

Searching for

THE TRUTH

- ◆ Missing Films of Democratic Kampuchea
- ◆ Prosecuting Nuon Chea for KR War Crimes

"They were uneducated and did not know what they were doing; therefore, my anger does not fall on them,"

-- Pok Po

Special
English Edition
Fourth Quarter 2006

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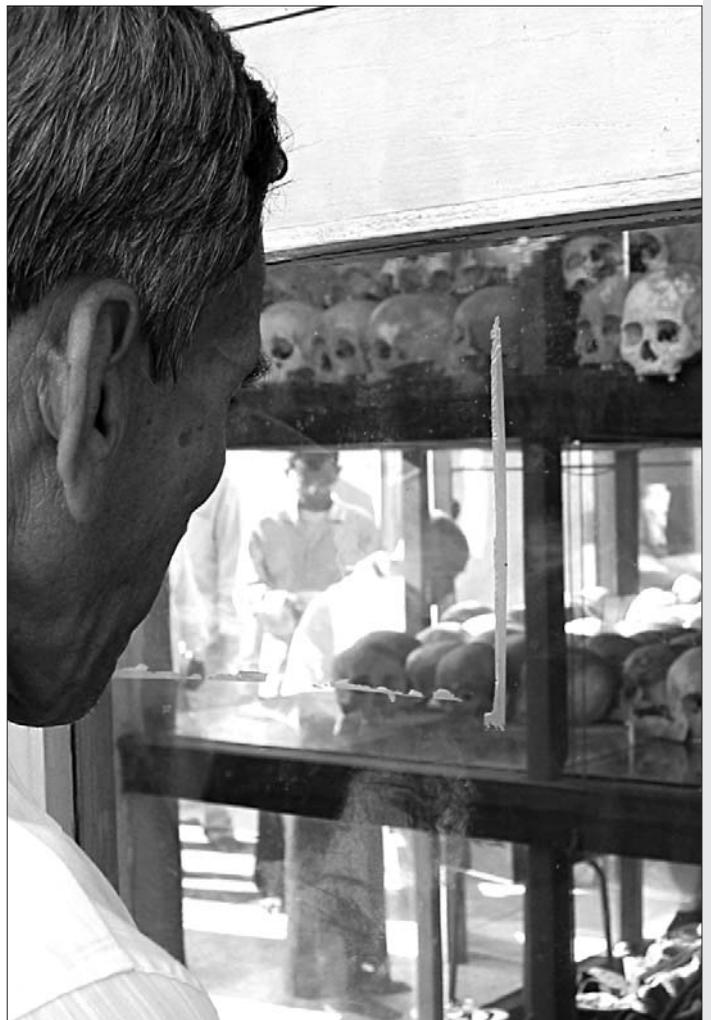
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EDITORIAL:

PRESERVE WHAT WE HAVE, BOTH BAD AND GOOD

When we compare two eras: that of our Khmer ancestors in the Angkor period and that of the Khmer Rouge, we see two contradictory periods. While the builders of Angkor Wat gave us a unique and immortal civilization, the *Angkar* gave us a notorious “utopia” gone wrong. Thus, we can say that Cambodia is a country that has taught us both the best and the worst lessons.

In the Angkorian period, Cambodia reached a zenith in terms of the concepts of building a nation. For example, many invaluable temples were constructed, signifying a single architecture of Cambodia and telling us that at the time, Cambodia was a country rich in human resources. It is good for the young generations to learn about the famous accomplishments of our country during this period.

In contrast, instead of building a cultural and historical legacy, Democratic Kampuchea (the so-called Khmer Rouge or *Angkar*) destroyed their own country. The Khmer Rouge harmed millions of people, killing a quarter of Cambodia’s population between 1975 and 1979. Their legacy was one of suffering, destruction, and desperation.

The young generations know the history of Angkor through studying its temples and relief sculptures. The Khmer Rouge left only paper documents, photos, films, and genocide sites such as the Tuol Sleng Genocide Museum and Choeung Ek Killing Fields. But even these things hold a truth for those who did not live through the regime and have difficulty believing the survivors’ stories about their experiences under the Khmer Rouge.

Nearly everything that the younger generation learns or hears about Democratic Kampuchea is published in books on the history of the Khmer Rouge, which are generally based on documents the regime left behind. But few Cambodian students or older people read books. It is likely that the regime’s paper documents are not very interesting to them.

