey. The Khmer Rouge moved the prison because they feared inmates would escape and join the Lon Nol army. "After moving to Prey Kdouch, many more prisoners died from starvation and disease. The Khmer Rouge did not kill as many prisoners as before. When we first arrived, things seemed to be fine, but two or three months later, most of us died. One time I did not know that the person who slept next to me had died until I saw ants feeding on the corpse. I was wondering why there were so many ants around us, but when I touched him, his body was stiff. I did not know when he died."

After the Khmer Rouge captured Takeo province in 1974, they released Vorn and some other prisoners, and incarcerated Lon Nol soldiers instead. However, Vorn and the original prisoners were sent to live in Ta Neak before they were allowed to return to their villages. After he came home, Vorn worked really hard and tried not to make a single mistake, fearing the Khmer Rouge would kill him.

When Vorn returned, he learned that both his



father and mother had died of starvation while he was imprisoned. Further, one of his two brothers who had joined the Khmer Rouge had disappeared and the other had been disabled.

Today Vorn seems to have mental problems. He is different from others; his face is sad most of the time. Vorn does not like to associate with other people, and is easily shocked and aggressive. He says, "I don't like having fun. There is nothing that makes me laugh. I became like this slowly. Before, I was simple like the people around me, and had fun with others. But now I just don't want to laugh. I would smile at people if they looked at me, but if they didn't I would ignore them. I never want to communicate with people." Sometimes Vorn forgets things, even the words he uses every day. He said, "For example, that person's name is Houch, but I can't remember his name. Sometime I want to say that I will carry water, but I can say only 'carry'; I cannot find the word 'water.' I know there must be something wrong with me." Vorn also finds it difficult to get to sleep and has nightmares most nights. "The memory stays in my brain. I am like a

crazy person. I cannot forget it. Whenever I sleep, there I see Khmer Rouge arresting and torturing me. Sometimes I see them running after me trying to take me back to prison. There is nothing else in my dreams."

Now Vorn is 64 years of age. He usually goes to temple to study Buddhist teachings, hoping to help forget his nightmares, but it hasn't worked. Vorn has also seen doctors, but his condition is deteriorating. When Vorn first met our team members, he was very frightened and did not want to talk to us. However, after explaining our work and its importance, he began to trust us. After the interview, Vorn said that if we could find a way to help his trauma, he would be very happy.

The Victims of Torture project is currently providing counseling and treatment to victims of the Khmer Rouge regime in Kandal Stung district, Kandal province. In the near future our team will provide such services in Takeo province. We will do our best to help Vorn.

Socheat Nhean is a volunteer on DC-Cam's Victims of Torture Project.

THE VILLAGE OF WIDOWS

Dany Long

Most people in Preah Aungkar village are widows whose husbands were killed by the Khmer Rouge. When a court is formed to prosecute the regime's senior leaders, the widows of Preah Aungkar want to ask them why Angkar killed their husbands and sons.

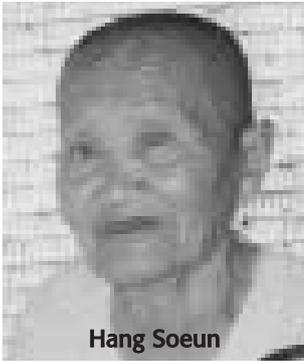
Preah Aungkar village is located in Mroum subdistrict, Angkor Chey district, and approximately 7 kilometers north of Tany market. From 1970 to 1972, the village was under the control of the Khmer Republic. When the Khmer Rouge seized control of Angkor Chey district in late 1972, they organized the people there to work communally in cooperatives [they lived in their own houses, but worked and ate communally].

They also divided them into classes: the rich, the poor, those living in enemy areas, and those living in regions administered by the Khmer Rouge.

Preah Aungkar's people were regarded as living in the enemy's area. Prior to the Khmer Rouge regime, most of the villagers enjoyed a high standard of living, and built large wooden houses with tiled roofs. With the area's favorable conditions, its people cultivated peppers, coconuts, areca palms, oranges, mangos, jackfruits, custard-apples, pineapples, bananas and so on. However, after the Khmer Rouge took control of Preah Aungkar, they forbade the cultivation of fruit, and allowed only rice to be grown. They also ordered

I DON'T WANT TO TAKE REVENGE, BUT I DO WANT TO HAVE A COURT

Kalyan Sann



Hang Soeun

Hang Soeun was born in the year of the rat in Trapaing Chhouk, Leay Baur subdistrict, Tram Kak district, Takeo province. Her father Kong was an herbal healer. When Soeun was young, her house was always filled with visitors—

patients as well as students who wished to learn from her father and enter his profession. Soeun got married to Phil Torng when she was 19. Two of their nine children died at an early age.

In 1969 Soeun and her husband bought 12.5 hectares of land in Sihanoukville, and some of her family members moved there. "Since the land over there was abundant, I wanted my children to own some land in case the land we were living on became crowded," she said. Her plot was located to the east of the petroleum plant. Soeun's family made a living there by farming and fishing.

In 1970, traffic between Takeo province and Sihanoukville was stopped. As a result, Soeun's fifth daughter, who had gone to visit her two older brothers in Takeo, was unable to return home; further, she couldn't make contact with her family in Sihanoukville so no one had word of the other. Worst, in 1971 Soeun's husband died after he was bitten by a snake while cutting wood in the forest to build a crab trap.

In 1973 as the battles between the Khmer Rouge and Lon Nol forces were escalating, Soeun's family moved from their land to the east of the plant to Bridge No. 8. After the Khmer Rouge forced them away from their land by the bridge, they ran to the PC factory, to Tumnupp Rolork, and then to Kampenh. They were

able to settle in Koh Pos for a year before the Khmer Rouge evacuated them to Toul village, Tik Laak sub-district, Kampot province.

At that point, Soeun's family had to leave their home without taking many belongings. They were also forced to abandon their fruit crops, which included sugarcane, coconut, mango, orange, guava, banana, and custard apple. "They told us that they would let us return in three day's time, so we moved out leaving all our belongings in the house. We were told not to worry about our possessions because someone would take care of them. When we were halfway to our destination, they would not allow us to come back home. They said that Angkar wouldn't let us live there, and that they would let us go back only after the rice-harvest season of that year," recalled Seoun.

Seoun's husband and several members of their family went to Kampot: their third daughter and her husband, her fourth son and his wife and children, her sixth son, and her youngest daughter. Angkar assigned Seoun to weave cotton scarves and pandanus mats. All the family members worked in different units (her youngest daughter was assigned to a children's unit and her sixth son to a mobile work brigade), but lived in the same village. All but her sixth son ate in the communal dining hall; his brigade was sent to distant places and he was unable to return home. "We had nothing to eat. At first they distributed two small cans of rice for each person. Later we got just one small can, then only a half can. With such communal eating, all of us nearly died in January 1977. Sometimes they provided us with food to eat until we were full, but usually not. In the dry season we would have enough to eat, but in the rainy season only a half bowl of rice each," said Seoun.

In the rice-planting season of 1977, Soeun's third daughter and husband (he had been a medical doctor), and their two small children were all taken to be killed. The Khmer Rouge had suggested that they move to live in a new village. "When they said 'let's go!' my one-year-old grandchild, thinking they were allowing him to go back to his house, ran toward the west, where his old home was. I followed him and told them [my son, his wife and child] not to go. After they ate a meal, the Khmer Rouge took them away," Soeun recalled.

"I looked after them when their mother went out to work. They and I together made fishing outfits, and then went fishing. We caught two fish. After eating, I soaked the algae and was about to boil it to make a salad for my nephews to eat. Suddenly they (the Khmer Rouge) came and told me that they were asking my sister and her family to move to another village, because all the workers had to be assembled in a particular place. They took all the parents and the children away," recalled Bora, Soeun's youngest daughter, who was just a child at the time, and also helped look after her two nephews.

"A week after they had taken my third brother, they took my fourth brother. Instead of telling us that

they had taken him to be killed, they said they took him to dig a salt water dam. He never returned," Bora added. "Angkar killed these innocent people without any reason. At first I thought they really took my sons to work. They normally came back in the evening, but this time they didn't come back, either in the evening, at lunchtime, dinner, or during the night," Soeun continued. "After several nights, I asked 'why haven't they returned?' 'Don't be too hopeful, sooner or later it will be your turn or mine,' replied a unit chief. "That meant they all were killed. Actually I wish I had died with my children and grandchildren. I didn't want to live on at that time," Soeun said.

"The following year my sixth son Ya, 18, who worked in the youth mobile work brigade, was also killed." Soeun had just met Ya on the previous day, then on the following day he disappeared from the work site. "According to a man who was working in the same brigade, Ya was taken by the Khmer Rouge at 10 p.m. On the road, Ya was trying to call out to his mother: 'Mother, help me! They are taking me to kill!'" said Soeun.

In early January 1979 when the situation was very chaotic, Bora rushed back to her mother at the work site where she wove scarves. Soeun led all her surviving children up to a nearby mountain. Every day Bora and her brother-in-law, without letting anybody know, came back to the village to mill some rice in case they needed it. One day, while Bora and twenty other people were milling rice, the Vietnamese army arrived at Toul village and prevented people from going back to the mountain. Because of the differences in their languages, the two sides couldn't understand each other at all. When night fell, one of the families came back to the village. The wife was able to speak Vietnamese. The army told them not



to run away because they wouldn't kill people and to bring all of their relatives from the mountain back into the village. So Bora left for the mountain to fetch her mother and nephews, and bring them back.

In the three months that Soeun's family had lived in Kampot, they had caught some cows and buffaloes. They took these animals with them when they traveled to their hometown in Trapaing Chhouk, Takeo province. Along the way, Soeun met her two elder sons who were also searching for their mother and sisters. Together, they reached their hometown in late 1979. All the family members reunited again, except for Soeun's fifth daughter. No one has had any information on this daughter to date.