It would thus be better if such books incorporated as many photos as possible, including images of the Khmer Rouge leaders and cadres, as well as events occurring from 1975 to 1979. Such photos will make people more interested in understanding what happened during that period of history.

Films are also highly influential in shaping what students learn about the history of Democratic Kampuchea, both through books and at such sites as Tuol Sleng. Both the sounds and pictures films present to us help us focus on events. Cambodia has over a hundred documentary films produced during the Sangkum Reastar Niym and the Lon Nol regime (the two regimes that preceded Democratic Kampuchea), the Khmer Rouge regime and its immediate aftermath. Unfortunately, these films cannot be found in Cambodia today because they were taken to France or other countries for restoration several years ago.

Visiting the places where historical events took place is perhaps the most powerful way of learning. When students go to the scene where history occurred, that history becomes more real to them. It is perhaps even more real than the photos or films they see. For example, I observed during the August 15, 2006 tour for students who had volunteered for DC-Cam’s student outreach program that those who visited the Tuol Sleng Genocide Museum and Choeung Ek Killing Field had never visited these sites before. Many of them paid close attention to what they were seeing.

However, Cambodia has a problem with the preservation of its historical artifacts from the Khmer Rouge regime. People are more concerned with the “here and now,” and demand a higher standard of living, which has resulted in the devaluation of historical sites. The Cambodian people have “buried their past” in order to recover their humanity in contemporary society. This is likely because they do not know the importance of preserving the physical objects that are part of their history.

In conclusion, our Center’s work to preserve the documents, photos, films and historical sites from Democratic Kampuchea is important, not only for the present generation but also the future ones. We have to keep the good things as well as the bad. Naturally, we are satisfied with our good achievements in history; but meanwhile, we have to accept our miserable mistakes if we are to move forward.

Chamroeun Bann is the Co-Editor-in-Chief of the Special English Edition of Searching for the Truth.

LETTERS FROM YOUK CHHANG:

KHMER ROUGE JUSTICE

The Long Road to the Khmer Rouge Tribunal

In the immediate aftermath of the fall of Democratic Kampuchea, many people took justice into their own hands and meted out revenge at the local level. At the same time, the Vietnamese-installed government held what are widely regarded as “show trials” of Democratic Kampuchea’s Prime Minister Pol Pot, Deputy Prime Minister Ieng Sary, and President Khieu Samphan, among others, and sentenced them to death in absentia. None of the accused was present at the trials.

During the mid-1990s, in an effort to stem the guerilla war the Khmer Rouge were waging in rural areas and bring a measure of stability to the country, the Cambodian government offered amnesty to Ieng Sary, Khieu Samphan and Deputy General Secretary of the Communist Party of Kampuchea (CPK) Nuon Chea if they would “join the government.” They accepted and continue to live freely and comfortably in Cambodia today. In the name of peace and stability, the government had thus found it necessary to “dig a hole and bury the past,” implying that Cambodians should not demand accountability for the actions of the regime.

Few Khmer Rouge leaders have ever been jailed. The military leader of the regime’s Southwest Zone and CPK Deputy Secretary Ta Mok was jailed in 1999 for refusing to join the government. His under-secretary Sam Bit was arrested in 2002 in connection with a 1994 train ambush in which three foreigners and several Cambodians were murdered. Only one senior member of the Khmer Rouge has been jailed for crimes committed during Democratic Kampuchea: Duch, the head of the notorious central-level S-21 prison, who was arrested in 1999. All three men have been held in jail without benefit of trial.

Beginning next year, it is likely that the ageing Ieng Sary, Khieu Samphan, and Nuon Chea, who are in their 70s and 80s, will be indicted by the

Extraordinary Chambers in the Courts of Cambodia (the ECCC, popularly known as the Khmer Rouge Tribunal). Analysts predict that two others – CPK military division chairmen Sou Met and Meah Mut – will also be brought to trial. Pol Pot died in the jungles of unknown causes in 1998, Central Committee member Kae Pok died in 2002, and Ta Mok died in July 2006.

The nearly decade-long process of bringing these high-ranking Khmer Rouge to trial was often subsumed by politics, threats of renewed civil war on the part of the Khmer Rouge, and wrangling between the United Nations and Royal Government of Cambodia. As a result, many Cambodians were beginning to lose hope that they would ever occur.