Bora is married and has five children; however, her two nephews are still on her mind. "Every day I miss my siblings very much and my nephews even more. The Khmer Rouge took them away; I feel much pity for them. I almost went insane. Frankly, I have my own children, yet I still miss my nephews because I loved them even more than my own," she said.

Soeun feels much the same way. "I feel traumatized each time I think of them. Sometimes, when I bring a spoon of cooked rice to my mouth, I nevertheless put it down. I will try again, but I still can't put the rice into my mouth because my mind is completely occupied by the sorrowful feeling I have for my grandchildren. I will miss them every single day until I die. My children and grandchildren were the apples of my eye," said Soeun.

Soeun and Bora do want to be compensated for the loss of their loved ones. Neither are they seeking revenge. However, this doesn't mean that they want the Khmer Rouge to get away with their merciless atrocity. They want the regime's leaders to be brought to trial for the acts they committed. "There is nothing as precious as the lives of family. Nothing can remove the pain and it's impossible to buy the spirit or mind. I had three sisters, but now I am here alone. I've never felt calm and am always remembering my past. However, I don't want to take revenge because if I get

it, vindictiveness will continue endlessly. Even though I think about taking revenge, I know I would get nothing back. I agree that they (former Khmer Rouge leaders) should be brought to justice; however, if I were allowed to take revenge, I definitely would not kill them," said Bora.

Today, Soeun doesn't miss her relatives as acutely as she once did. Buddhist dharma helps to ease her emotions. Moreover, time has also helped her forget some of the tragedy. "I don't miss them as I did because I primarily focus on dharma. Let them (the former Khmer Rouge) get what they deserve for their acts. They are now living with the sins of their past. Bringing them to justice is an act of revenge, but it is not a sinful act because they are still alive," she related.

Three of Soeun's children are still alive. She lives in Trapaing Chhouk with Bora, her youngest daughter, and spends most of her time at the pagoda studying Buddhist dharma and meditating. She believes that her good deeds will help her in her next reincarnation to avoid the tragedies of her present life.

Kalyan Sann is the team leader of the Khmer language edition of Searching for the Truth.

SEARCHING FOR THE TRUTH RADIO BROADCAST ON FM 102

DC-Cam has partnered with the Women's Media Center to produce *Searching for the Truth*, a local radio program on FM 102. We cordially invite you to tune in to FM 102 every Wednesday and Thursday afternoon from 3:30-45, as Ms. Rachana Phat and Ms. Sophal Ly broadcast selected articles from the DC-Cam magazine, *Searching for the Truth*. To reach broader audiences, DC-Cam has extended its Radio Program on FM 93.25, Kampot Province, daily from 7:00-30 am and pm and on FM 99, Preah Vihear, daily from 7:00-30 am and 6:30-7 pm.

REPORT OF THE SECRETARY-GENERAL ON KHMER ROUGE TRIALS

United Nations
A/59/432
General Assembly
Distribution: General
12 October 2004

Original: English
Fifty-ninth Session
Agenda Item 105 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms.

Documentation, Witnesses and Experts

It is expected that the Chambers will rely heavily on documentary evidence. Some 200,000 pages of documentary evidence are expected to be examined. The bulk of that documentation is held by the Documentation Centre of Cambodia, an NGO dedicated to research and preservation of documentation on crimes perpetrated during the period of Democratic Kampuchea. Several other sources of documentary evidence, both inside and outside Cambodia, may need to be accessed.

The documentation in question is nearly all in Khmer and only a small part of it has been translated to date. An intense translation effort is therefore required before actual investigative work can start. For reasons of cost-effectiveness, translation work of a non-privileged nature would be outsourced, with strict control of quality and consistent use of terminology. Raw material would first be screened for relevancy and sensitivity before being submitted for translation. This would require an in-house capability for initial summary translation from Khmer into English and French. Privileged documentation

and records produced by the Chambers during the proceedings would be handled by in-house translators.

Up to 150 witnesses and/or plaintiffs (some 100 from within Cambodia and some 50 from abroad) are expected to be called on by the co-investigating judges, with about one fifth of these also having to appear at the trials proper. Up to 10 international experts, scholars and researchers are assumed to be appointed by the Chambers for brief periods.

Public Outreach and Media

I am aware of the expectation of the Government of Cambodia and of the international community that the Khmer Rouge trials will contribute substantially to national reconciliation in Cambodia. In addition, strong media interest, both nationally and internationally, is to be anticipated.

The concept of operations therefore envisages public outreach and media activities as an integral part of the Extraordinary Chambers. It would be supported by a dedicated public affairs section that would work hand in hand with the Government, media and NGOs to achieve the widest possible coverage.

Security

Pursuant to article 24 of the Agreement, the Royal Government of Cambodia would be obliged to ensure the security, safety and protection of persons referred to in the Agreement. This includes staff of the Extraordinary Chambers and their related institutions, as well as witnesses, indictees and detainees. The operation of the detention facility and the transportation of detainees would also be the responsibility of the Government. In accordance with article 17 of the Agreement, the United Nations would be responsible for some safety and security arrangements as agreed separately with the Government.

The activities of the Extraordinary Chambers will



require appropriate security and safety arrangements for protection of personnel, premises, assets, data and records. It would be prudent to assume that staff servicing the Chambers, especially trial judges, co-investigating judges and co-prosecutors, would be exposed to potential threats and a degree of risk. Special measures would be taken to ensure their personal security, including close protection, both on and off court premises. A secure residential compound involving special protective measures would be set up for personnel considered at particular risk, including witnesses.

The United Nations Secretariat, with expertise provided by other international criminal courts and by the Office of the United Nations Security Coordinator, and the Government Task Force are preparing to formulate a joint security management plan. The Government has set up for this purpose a special Security Commission for the Extraordinary Chambers.

Conclusion

After a prolonged stalemate, the political and institutional processes in Cambodia have resumed. According to the Cambodian authorities, the Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea was to be submitted for ratification by the relevant Cambodian constitutional authorities as a matter of priority. In the meantime, planning and preparation work has proceeded. Following completion of the still ongoing review of budget estimates, it is my intention to bring its results to the attention of the General Assembly in the form of an addendum to the present report. Based on the final cost projections, I will then formally appeal for voluntary contributions from donors to the Trust Fund that has been established to finance United Nations support to the Extraordinary Chambers, complementing those limited pledges that have so far been received from the Governments of Australia, France and Japan.

KINGDOM OF CAMBODIA

MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION DEPARTMENT OF INFORMATION AND DOCUMENTATION

PRESS RELEASE

On October 4, 2004, Samdech HUN SEN, Prime Minister of the Royal Government of Cambodia, sent a letter to His Excellency Kofi Annan, Secretary-General of the United Nations, about the adoption by the National Assembly by unanimous vote of the Agreement between the Royal Government of Cambodia and the United Nations concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea.

In order to speed up the trial of those criminals, Samdech HUN SEN also suggested that the United Nations Secretary-General appeal for funds from States wishing to contribute to the Khmer Rouge tribunal process.

On October 19, 2004, H.E. Deputy Prime Minister HOR Namhong, Minister of Foreign Affairs and International Cooperation, sent the Instrument of Ratification of the said agreement to the Secretary-General of the United Nations.

Therefore, the Royal Government of Cambodia has completed her legal procedures and wishes to see the United Nations undertake the necessary steps so that the Khmer Rouge trial can be expedited.

FUNDING THE EXTRAORDINARY CHAMBERS: A REQUEST FROM CHRAC

The Cambodian Human Rights Action Committee (CHRAC)—a coalition of 18 leading Cambodian human rights NGOs—and other members of Cambodian civil society would like to express their gratitude to the international community for its ongoing commitment to promoting the rule of law in Cambodia, and to request that this commitment continue through contributions to the United Nations Trust Fund established to finance a Khmer Rouge Tribunal.

After a 30-year wait, it now appears that Cambodians may finally have a chance to see some justice for the crimes that occurred here during the Khmer Rouge regime. On October 4, 2004, the National Assembly ratified the agreement with the United Nations that approves a joint Cambodian-international tribunal to bring former Khmer Rouge leaders to justice and the Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments approved by the National Assembly on 5 October 2004 and by the Senate on 8 October 2004. The court may not begin, however, until it is funded by members of the international community.

We who work on a daily basis on Cambodia's current problems know how much needs to be done to reform Cambodia's justice system in order to restore true rule of law and the respect for the rights and liberties of every Cambodian. But we also strongly believe that the failure to expose the truth about the period in which approximately one-third of our population died will mean continued paralysis for our society and greatly hamper our efforts to address the present and future.

We see the Khmer Rouge Tribunal as one way to begin to address some of these wounds and learn some of the truth about our past. Our hopes for this

Tribunal are that it will:

- ◆ Bring to justice the worst criminal offenders under the Khmer Rouge regime through fair, open, and complete trials.
- ◆ Establish a more complete and accurate historical record of the Khmer Rouge atrocities through legal investigations.
- ◆ Enhance the quality of the ordinary Cambodian legal system by ensuring that the internationalized Tribunal sets clear precedents in terms of international legal standards.

We intend to monitor the proceeding of the Tribunal carefully, as it is our history and our future at stake. We have issued several requests on behalf of Cambodian civil society that the Tribunal's proceedings be fair and transparent. We have also expressed our desire that Cambodian and international judges alike be of the highest caliber and be beyond political bias. We hope that concerned members of the international community will support these statements as well, which we have attached to this letter. Based on our extensive experience with the Cambodian judiciary we remain skeptical, but we are convinced that there is little alternative but to give this Tribunal a chance to prove itself. Give the ages of the likely defendants and the extent of the crimes committed, we believe we must seize this opportunity, as another may never come.

The Extraordinary Chambers can only be successful, however, if it has sufficient financial resources to conduct thorough investigations, hire the best quality staff, and provide necessary legal and physical protection for defendants, victims, and witnesses. Donations to the Trust Fund, as well as vigilant monitoring of the tribunal to ensure it adheres to international standards, are necessary to ensure that the court is as fair and



independent as possible. We therefore request that donors contribute to the UN-administered Trust Fund established to pay for the Tribunal.

The international community has shown strong support to the much larger and more costly international criminal tribunals in Europe and Africa, and we seek your leadership and generosity in Cambodia as well. We appreciate the political investment that many countries have made to establish the Tribunal. We share the concerns of many observers given the ongoing weaknesses and flaws of the Cambodian judiciary, and

we have outlined our concerns in numerous public statements and documents in the past. We nevertheless feel that it would be a tremendous misfortune if the Khmer Rouge tribunal failed now because of a lack of financial commitment on the parts of donors.

We are grateful for the strong support members of the international community have given to strengthening civil society and the rule of law. With your support we hope to open a new chapter to promote justice and human rights in Cambodia.

THE KRT: IS IT WORTH IT AND FOR WHOM?

Public Discussion held in Phnom Penh, 17 November 2004

The transcript of this taped discussion has been edited because of lapses in the recording and to omit certain redundancies that come with extemporaneous speaking (indicated by ...).

Michelle Vachon: Thank you very much for coming. My name is Michelle Vachon; our moderator tonight is Rachel Snyder; she's been a writer for 10 years and edited *First They Killed My Father*. She relocated to Cambodia about a year ago and ... is working on another book on the garment industry that will be called *Weft and Warped: A Journey through the Heart of Denim*. She has also written for *National Geographic*, *American Heritage* and *Rolling Stone*...

Rachel Snyder: The theme for tonight is, as you know, "is the Khmer Rouge [KR] trial worth it and for whom." The issue of monitoring costs has been contentious for many years, of course, and so as the tribunal draws closer, the Overseas Press Club thought it would be a prudent idea to have a distinguished panel discuss things like why we need to have a trial, who can benefit from the trial, and will the cost be worth the outcome. We have three panelists and a

translator; they'll talk for 10 or 15 minutes each and then we'll open the discussion up to a question-and-answer session at the end.

We'll start with Steve Heder; I'm sure his name is familiar to many of you. He first came to Cambodia in 1973 as a journalist for *Time* and since then has researched Cambodian politics and human rights for a number of organizations including the UN, the US State Department, Amnesty International and the Holocaust Museum. He has published a good number of books on the situation here in Cambodia; the most recent is *Seven Candidates for Prosecution*. He's also published *Propaganda, Politics and Violence in Cambodia*, and *Kampuchea: Occupation and Resistance*. He holds a PhD in politics from the University of London and is currently on leave from his professorship at the School of Oriental and African Studies in the UK.

Helen Jarvis first visited Cambodia in 1967 and didn't come back for another 20 years, at which point she returned to help in the reconstruction of Cambodia's international library. From 1995 to 2001 she was a documentation consultant for the Cambodian Genocide Program and in 1995 she became an advisor to Deputy

Prime Minister Sok An, who is the chairperson of the Cambodian task force on the KR trials. She has a PhD in Indonesian studies and has written a co-authored book that will be out any day now called *Getting Away with Genocide*, on justice and the Khmer rouge tribunal. She also has the honor and distinction of being an Australian/Cambodian citizen, so she's here not only as an expert but also as a citizen of this country.

And finally we have Keo Remi; he is currently a parliamentary member of the opposition party. Remi himself was a victim of the Khmer Rouge; he lost seven siblings during that time. In 1986 he was living in a refugee camp on the Thai-Cambodian border and became a member of the FUNCINPEC party. Shortly after that he went to the States to study and returned to Cambodia in 1991. From 1998 to 2003 he was on the steering committee of FUNCINPEC that was related to the Sam Rainsy party. We'll start with Steve.

Steve Heder: I'm going to try—but not necessarily answer—to address the questions that are pertinent, and I think that to do that we have to begin with two starting points. First, there is an irrefutable argument that the tribunal is necessary and certainly better than nothing. Otherwise, all the surviving men and women responsible for the crimes committed under the Communist Party of Kampuchea will either go unpunished or—possibly—remain indefinitely in untried detention, and these are totally unacceptable outcomes. The second is that although there is vast and probably mostly already lost potential for improving on the law and the agreement with the UN, there is nothing fundamentally wrong with them, at least on paper, either in human rights terms or truth-seeking terms. At the same time, we have to recognize five big problems.

The first is that the tribunal will probably conduct only approximations of fair trials, because of the real potential for illegal interference in the trials by politicians, including Cambodian government officials and diplomats

representing other governments. I say this based on predicting the future from past experience, which is that the Cambodian judiciary is so lacking in impartiality and independence that a fair trial in politically charged cases has been virtually impossible. I can think of only one instance in the past decade where a court in Cambodia trying a politically-sensitive case was allowed to do more or less the right thing: to weigh the evidence and make judgments based on the evidence alone. This historically-based concern about unfairness in political cases is born of bitter experience that the dominance of politicians over the courts is beyond short- or intermediate-term correction by capacity-building programs. These have been attempted in Cambodia for more than a decade—so far with negligible results—as most donors now increasingly realize and publicly state. In this regard, I would emphasize that the fundamental problem is not a lack of knowledge or training within the judiciary, although more of both is sorely needed. The problem is the determination of key political players to prevent training and knowledge from being put to use against their fundamental political and economic interests. I won't belabor this point, but simply say that the ongoing shenanigans revolving around the murder trial of union activist Chea Vichea and the recent Bar Association election indicate things haven't changed in this regard. At the same time, however, both these cases suggest that left to do their jobs in peace as it were, Cambodian judges and lawyers are perfectly capable of weighing up evidence and of exercising independence, and indeed they are eager to do so, again, given the chance. That's the first big problem.

The second problem is that there is good reason to believe that an intention exists to ensure that the list of suspects to be tried in the Extraordinary Chambers (EC) is politically predetermined to shield many perpetrators (a few now in positions of political authority) from embarrassing scrutiny, if not from



prosecution. Again, formally, the texts of both the law and the agreement can be said to be acceptable, if not unproblematic. Although there are problems with the agreement's and law's predetermined focus on senior leaders, I think this is defensible, especially since the law also makes possible the prosecution of a second category of suspects, those who were not senior leaders but were among those most responsible for CPK crimes. The problem is the stated and unstated intention to limit prosecutions to literally a handful of CPK senior leaders and a few other notorious perpetrators, most notably leading cadre of the CPK central security office, S-21 (or Tuol Sleng). This is a problem because the evidence suggests that those most responsible include other CPK cadre who could, and perhaps should, be candidates for prosecution.

You are all no doubt wondering how many, so let me give you my best guess. When the CPK was in power, its senior leadership comprised some 20-30 Central Committee members, and its corps of powerful cadre from the central down to the local level numbered perhaps 1,000 persons. Of the 1975 leadership and corps of cadre, many fewer than half survived the purges that began to devastate the Party in 1976 and proceeded in waves in 1977 and 1978. Quite a few of those who made it through to the end of the regime have since died. If the jurisdiction of the EC were to go down to the district level, it seems to me likely that no more than a few hundred are still alive. The definition of "senior leaders" and this notion of "most responsible" and the evidence will determine how many of these could be legally targeted for intense investigation. But my very rough guess is that no more than 60 cases would fit into these categories, including perhaps 10 senior leaders and 50 most responsible subordinates. That's my take on numbers.

I'm sure the next question people will be interested in is who these people are. To a considerable extent, I'm already on public record in this regard, but let me

repeat the main points of what've I said repeatedly in print and in interviews. The Documentation Center of Cambodia recently republished a slightly revised version of something I wrote a couple of years ago entitled *Seven Candidates for Prosecution*, which named seven senior leaders then alive against whom there was evidence of culpability in the Center's archives of CPK documents. Six of them are still alive and still in the prosecution frame because the cases against them continue to build: Nuon Chea, Ieng Sary, Khieu Samphan, Ta Mok, Sou Met and Meas Mut. Of course, as that publication said, there is also massive evidence against S-21 chairman Duch, which is continuing to mount up, so he is certainly a candidate.

On the other hand, some years ago Craig Etcheson, who is another Khmer Rouge researcher, and I issued a statement declaring that we were aware of no evidence implicating Hun Sen in CPK crimes, a statement you can still find on various government websites. I just want to take this opportunity to say that several years on, tens of thousands of pages of documents on, and several thousand interviews on, this statement is still true. I would go further and say that to my knowledge, which is pretty good, there is no one in a position of significant power in the current government who would fit into the category of others most responsible for CPK-era crimes. To my mind, that's a myth, a red herring, a hope of some Cambodians and foreigners whose opposition to the current government on other grounds—how shall I put it—clouds their judgment and tempts them to engage in a witch hunt. I would add that those who might fit into this category of others most responsible are neither notorious nor otherwise well known. People in this room have probably never heard of any of them. This points to my conclusion that even if the truth, the whole truth, and nothing but the truth about the others most responsible were to be exposed, I don't think it would bring the government tumbling down, nor do I think it would tear society

apart. Again, the possibility of following the letter of the law and spirit of the agreement exists.

But there's a third problem, which is a much broader issue regarding the exposure of the truth. That is, if the trials in the EC are unfair and if its prosecutions are limited by political factors instead of the text of the law, the trials themselves are not likely to add very much to our knowledge and understanding of what happened under CPK rule and why. Above all, they are not likely to grapple well with what I see as one of the main historical questions surrounding CPK crimes, namely, the extent to which the crimes were either: a) the result of a conspiracy hatched by certain or all senior leaders, a conspiracy in which they gave orders to subordinates who carried them out; or b) the crimes were the result of abuse of delegated authority by their subordinates, acting without orders from above or even contrary to orders from above, without the knowledge of their superiors. My own view, based on the evidence so far, is that the crimes included large elements of both, and this fact needs to be revealed, analyzed and understood if we are seriously to advance legal, historical and moral accountability for CPK crimes. It's also my view that dealing with this issue will help us better confront perhaps the most common debate about the deep causes of CPK crimes: were they primarily the result of the influence of a foreign ideology or of local cultural proclivities? Now, even the fairest and most comprehensive trials wouldn't give us the answer to this one, and similar or analogous debates continue among those trying to explain the Holocaust, genocide in Rwanda and mass murder in the Soviet Union, regardless of whether there have been fair accountability trials or not. My point is that the fairer and more comprehensive the trials in the EC, the more likely they are to contribute something new and useful in answering such fundamental "why" questions.