The first tentative movement toward trials was made in April 1997, when the United Nations Commission on Human Rights adopted Resolution 1997/49, which allowed the Secretary-General to examine any request for assistance in responding to past serious violations of Cambodian and international law. In June of the same year, First Prime Minister Norodom Ranariddh and Second Prime Minister Hun Sen requested assistance from the United Nations and international community “in bringing to justice those persons responsible for the genocide and crimes against humanity” during the Khmer Rouge regime. The United Nations responded in December through Resolution 52/135, which called on the Secretary-General to examine the request.

Little progress was made in moving toward a tribunal until November 1998, when the United Nations sent its Group of Experts—Sir Ninian Stephen (Australia, chairman), Judge Rajsoomner Lallah (Mauritius), and Professor Steven Ratner (USA) to assess the feasibility of bringing Khmer Rouge leaders to justice. Their February 1999 report recommended the creation of an international tribunal and truth commission to judge the crimes of the Khmer Rouge

period.

In August 1999, the Royal Government of Cambodia presented a draft law for a tribunal to a United Nations delegation led by Ralph Zacklin, deputy of the Under Secretary-General for Legal Affairs Hans Corell. The delegation also presented its own draft. A consensus could not be reached, primarily because Zacklin wanted foreign judges to hold the majority, while Cambodia claimed that its own judges must be in the majority.

After a week of negotiations with no agreement reached, Zacklin stated that if the Cambodian government did not meet conditions that the United Nations believed necessary for a tribunal, “the United Nations will simply cease to follow this process.” Tensions escalated in September, when Prime Minister Hun Sen delivered a document to United Nations Secretary-General Kofi Annan outlining three options for the United Nations involvement in a tribunal: 1) provide a legal team and participate in a tribunal conducted in Cambodia’s existing courts; 2) provide legal advice without direct participation in the tribunal; and 3) withdraw completely from the proposed tribunal.

In October, Hun Sen endorsed a proposal put forward by US Senator John Kerry for a tribunal with three Cambodian judges and two United Nations-appointed judges. Decisions would require a “supermajority,” in which at least one of the United Nations-appointed judges would have to agree with any verdict handed down by the Cambodian judges at the tribunal. However, the United Nations and Cambodia failed to reach agreement on a large number of issues, including amnesty, review mechanisms, and indictments. The stalemate was maintained until May 2000, when Annan sought confirmation from Hun Sen that he accepted the mixed tribunal format, and Hun Sen agreed.

January 2, 2001 was a landmark day: the Cambodian National Assembly unanimously approved a draft law to establish the Extraordinary Chambers to try the Khmer Rouge leaders. But the elation dispelled only a week later when Corell wrote to

the Cambodian government proposing changes to 18 of the draft Law’s 49 articles and stating that it lacked a provision to ensure adequate United Nations oversight. Undeterred, the Cambodian Senate and Constitutional Council passed the draft law on January 15 and February 12, respectively.

But Hun Sen then stepped in, announcing that the draft law must go back to the drawing board due to a technical discrepancy identified by the Constitutional Council, which cited a technical error in the legislation that made reference to the 1956 penal code, which contains the death penalty. The government amended the tribunal draft law in June, replacing the death penalty with life in prison as the maximum punishment. With this revision, the Cambodian Senate passed the law again on July 23 and the Constitutional Council on August 7. Three days later, King Norodom Sihanouk signed the legislation. It thus took seven years to pass a law providing for the establishment of the Khmer Rouge Tribunal – four years longer than it took the Khmer Rouge to execute and starve to death 1.7 million people.

At least to the Cambodian public, everything seemed to be back on again until February 8, 2002, when Hans Corell informed the Cambodian government that, “At the instruction of the Secretary-General of the United Nations, the United Nations will no longer continue negotiations with the Royal Government of Cambodia towards the establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea.”

Corell argued that the Cambodian government has been unwilling to sign an agreement that would safeguard the trials’ integrity, and that the United Nations could not attach its name to trials over which it had only minimal control. He also asserted that the United Nations did not wish to participate in a process that would fail to deliver “credible justice” to Khmer Rouge victims and potentially set a precedent for lowering international standards.