Here I want to return to my earlier comment that a predetermined focus on senior leaders is problematic

but defensible. I don't think it's necessarily problematic to establish an accountability principle that if you are a senior leader, you are culpable, even if you are only a little bit guilty, even if you are much less guilty than some colleagues among fellow senior leaders, or even if you are much less guilty than some lower downs. Being less guilty than others doesn't make you innocent, and being a senior leader, especially a well-known and influential one (even if not the most powerful one), gives you certain special responsibilities. However, what I do think is problematic is to let a predetermined focus on senior leaders lead inevitably to giving an impression that all or almost all of the crimes were the result of a top-down conspiracy, if—in fact—that was not the case. Conversely, dealing squarely with such issues may result in embarrassing a handful of prominent politicians. Even if they could not be described as most responsible, they could have to face facts they would very much rather remain unknown. The same applies to many other former CPK who are neither powerful nor prominent, and whose crimes I think are the key to understanding why lower-downs killed many fellow Cambodians in such large numbers in so many places. Unless Cambodians and others get honestly and introspectively to the heart of this issue, the legacy of CPK crimes will remain very heavy. Again, I don't see the tribunal as taking us very far down this road, even in the best of scenarios. My concern is that it not be misused to preclude further honest introspection.

The fourth problem is that unless the trials in the EC are fair and are allowed to follow the evidence wherever it leads, regardless of political considerations, they will probably have little or no immediate positive impact on the human rights situation in Cambodia, including judicial and legal reform. Simply put, if the trials demonstrate that it is possible for the judiciary in Cambodia to act independently, impartially and fairly, they will have a positive impact. But if they do not, the impact will be negative, precisely to the extent that



they demonstrate the power of politicians to sabotage and subvert even the most closely watched trials, yet again overriding the knowledge, training and desires of those in the court system who favor truth and justice, and who would benefit enormously from participation in the EC, but whose experiences would only benefit society once political constraints relaxed. In the meantime, the most negative immediate impact would be if the proceedings were not fair, but they were to be declared fair, because that would be deeply demoralizing for fair trial advocates.

The fifth problem, as we know, is that the international community wants to do the whole thing on the cheap, which is going to exacerbate all the tribunal's problems. Of course, spending more money is absolutely no guarantee of a good tribunal, but spending less money certainly undermines the possibilities for making the tribunal better.

The bottom line for me is that if the government is courageous and works hard, and if everybody who wants the tribunal to succeed is courageous and works hard, then the chances of the tribunal being worth every penny the international community is willing to spend are good. I think it's no secret that I'm not the most optimistic person in this room about this, although I would guess that there are quite a few people here who are no less pessimistic than I. But I also have to say it would still be a positive and worthwhile outcome if, as a result of the process, some people concluded that the accounting provided by the EC was an imperfect and incomplete one, leaving many questions unresolved and therefore requiring further attention, research, investigation, review and debate, legal and historical. In fact, even in the unlikely event that the trials are totally fair and approach questions of culpability without regard to political considerations, that shouldn't be the end of the story. The notion of "closure" is antithetical to the pursuit of truth and understanding, and therefore, ultimately to justice and prevention.

Helen Jarvis: Thank you. I'm speaking here in a personal capacity; I am working with the government task force on the Khmer Rouge trials, but I'm not a spokesperson with the government. I would like to talk a little bit about the issue of what is it that the Cambodian people, government and others have longed for: that the tribunal should happen. I'm starting with the second question first I suppose: "for whom is it worth it?" I want to start by thinking about the general public and I recall that there have been surveys, quite limited in number and sometimes quite limited in methodology, but the good thing is that they have been clearly consistent in their outcome. I haven't gone back specifically over this material myself, but according to Craig Etcheson, there have been something like 10 surveys taken over the last decade that have fairly consistently come out with 80% in favor of a legal accounting. I recall in particular the Center for Social Development surveys... which came out in response to the question of whether a trial would be more advantageous or disadvantageous for national reconciliation; it came up with 82% [in favor]. People who've been following this issue may have heard reports in the last week or so of the survey carried out by the Khmer Institute for Democracy, in which 97% answered yes, they wanted the trial...The Documentation Center has had a number of...surveys... I haven't gone into this as an area of my own research, but I have not heard of any surveys that have declared that the majority does not want the tribunal...There has been no nationwide referendum or hugely scientific and systematic poll in recent years.

However, there was a fairly extensive survey taken in 1983 by the research committee of the Renakse International Front. Between 1982 and 83, it went to 19 provinces and reported; it was in the format of what one would refer to as petitions, where people wrote down what had happened to them, or people in their village or in their factory or particular units, and reported how many people had been killed in their family and

so forth. Now there's a great deal of uncertainty about this issue and undoubtedly a number of [instances of] double-counting; people would have reported "my sister was killed" and somebody else would report that the same person was killed. But the point is that more than a million people did actually affix their finger and thumb prints to something that called for the UN to deny the recognition of the KR and to carry out some form of legal process. So, that's probably the most extensive survey.

I also wanted then to look at the issue of the government's position of the period. And if we go back even before the establishment of PRK, to the period when Pol Pot was still in power, the Renakse (when it was established in December 1978) called for some sort of accounting for the people who had, in the language of the time, a heavy blood debt, while at the same time calling to cleanse those who confessed and tried to rebuild the country. So that was the official position of the Front when they came in and overthrew the KR.

In July 1979, Decree Law Number One, the first decree law of the new regime, established the people's revolutionary (PR) tribunal to try what was called the Pol Pot/Ieng Sary clique for the crime of genocide. People are probably familiar with the fact that in August 1979 there was a trial here of those two people in absentia, and that trial heard reports from 8 different commissions and texts from maybe 39 witnesses, and the team went out and looked at sites in several provinces. There was a great deal of criticism of the tribunal, and it's often been dismissed by the term "show trial." This is a complicated issue and we haven't really got time to go into it right now. I wonder what characterizes a show trial, how many trials around the world every day are show trials, so I don't think the weaknesses of the PR team are in any way unique. The point I'm trying to make is not to argue as to the propriety or even the veracity of the

PRT, but to say that this was an effort that was made in the early days after 1979, in the early days after the overthrow of Pol Pot, and it reflected a fairly major commitment of the government at the time with extremely scarce resources to do it, and to carry out that trial I think indicates that it was taken as a serious question. Something that a lot of people probably don't know is that the government continued to call for an international trial throughout the 80s. The 79 tribunal did not get the recognition that the government I think expected at the time. In my view this was probably more for political than legal reasons. Although there were legal weaknesses with the trial, the [Government] wasn't recognized and neither was the tribunal. But the government and the Renakse and other organizations throughout the 80s continued to hold conferences and meetings and send petitions, and go off to peace conferences around the world and call for a trial.

In September 1986 Hun Sen wrote to the [UN] secretary general and called for an international trial. Even before that, in 79 and 80, the documents for that trial were sent to the UN, so there were numerous appeals. I think it's important to make this point because many people keep saying that what's happening today is something completely new...but I don't hold to that position. There were also a number of international jurist organizations, scholars, and activists throughout the 1980s who made some attempts to hold some kind of international tribunal. There were attempts to bring the case in front of the international court of justice. A huge amount of effort went into trying to get one of the states parties that may have had an interest in the case to file a charge under the Genocide Convention, but these fell on deaf ears.

The third group I think is interesting to look at has been the National Assembly. In 1983 it adopted the resolution supporting the findings of the research committee that I referred to earlier. In an entirely



Keo Remi. First I would like to say thank you very much to the Overseas Press Club of Cambodia which has invited me tonight to discuss the KR trial. During the KR regime, in 1975, I was 14 years old. I and my family were evacuated from Phnom Penh to Battambang province. On the way, I myself saw the KR killing people, government officials, and children on the road. There were two kinds of killing during the KR time. First of all, they did not give enough food to Cambodian people, and a lot of people faced starvation. And the second kind of killing was carried through searching; they sought to kill young people who were students, government officials, police officers and soldiers. The two kinds of killing...led to many deaths.

Seven of my siblings and my father were killed. A lot of my other relatives were also killed during KR time. After the KR regime was overthrown, I saw some people who were working at the National Assembly and Cambodian court who were former KR, so they still exist within the Cambodian power structure. So as I mentioned earlier, in Cambodia the trial law is only for the senior leaders. This is different from the Nazi trials. They also tried senior leaders, military and police who collected people and brought them to be killed...

Regarding the issue [of whether]...Cambodian judges and prosecutors will be unable to do the job, the judicial system in Cambodia has been controlled by political parties. So for Cambodia, I would like to make a generalization. Our system is one of proportional representation. People from the principal party must be chosen to fill the seats that people elected, and it is very difficult to find people to do that job. So if they want to have the job, they have to join a political party...It is even difficult to find independent judges and independent prosecutors, in my view. I have said that we should have a trial for KR leaders. Through the KR trial...maybe we can find justice... for more than

two million people who died during KR time and certainly find out who was behind the KR regime, who interfered with Cambodian society and let Cambodian people die. Most of all, I think that the Cambodian judges and prosecutors can learn from foreign judges about the trial process, and after that, Cambodian judges...can make improvements in Cambodia. The last point for the trial is that we send a message to the criminals and country leaders everywhere in the world ...If not, we cannot not find justice...Another point is that if we do not have trials, the culture of impunity will continue.

One other point. Some politicians have said please use the trial money to develop the country; do not use it for a KR trial. In my view, please don't use the money [intended] for the KR trial for another option like development. Please try the KR leaders, if [the trials do] not [go ahead], the culture of impunity will continue. And if we do not do this, people will not understand about social justice. So what they have said about not using money for a KR trial is because they want to avoid a trial because they were involved in the killing.

Rachel Snyder. Thank you. We're going to open for a couple of minutes for questions, if anybody has any questions.

Audience Member. Will it just be political leaders or also the executioners who are on trial?

Steve Heder. Part of the answer is that political leaders would seem to be threatened. This is not actually talking about hands-on killers. In my gut feeling, they were probably not in the framework. I think when they were talking about others most responsible, they were talking about people who had decision-making authority at places and at levels below the senior leadership, but they weren't the people who did the actual killing. I think generally the evidence suggests that those who did the hands-on killing were not the people who made the decisions.



Helen Jarvis. I think that we need to add that being a senior leader is not a crime. It's senior leaders and those most responsible, but people still need to fall into the framework of how they committed those specific crimes.

Audience Member. Kofi Annan came out this week saying he wants \$19 million from the bank for first year's trials. You've got \$3 million from the Australians. What are the chances of getting this money?

Helen Jarvis. The question is how much money is there and how are we going to get it, but it was also framed in specific numbers. The UN technical team has not come back for a visit to finalize the budget and there's a couple of items that have not been signed on, but the current figure is \$57 million that has been requested for around three years. The only country that has made a concrete commitment is Australia, which is \$3 million Australian, currently about US \$2.2 million and rising, but that's not going to do it. There's an awfully long way to go, and speaking personally, I think the recent announcement by the US Senate Appropriations Committee was a bit depressing, about what might be given by the US. I hope that that won't put off any other countries from contributing. Other concrete figures have been given, although the secretary general's report does mention some. It's also important to note that the report, although just released in the last few days, is dated 12 October, so it's actually probably not from today in terms of commitments. But I think most countries were waiting until Cambodia had completed its legal obligations, which were completed on the 27th of October, and now there should be another mission from the UN to get the budget absolutely finalized and a formal appeal made. One can only hope that we can go ahead. We have a target ahead of \$60 million, which is not a great deal when compared to the money being spent on other tribunals.

I think it's fair to say that to have an international tribunal or mixed tribunal is costly. Particularly the

international judges' salaries and the non-salary components are significant. And some other senior officials—investigating judges and prosecutors—are costly if they are going to be under UN salary scales, which is envisioned. The secretary general has said that he does not think it's appropriate for the senior judicial officers to be seconded from different countries, which some countries had suggested they might do. If they are all to be at full UN rates, a lot of people know that is costly. There will be other costly components. The defense will need to be funded; it is unclear how many defendants there will be and how many will request court assistance. There are security considerations, and especially the UN has a high tendency for security, and has suggested that after the Baghdad bombings of last year, they will be very careful about security for the international staff. There are the usual things that go with international involvement like cars and computers. There will be very costly elements for translation and interpretation, and there are three official languages in the court: French, English as well as the official Khmer. Documents need to be translated, which is going to be extremely costly.

Audience Member. What's the worst case we can have? If all goes wrong, how's it going to go wrong? How can we see that? And how about the best case?

Steve Heder. This is the first time I've ever been accused of campaigning for the best case... I don't think I have an answer to your question, which is "if it all goes wrong, how will it go terribly wrong?" But my general sense of that is the danger that the investigation, the calling of witnesses, and the following of leads appear to be leading in a direction that people in positions of authority or people under their protection see as threatening, then some kind of allied obstacle will arise and that will then stand in the way of the smooth functioning of the whole process. Exactly how that will happen I wouldn't want to speculate, but that's the kind of thing that seems to me is most likely

to happen, and is likely to happen on the basis of a rather over-sensitive—one might say paranoid—set of presumptions of what could go wrong for people in positions of power. And we wouldn't necessarily see that in obvious ways. It might be a number of little things that would add up to something big.

Inaudible question: Will people who have already died be tried?

Helen Jarvis. I think that's a very interesting question. Perhaps people could pick up the booklets we have here, "Introduction to the KR Trials," which is published by the secretariat of the Task Force. When we had our first draft of that, we went to an ASEAN training program, and that was one of the questions raised by the journalists, and so we put that in the booklet. A lot of people raise this; one person they might be thinking of is Pol Pot: why is he not on trial? This is because in the legal system, you cannot try someone who is not alive to defend him or herself and speak in the court to argue his or her case. So even though evidence might be brought forward, and people may point towards the guilt of people who have died, it is not possible to bring them to trial. Also, you have to be tried for the individual criminal responsibility carried out...

Audience Member. As a Cambodian, of course I am in favor of the trial for justice, national reconciliation, and so on. We know that all people who were KR have blood on their hands and are still living with us. What does this trial then mean to them, as some of them continue to use violence? Second, after the trial, does it mean the show is over? What else can we do to learn more, to continue the trial on a national reconciliation basis? Having said that, I think I'm asking for all of us to think ahead...Thank you.

Keo Remi. I totally support your idea. I would say in Cambodia we have the former KR leaders, and also at some level of Cambodian authority, so this is the reason why the UN and Cambodian government

made a law to try the KR. It has been complicated because they want to continue impunity to protect themselves, far away from the trial. And so this is why they send only senior KR leaders to trial.

Audience Member. I have a few questions. First of all, we all have a little bit in common. I know that the whole situation starts with politics, the power in this country and the world super powers trying to solve this problem with us. My question is how much politics is involved with this tribunal, while the superpowers like the US and UN did nothing for so long and the leaders died? So let's speak now of justice. For justice, how are you going to get international standards for this trial? How big is the group that judges and prosecutors will be selected from? I think that many people go free illegally, and so many of them were involved, many people and their relatives died. How can they judge those accused? Another question is how much do you pay the local judges involved in this trial compared to the international ones; are you paying \$15 a month? And is the [Cambodian] riding a motorbike while the international judge gets a 24-hour guard? You care about international security and safety, are the two not the same? How can they be fair in terms of judgments when [the Cambodian judge gets] \$15 and the international judge maybe \$15,000... [microphone is pulled away from him]

Keo Remi. According to the KR trial law that has been passed by Cambodia's National Assembly, I have seen that the pay for Cambodian and international judges is the same, so we do not have any difference between the two. Your question about how to select the judges and prosecutors; we all worry about lots of Cambodian people and their families dying during KR rule, so if we use the law to its maximum, it will not interfere in the process of the KR trial.

Helen Jarvis. The law says the judges should have equal conditions, but it doesn't actually say equal pay, so there may still be some debate on that question.



This is a question for the donors to consider. Do they think that those sitting on the same bench should have different pay or not?...I don't know about the East Timor case, but in Sierra Leone, Rwanda and Yugoslavia all the judges are paid the same. But that is still a matter to be discussed. Cambodia has promised to pay national salaries for national staff. That is their obligation under law, and anything above that will be up to the donors to contribute. So perhaps people, if there are any representatives from the donors, might think about some of those issues that are raised about fairness of conditions, service and pay, because it's a serious question, not only for the judges, but right down the line.

On the question of whether the trial can be fair, the judges and prosecutors themselves have suffered. It seems to me that every single person in Cambodia has suffered from what happened during that period. Whether they were tortured or their family members were killed, whether they were children who lost their childhood, lost their education, all people in this country who have suffered because of the lack of skills and poverty, I think everybody has been affected. So if you say they cannot participate, then that means Cambodians should not join the trial, and I personally don't think it's right that the only Cambodians [in the trial] should be the ones who are accused. I think the Cambodians should participate in all aspects of the trial.

Inaudible question about a veto.

Steve Heder. I don't think any of us could have a terribly good answer to the first part of your question.. I think clearly part of the problem in getting the money arises from concern about the possible lack of independence...It's very hard to sell this thing to the usual donors, when you cannot give them the assurance they need about standards. Almost everyone has the sense that it has to go ahead despite the problems, and if it's going to go ahead, that it should be well enough funded to be as good as it can be.

On the second question, I think there's an easier

answer. The position of the US Congress and government has not fundamentally changed recently. It's no surprise, it's no change, so we all knew that this was coming. It was possible that if Bush lost and Kerry won, Kerry would have tried very hard to find some way to get around these problems, since he was initially involved in brokering these deals. It's clearly up to everyone else right now, and in some ways up to those foreign powers that pushed hardest for this deal once the US pulled out. Those who pushed hardest were Japan and France, and indeed they were the ones who pushed forward the money. It would make sense if they would pony up some more. They shouldn't be the only ones.

Audience Member. It seems that everyone agrees that the trial is a good idea... What about some of the people who get taken into custody; is there a danger at any point of them leaving Cambodia?

Steve Heder. I think once the thing is up and running, some additional accused would probably be detained within months. I don't think it would be weeks, I don't think it would be years. There could be people accused and detained as late as one and a half years into the process...The most obvious thing for them to do is to skip the border to Thailand or get on a plane to China. I don't think either the Thai or Chinese governments would want to get involved. There's really nowhere one would imagine they could easily go, so they would be stopped here and almost certainly be picked up.

Keo Remi. I would like to add to this point. We also worry about what you say. The escape to the west (Thailand) is not easy, but the escape to the east (Vietnam) is. But it would be impossible for them to escape.

Michelle Vachon. Thank you all for coming. Special thanks to our esteemed panelists Keo Remi, Steve Heder, and Helen Jarvis. And thank you to the Overseas Press Club.

not bring money with you because money will not be used there. You'd better bring as much rice, salt and fish paste as possible. Since you are just a chauffeur, you will not have any problem. But military and government officials will be in trouble," he told my father in a whisper.

"My armed unit will head to Battambang. If you don't mind, go with us...I will accompany your family to your hometown," said the commander, knowing that my father was born in Pursat.

However, when my parents discussed this, my mother refused to go to Pursat. "Bakan in Pursat is too far, and Saang is closer..." she said. Because my mother missed her relatives in the liberated region (they had been separated for several years), my father did not refuse her wish. He decided to move the family to Saang district.

The eight members of my family were among the crowds of people going from Norodom Boulevard to the Kbal Thnal roundabout. When they reached the roundabout, the liberated army only allowed people to turn left to National Road No. 1 and to Prek Pra. Those going from Monivong Boulevard to Boeung Tum Pun dam were made to cross Kbal Thnal Bridge, which was very congested.

In the burning April sun, the liberating armed forces sought relief under the shade of the trees that lined Norodom Boulevard. Near the Kbal Thnal roundabout, two young female soldiers fired their rifles into the sky, ordering people to move forward.

On the way from Kbal Thnal to Prek Eng, my family spent a night at Nirauth pagoda. A week later, my father decided to move on to Boh Angkagn village, then further to Champus Kaek pagoda where we spent the night. The next morning, we continued our journey along the eastern bank of the Basac River toward Khporp Leu village, Khporp subdistrict, District 20, Region 25.

When we reached Prek Yeay Leng in Traey Sla

subdistrict, my mother met her nephew-in-law Peng Leng whose wife was Norn, my cousin. My aunt Gnoeng ordered Peng Leng to peddle his bike to Traey Sla each day and wait for family members who were arriving from Phnom Penh.

At that time, Peng Heng was a soldier in the Department of Arts of the army stationed in District 20. Today, he is a famous musician in a traditional orchestra in Prek Ta Prak village, Talun subdistrict, Saang district, Kandal province. He plays a *tror soar* [a musical instrument similar to a violin; it has two strings and is played with a bow].

When we arrived at my mother's hometown, I met a number of cousins who I had not known before. The reunion of my mother's relatives created a noisy sobbing atmosphere in my grandfather's wooden house, which had a tile roof and a floor made from bamboo with long narrow spaces between them. Farmers liked to floor their houses with bamboo lattices because the holes between each lattice allowed more wind to get into the house and created a fine environment for them. Later in 1976, Angkar ordered that my grandfather's house be demolished, and took the wood to build a communal dining hall for the cooperative. In return, Angkar permitted my family to build a small house on a plot of land by the river, which was owned by an elderly woman named Aing. After 1979, my family moved again, this time to live on our former plot. I was curious: why didn't the Khmer Rouge allow my family to build a small house on my grandfather's land after they destroyed his house?

My mother's family reunion, which included the sharing of its members' sorrow, was done under the unsympathetic, incensed, odious and unhappy eyes of the base people. Four days later, the village chief informed Gnoeng that my family was not accepted there, but that Rokar Leu village would welcome my family. Then we prepared some belongings and moved to Rokar Leu village, which was located near the southern

to Koh Khel pagoda at the other side of the river where trucks were waiting. But when my family arrived at Koh Khel, there were no cars. But because trucks were available at the Prek Tauch subdistrict office, the cooperative chief decided to send my family and other displaced people on bullock carts from Rokar Leu village to Pau Andet so they could cross the river there.

When the fleet of bullock carts passed Kporp Leu village, my mother asked if she could bid farewell to her relatives at my grandfather's house for a moment. On that occasion, Aunt Gnoeng begged the cooperative chief to allow my family to stay in the village with her. Because most of my mother's relatives were base people who did lots of favors for the revolution, the chief of the cooperative agreed to her request. But my father strongly opposed staying, and asked to leave the village immediately. My mother and Gnoeng believed,

however, that there was a possibility we might not survive if we left the village. They believed the migrants would die from starvation or be executed. Finally, my father agreed to live with my grandfather, Gnoeng and my mother's youngest sister Proeng in Kporp Leu village. Both Gnoeng and Proeng were single. Proeng's right leg had been disabled in 1965 when a motorboat hit her. Because of her disability, she became a producer of rabbit-dropping medicines for the cooperative. She actually helped cure two of my little brothers (Net and Phea) who were seriously ill. She is still alive today and became a nun in 1990.

After 1979, most of the displaced people, many of whom were teachers, were still alive and came back to their home village of Kporp Leu. Yet, most of the people who did not leave my grandfather's village were killed afterwards. Gnoeng and my mother felt guilty about the death of

my father.

Angkar's policy of separating the base people from the new people led to discrimination in Kporp Leu, where two classes existed: the poor class and the capitalist class. People in the latter class were regarded as enemies of Angkar. The Khmer Rouge discriminated against those working for the Lon Nol regime as well as city people who were believed to live in luxury while the Khmer Rouge themselves lived with little food during their struggles in the jungle. Once the Khmer Rouge took over the country, the city people were mainly targeted to be killed.

About 50 meters north of my house was Sat's house. Sat, whose wife was Sry, was the son-in-law of a woman named Srin. As a cooperative militiaman, Sat had a black list in hand, and Angkar allowed him to make unlimited decisions to kill people. The black list contained the names of April 17 people and some base people who were Chinese or Kampuchea Kroam. Their lives were determined by Sat's red pen. Anyone whose name was written in red ink would be killed.

Sat would sometimes show the list to Khun, an old man living next to his house. When Khun saw his own name on the list, he begged Sat for his life. Today, Khun is learning dharma with the monks, nuns and Proeng in Kporp pagoda.

Probably for the same reason, Gnoeng sometimes begged Sat to spare my father. After she had tearfully begged him many times, he told Gnoeng, "Don't worry... if I let him die, he will..." Gnoeng believed that Sat said this without understanding the meaning. That night, militiamen tied my father up and walked him away.

Sometime after 1979, Sat went to Russey Srok village to see a dance. The villagers there were going to kill him, but when he learned about this, he fled the village that night with his family. They went to live in Takeo province and are still there today.

Nem, the chief of Kporp Leu cooperative, lived in the house in front of ours. He was gentle and



enthusiastically implemented the work Angkar assigned him. As he knew Gnoeng, he never harmed my family. As I remember, on a dim moonlight night, I took a chance to secretly pick sapodilla behind Yan's *chet dei* [a small monument that holds the remains of a deceased person] by the river. After filling a small sack, I climbed down from the tree and hid for a while. But then I ran into Nem. "What are you carrying?" he asked. "Ripe... sapodilla..." I replied with a trembling voice. "Why do you have so many ripe sapodilla?" he continued. "I saw many of them getting ripe..." I answered.

In fact, Nem saw everything I did, but he did not check the sack or report to Angkar. A man in his position could have my entire family killed. He still lives in his village, and all villagers, including my family, like him.

About 200 meters south of my house was Yoeng's. He was the cooperative's militia leader. He was about my mother's age. Yoeng, Nem and my mother were friends and used to play together when they were children. He was so powerful that all villagers in Kporp did not dare not to look into his eyes. He used the excuse of paying a visit to his parents so that he could observe my father. Immediately after the fall of the Pol Pot regime, he and his family fled to Trapaing Kroloeng market, Phnom Sruoch district, Kampong Speu province. He died in 2001.

When I began writing this memoir, my respected and beloved Gnoeng had already passed away. During the Khmer New Year in 2001, she was unable to recognize me because she was so sick that she could not even sit up. Meanwhile, Yoeng arrived for the first time in the village after his departure, and visited her. "Gnoeng! Do you know me?" he shouted from a distance. My old and sick aunt turned toward the source of the sound and said, "I know... You are Yoeng...!" She perhaps did not recognize him, but she could probably imagine the face and voice of the one who tied and walked my father off to be killed. The fact that she cried was seemingly because she could hear the voice and see

the face of the perpetrator for the last time before closing her eyes.

The first victim in my neighborhood was Mann, whose wife was Proeung. Next was Kauve, whose wife was Roeung. Then came Mai who was an older brother of Morn. Then Angkar took Sin and his wife Bun to be killed on the same night. Sin had a charming daughter named Pib who was around the age of my sister Net (about 5 or 6 years old). A night before the regime collapsed on 6 January 1979, Nang, the chief of the children's unit, took Pib from her paternal grandmother's arms. She lied to the grandmother (Sao), saying that Pib was being taken to eat with other children in Russey Srok village. But, in fact, she gave Pib to the militiamen to be killed. The next morning, villagers overheard the militiamen talking about how they murdered a child by banging her head against the base of a palm tree near Boeung Kporp village. After the militiamen escaped the village in 1979, the villagers saw recent blood stains with the hair of a child attached to the base of a palm tree. Today, comrade Nang is married and has children, and is still living in Boeung Kporp village.

In 1977, I and some other young children of April 17 people were sent to dig dams and build new dikes for the rice fields in Saang Phnom and Kraing Yauve. Angkar assigned my sister and father to dig canals day and night at Toul Ta Srey, Raing Ta Em, to the east of Boeung Kporp village.

Of my five siblings, it was my oldest sister who saw our father for the last time. During the lunch break one day, people were being served watery rice soup. My father saw my sister looking for a spoon. "Where is your spoon?" he whispered to her. She replied, "I lost it last night. I didn't know who took it..." "Take mine, and eat as quickly as you can," he said, handing his spoon to my sister. "What about you?" my sister asked. "That's all right! You keep it for yourself," answered my father. Then he headed back to the dining place



organized only for older people.

My father certainly understood that a plate and spoon were substantial personal belongings, and they were the only personal possessions allowed under Angkar's policy. Every individual had a small bag containing nothing but a spoon and a plate.

That evening, my sister stole a spoon at the communal dining hall, and thought that she would return my father's spoon to him. The next morning, she tried to look for my father, but could not find him. During the lunch break, she approached an older people's group and asked about my father. Moeun, who was digging canals with my father's group, rushed to my sister and asked: "Are you coming to see your father?" "Yes! I want to give him his spoon," my sister replied. "There's no need to find him. He has been sent to work at a far distance," replied Moeun with a sad face. My sister understood what Moeun had told her. She kept that spoon and still has it today. She placed it with my father's picture and worshiped it as one of our family's most precious possessions.

According to Moeun, that night, militiamen came to the canal where he and my father were working. The generator operator turned off the engine and the worksite went dark. Then they tied my father up and walked him to the village by the river. During a work break that night, Moeun took my father's shovel and gave it to Gnoeng in the village.

The next day, Yoeng scornfully told Gnoeng: "Last night, I escorted Meng to the boat, and his warm tears fell onto my hand... On the boat, Meng begged me to loosen the tie because it made it difficult for him to sit...." Hearing this, Gnoeng, without knowing what to say to Yoeng, tried to keep herself from crying.

Yoeng said that my father was tortured and killed that night by the security unit of Koh Thmey prison (or Prison 15), which was located in front of Prek Amboel and Po Ban subdistrict. Following the slogan "To dig up grass, one must dig up the roots," after killing my

father, the cooperative chief ordered me to build myself in a Youth Mobile Work Brigade in Kporp village, District 20, Region 25. By so doing, he expected me to be smashed there.

I awoke from these memories when the motorboat stopped its engine and the ferry hit the eastern bank of the river. I felt that I was pulled out of this unforgettable and sorrowful experience.

Twenty-seven years have passed, and the water in the Basac River that flowed calmly into the sea was still brown and murky.

While I was on the boat and looked at Koh Thmey from Rokar Kroam village, I felt that Koh Thmey was moving slowly against the current. This island was showing off its calm and charming beauty, and it seemed to me that the island has been waiting to seek justice for the souls of the victims who lost their lives there. Staring at the island, I felt that I was looking at my father... I know that he was there...

I, at that time, had the same feeling as Mrs. Laurence Pich: I will not forget; I do not want to forget, and I fear I would forget the death of my father and millions of Cambodians under the atrocious Great Leap Forward regime.

Like other victims of the Khmer Rouge regime, I want an independent court with international standards to be established as soon as possible. For me, there should not be any difficulties in dealing with the surviving Khmer Rouge leaders because I won't demand financial reparation from them. What I want instead is for those Khmer Rouge leaders to tell me: What's the matter? What are the reasons why the militiamen summoned my father from the canal, tied him up and took him away, never to be seen again? If those leaders do not answer or give unreasonable responses, I will never live in peace.

Meng Reaksmey is a reader of Searching for the Truth.

THE PRISON HAD NO WALLS

(Cambodia, late 1977)

David Arun Soung

I was haunted
By my late dad,
When the sunlight has withdrawn
From the earth;
I couldn't distinguish between
The day and the night,
As the sun set in the middle of the day.

The early night falls,
I was lying down in the children's hall,
Where several hundred children
Were separated from their parents.
I was one of them
From Prek Kpop village.

Here came the voice of an abstract spirit:
I heard the voice of a person I knew,
I couldn't recall as I didn't think it was true,
The voice of a man who called me by my name,
I realized it was the same
As my father's voice.

The owner of the voice called me to go home.
It repeated. He called me twice,
I sat up and saw him standing there,
His back was to me,
And disappearing into a hole in the big tree.

My father:
Did you want to tell me something?
Why did you come?
The executioner, Yauth, arrested him on 17 July,
And dad was killed that night.
It was so sad,
He didn't even say good-bye.
My brother and I were waiting for him at home,
We waited and waited; the raven cried louder.

Only the trees hum.
We thought you would come back tomorrow.
Like baby birds we waited for your warmth.

We cried and had no food that night.
I was only eight.
My younger brother was only three,
We called for daddy.
Only the night birds sang sad songs
From the top of the tree.
The wind comforted us with mercy.
In the morning
I sneaked out from the children's hall,
I asked the soldiers' permission.
They didn't let me go home,
They said my father was an enemy of their revolution,
He deserved to be executed.
I tried to run away that night,
Though I knew death waited.

When I got home, my house was empty.
No sign of my brother or mother,
I thought they were dead.
I cried and was so sad.
Dad must have wanted to tell me something.

Oh my poor dad!
Though you died, you still cared for me.
Oh my poor dad! My poor dad!
You were all dead
And left me alone
On this planet.
I wanted to touch your world,
But it's abstract.
I'm now by myself in the world of suffering
That is oscillating continuously,
And it couldn't divide between

Those leaving and staying.

The next day, the soldiers came to collect me,
They said they were going to put me in a sack
And submerge me under the water.

Oh the prison had no walls!
My mentality was in shackles.
Life was like a rat in a trap,
Nowhere to escape,
As the sun set in the middle of the day.

Oh the prison had no walls!
I couldn't distinguish between
The day and the night,
As the sun set in the middle of the day.

This is one of the over 100 poems in a book called "Six Months in the Grave." It was written by a young Cambodian boy who survived the killing fields of the Pol Pot regime in Prek Kpop village, Prek Kpop subdistrict, Sangke district, Battambang province, Region 4. Today, David Arun Song lives in Wellington, New Zealand.

LETTERS FROM READERS

Dear Mr. Youk Chhang,

My memories of the Khmer Rouge tragedy, cruelties and inhumane acts have always been with me. They have haunted me for years and it seems as if events from the regime occurred only yesterday. All of us who suffered during this regime must work cooperatively to keep it from happening again and to appeal for funds from NGOs to contribute to the Khmer Rouge tribunal. I would like to wish the director of DC-Cam and his staff health and long life in order to succeed in their missions of seeking truth and justice for the Khmer Rouge victims.

Muk Mareth

I am writing this letter to tell you that we bitterly oppose the repairs affecting the Tuol Sleng Genocide Museum. Tuol Sleng is an historic place where people can come to meditate, pay respect, and remember those who died during Democratic Kampuchea, and we have to maintain it properly. It depends on people who are willing to work cooperatively to find the truth about the Khmer Rouge regime, and the cruelties and executions carried out by the Khmer Rouge leaders. We would like to inform you that our genocide victims association has been formed. This association will play a role as a civil association during the Khmer Rouge tribunal.

My wife, whose name is Kanha Tes, was born in Phnom Penh. She lost her father, elder sister, and many other family members under the Khmer Rouge. My wife, her mother, and her younger brother, Savuth, fled to Rithy Sen refugee camp in Thailand after the Khmer Rouge killed her father and elder sister. Her father Ggin Tes was a former lieutenant general at Pochentong Airport. At that time my wife was just 4 years of age, so she cannot remember her father and elder sister well; however, she still dreams of them very often.

I really appreciate your work and effort. When will the Khmer Rouge tribunal begin? Can all the victims collectively file a lawsuit?

Kind Regards,

Jose-Luis Soriano, France



Over the years, DC-Cam has been able to locate information on several people who have been missing since the fall of Democratic Kampuchea. We have not been able, however, to learn the fates of those mentioned in the letters below. If you have information on them, please contact DC-Cam at P.O. Box 1110, Phnom Penh, phone: (855) 23 211 875, or email: dccam@online.com.kh.

From Belgium/Kampong Cham Province

My name is Chim Pheaktra. I have been reading many issues of DC-Cam's magazine, as I am really interested in learning the truth about the Khmer Rouge genocide. I truly appreciate your great vision in establishing this magazine, which plays an important role to help families search for their lost loved ones and for survivors who are eager to learn why and how Cambodians were killed.

I was born at the end of 1974 and never saw my father's face. When the Khmer Rouge evacuated people from the city, my mother was only three months' pregnant with me. My father and mother were separated during the evacuation.

My father, Him Heoun, was a former policeman. When the Khmer Rouge came, they evacuated my father to his home in P-arv village, P-arv subdistrict, Cheung Prey district, Kampong Cham province. After 1979, my mother went to search for him there. My father's elder sister, Horn, told my mom that the Khmer Rouge arrested my father in 1976. During that time, she saw my father being tied up and led west towards Phnom Penh, but she did not know exactly where the Khmer Rouge killed him. She assumed he died because my father never returned after his arrest. When my mother heard this, she could only cry bitterly.

Now I am 29 years old. One day I read a book entitled *Revolutionary People's Tribunal*. In the last part of the book is a list of people killed at S-21. I saw what seemed to be my father's name in the police section on page 337. It stated: "Hin Hoeun, zone 25, policeman, date of entry: 14-06-76, date of execution: 16-09-76." I think this must be my father, but is it possible that the person who wrote the name misunderstood it, or was Hin a different person? Would you please search for my father's confession for me so we can know how he was killed? Then we will no longer live with our doubts about my father.

I wish to convey my deepest regards and thanks to the Director of DC-Cam and his staff.

From Kampot Province

My name is Sam Kea, 39. I live in Sbauv Andet village, Dambauk Kpuos commune, Angkor Chey district, Kampot province. My father's name was Phan; he died two years ago. My mother's name was Luon; she died seven years ago. Before 1975, I had five brothers and one sister: 1. Phuon called Phal, male 2. Mao called Chea, male 3. Lat called Reŕ, female 4. Kea (Kar), male 5. Chann, male and 6. Phoeun, male.

I would like to search for my elder sister Lat who disappeared after she joined the revolution at Bram Muoy Makara (6 January) hospital on 4 August 1978. Several years ago, I received a letter about her, along with a number of pictures from a villager. He told me to contact a person in Phnom Penh for more information about my sister who lives abroad, but, when I came to Phnom Penh, I was not able to meet the man. I've had no information about her since. I have been busy with my farm and do not know who I can ask for help, so I stopped searching for her.

The letter I received contained her address, phone number, and husband's name. The pictures were of my sister, her husband, and their children. The address is:

Mr. Say Born: G-Rue Vladimir Komarov, 69200 Venissieux-France



From Phnom Penh

I am Chan Ny. I am searching for my parents and other relatives: 1. my father called Tim 2. my mother called Khom 3. my older sister called Kheun 4. my sister called Kha 5. my younger sister called Nak and 6. my younger brother called Nith.

In the Khmer Rouge regime my family lived in Pursat province and Battambang province.

In 1979 (I was probably five or six years old at the time) when Cambodia was liberated, my family left there for my hometown. On the way (probably near Pursat River) I got lost. We have been separated since that time.

If you have any information on my family, please contact the Documentation Center of Cambodia or call me at 012-816-522.

From Battambang Province

From: Yat Kamsan, 45, employee of LICADHO Organization based in Battambang province. Group 13, Kap Ko Thmei village, O Char subdistrict, Svay Pao district, Battambang province.

Request: Please Mr. Director, publish this account regarding my niece who disappeared during the Pol Pot time in 1977. I hope my request will be accepted.

Her name is Nou Pharin, also known as "Ping." She was born in 1967. During the relocation in 1975, she lived with me in O Ta Ky subdistrict, Battambang district. Late in 1975, she lived with my elder aunt whose residence was in front of the provincial textile factory. In March 1976, my aunt died. Then she was adopted by a female soldier named Khoeun (who is said to be from Krapeu village, Phnom Sampeou subdistrict, Battambang province). After she was adopted as a god-sister, she was renamed "Khien." In 1977, the woman was said to have been transferred by Angkar to Ka Koh subdistrict, Mong Russey district. Since then, there has been no word of my niece.

Her mother's name is Im Ko Lap, 52. Her father's name was Nou Phorn (deceased). There are three siblings in her family: Nou Phary, also known as Kao Solina, born in 1965; Ping herself, born in 1967; and Nou Phanara, who was known as "Puch" or Kao Solida (deceased).

From Pursat Province

My name is Suon Saratt (original name is Ung Khanai). I am from Peal Nhek 2 village, Phateh Prey subdistrict, Pursat province. My current address is House Number 11E3, Road 173, Group 3, Sangkat Olympic, Khan Chamkarmon, Phnom Penh. My hand phone numbers are 011 956 730 and 012 930 138.

I am searching for my husband Kim Phoeuk Toeung, who was a military commander of the artillery unit of Battalion 2 during the Lon Nol administration. In 1973, the then-government sent him to the United States for training as a regiment commander of Artillery Unit 1. I learned that he returned in Cambodia in 1976, but do not know his fate. Therefore, please kindly search for my husband.

From Battambang Province

My name is Thai Sokhom, daughter of Thai Cho (dead) and Khut Hakk, 76. I reside at House No. 135, Group 9, in Snar Py Muk village, Prek Khporp subdistrict, Ek Phnom district (former Sangke district), Battambang province.

From Takeo Province

My name is Sok Pheach, age 78. I was born and live in Pon village, Tralach subdistrict, Treang district (108), Takeo province. I have 12 children, but only 7 are still alive.

I want to find my son named Kang Taung aka Kang Yoeun or Kim (revolutionary name), who was born in the year of the goat. He began working as a crew member for the Khmer Rouge revolution when he was 17 years old. Kim disappeared after the Khmer Rouge regime collapsed. If he is still alive, he would probably be 50 years old.

If anyone has any information regarding to my son, please inform us through Documentation Center of Cambodia.

From Kandal Province

My name is Tes Sreng, age 52. My father's name was Tes (deceased) and my mother's Mam Vorn (deceased). Their home was in Krang village, Krang Yove subdistrict, Saang district, Kandal province. Nowadays I live in Sala village, Saang Phnom subdistrict, Saang district.

I want to find my two brothers, Tes Tuy, who left home in 1972 to work as a militiaman, and Tem, who left home in 1972 to live in a children's unit.

Last year we heard that both of them lived in Anlong Veng. If anyone has any information relating to these two men, would you please contact to us through the Documentation Center of Cambodia?

From Kampong Cham Province

I am Uk Sa-em aka Sa Deab, female, born in 1950. My home is in MoHa-Seark Krom village, Kra-gnuong subdistrict, Koh Sotin district, Kampong Cham province.

I want to find three missing relatives:

Uk Samrith, male. His mother's name is Uy Dim and his father's name is Uk Sen. He was born in Ha-Seark Krom village, Kra-gnuong subdistrict, Koh Sotin district. He was a member of the front army and disappeared in 1973 when he was 16 or 17 years old.

Uk Thearith, male, 12 years old in 1979.

Uk Srey Mom, female, 13 years old in 1979.

Both Uk Thearith and Uk Srey Mom went missing in Pursat province in 1979. At that time their mother went to Suong while their father went fishing. Their parents' home village is in MoHa-Seark, but these two people grew up in Pochentong, Phnom Penh.

If anyone knows of these three people, please kindly contact the Documentation Center of Cambodia.

From Kandal Province

My name is Ing Eang, age 73. My wife's name is Hong Gnet, age 67. We were born and live in Tkol village, Trey Sla subdistrict, Saang subdistrict, Kandal province. We have 6 children: Kim Sos (female), Kim Khorn (male),

province to welcome the king when he returned to the country. He never came back. Old people told me the Khmer Rouge took him to be killed at the mountain. The Khmer Rouge evacuated my mother to Sras Keo village, Sangke district, Battambang province. In 1977 after learning that she was a former teacher, the Khmer Rouge sought to kill her. She was frightened and left me with a midwife named Sorn Yen. My mother escaped to Chakk Angkam Mountain. I never received messages from her after that. I lived with my foster sister Sorn Yen and foster mother Kes Yong in Kbal Thnal village, Raing Kesei subdistrict, Sangke district, Battambang province.

If anyone has any information concerning my parents, please kindly inform me through the Center for Social Development, House 19, St. 57, Boeung Keng Kang subdistrict, Phnom Pen or via phone: (855) 16 975 374 / 12 442 215.

From Kandal Province

My name is Hul Vy, female, age 44. I live in Koh Knor Thmei village, Prek Rokar subdistrict, Kandal Stung district, Kandal province. My father's name was Brok Hul (deceased) and my mother's is Vong Kan. I have 11 siblings: 1. Hul Heagn called Vai, male (missing) 2. Hul Him, male (deceased) 3. Hul Koeun 4. Hul Song Heng, male (missing) 5. Hul Savoeun, female (deceased) 6. Hul Vy, female 7. Hul Sok Koan, female (deceased) 8. Hul Savaen, female (deceased) 9. Hul Samlout, male (deceased) 10. Hul Saluot, male and 11. Hul Salat, male.

I would like to search for two missing brothers Hul Heagn (called Vai) and Hul Song Heng, who left home in 1970 and 1973, respectively, to serve the revolutionary army. If anybody knows these two men, please inform DC-Cam.

From Kampot Province

My name is Sam Sarom. My father's name is Sok, and mother's name is Noeub. I live in Damnakk Kantuot village and subdistrict, Kampong Trach district, Kampot province.

I would like to search for my sister Sam Saren, who prior to 1975 was sent to the battlefield to carry the wounded. Later, Saren was transferred to the Sreh Ambil Women's Office in Kampot. In 1977, she was sent to a hospital near Wat Phnom. I learned that on 7 January 1979, she took care of the wounded on a train. I have had no information on her since.

If anybody knows of her, please inform DC-Cam.

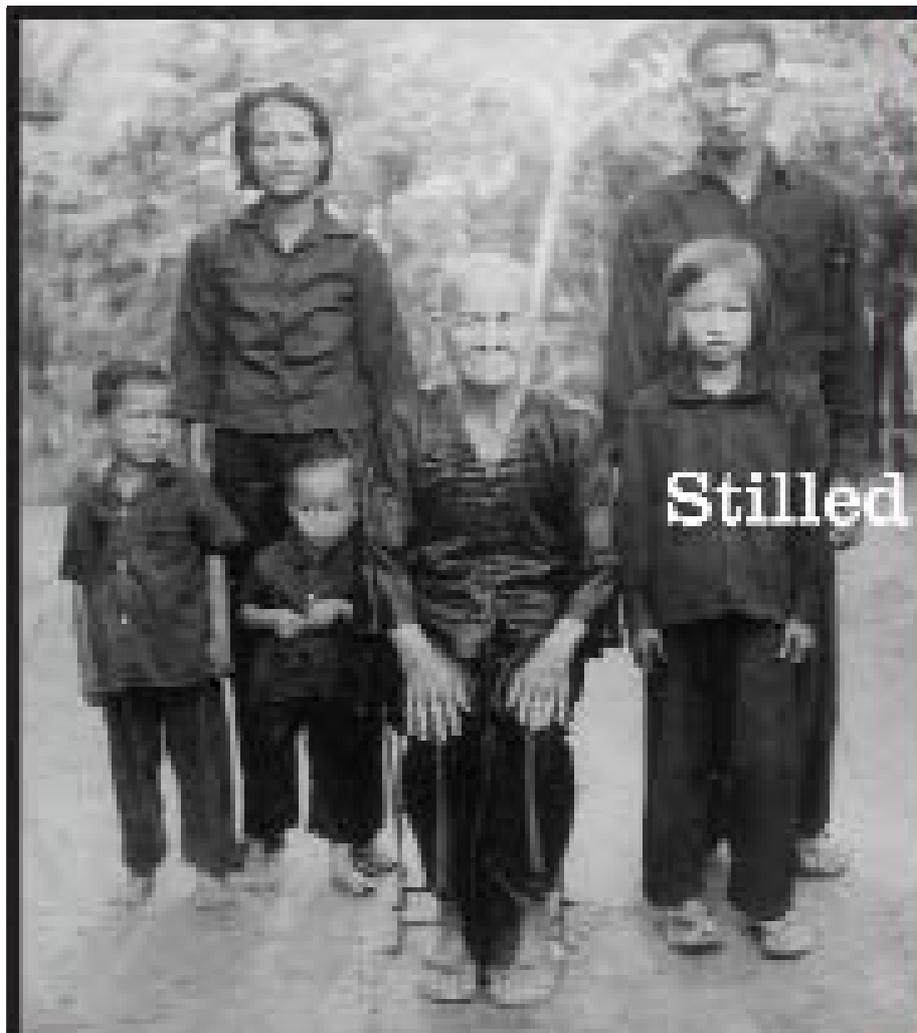
From Kampot Province

My name is Den Sokh. I live in Boeung Trung village, O-Brasa subdistrict, Kampot district, Kampot province. My father's name was Troeung Den and my mother's was Mang Kim Say.

I would like to search for my brother Troeung Sary. He joined the revolution before 1975 and has not been seen since. In 1988 my uncle Yav said he met Sary in Thailand. Yet we have had no further information on him since Yav died.

If anyone knows my brother, please inform me either through DC-Cam or the address above.





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The Documentation Center of Cambodia would like to appeal to governments, foundations and individuals for support for the publication, *Searching for the Truth*. To contribute, please contact (855) 23 211 875 or (855) 12 905 595 or email: dccam@online.com.kh. Thank you.

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