Expressing his regrets over this situation, Hun

Sen urged the world body not to “fall into the wrong path again” with the country’s former rulers, saying that Cambodia could wait “two or three more months” for the United Nations to change its mind.

A reply came from Kofi Annan in March. “About a dozen ambassadors came to see me on this issue, and they felt that we should reconsider. I advised them that I thought it would be more effective if they undertook a *démarche* in Phnom Penh and persuaded Prime Minister Hun Sen to change his position and attitude, and to send them a clear message that he is interested in a credible tribunal which meets international standards – that they needed to start there.” (*United Nations SG/SM/8160, 13 March 2002 – Transcript of Press Conference by Secretary-General Kofi Annan at Headquarters*) Over the next several months, the United Nations continued to reject Cambodia’s calls to revive stalled plans for the Tribunal, saying it needed more assurances that Cambodia would conduct a fair trial of the leaders of the “killing fields.”

In August, Annan expressed his willingness to resume talks on genocide trials if United Nations Member States want him to do so. He wrote to Hun Sen, saying that in order for him to engage in further negotiations, he needed “a clear mandate from either the General Assembly or the Security Council.” The General Assembly did just that in November by passing a resolution requesting that the Secretary-General resume negotiations without delay so the Extraordinary Chambers could begin to function promptly. Negotiations resumed and the United Nations and Cambodian government sign the draft agreement on June 6, 2003.

The next set of delays, which lasted over three years, occurred over funding. While money was being raised for the tribunal (at an estimated cost of a little over US \$56 million for three years), the National Assembly voted to ratify the Agreement between the United Nations and Royal Government concerning the prosecution under Cambodian law of crimes committed during Democratic Kampuchea. On October 27, 2004, the agreement was promulgated

by acting Head of State Chea Sim.

By late March 2005, United Nations member states had pledged a total of \$38.5 million towards the United Nations’ contribution to the Extraordinary Chambers, \$4.52 million short of its goal of \$43 million. The Cambodian government then announced that it could only shoulder \$1.5 million of its expected share of \$13.3 million, and called for more funding from interested states to bridge its shortfall of \$11.8 million (as of November 2006, the shortfall had been reduced to \$4.96 million).

On April 29, 2005, the United Nations issued a press statement announcing that sufficient pledges and contributions were in place to fund the staffing of the Extraordinary Chambers. However, on August 15, Prime Minister Hun Sen said that problems in establishing the Khmer Rouge Tribunal were giving him a “headache” and warned that the government’s share of the trials’ budget was still not covered by the international community.

Undeterred, the United Nations announced in late November 2005 that it was moving ahead in establishing the tribunal, and put forward its short list of international judges and the co-prosecutor for the Pre-Trial Chamber. It also explained the structure of the tribunal:

The United Nations and Cambodia signed the landmark agreement to set up a trial court and a Supreme Court within the Cambodian legal system to “prosecute those most responsible for crimes and serious violations of Cambodian and international law between 17 April 1975 and 6 January 1979.”

The courts will comprise a mix of international and Cambodian judges. According to the agreement – which stresses the impartiality and independence of the prospective jurists – decisions in the two chambers would be taken by majorities of four judges and five judges, respectively.

International Judges

The Agreement provides, in Article 3, for a Trial Chamber, composed of three Cambodian judges and two international judges, and a Supreme Court Chamber, composed of four Cambodian judges

and three international judges.

In accordance with Article 3, paragraph 5, of the Agreement, these five international judges are to be appointed by the Supreme Council of the Magistracy of Cambodia from a list of not less than seven nominees forwarded by the Secretary-General.

The other nominees are to remain available for appointment as international judges in the event of a vacancy. They may also be designated to serve as alternate judges in specific cases, in accordance with Article 3, paragraph 8, of the Agreement.

International Co-Prosecutor

The Agreement provides, in Article 6, for a Cambodian prosecutor and an international prosecutor, serving as co-prosecutors.

In accordance with Article 6, paragraph 5, the international co-prosecutor is to be appointed by the Supreme Council of the Magistracy of Cambodia from a list of two nominees forwarded by the Secretary-General.

The other nominee is to be appointed as a reserve international co-prosecutor to fill the post of international co-prosecutor in the event a vacancy or the need arises.

International Co-Investigating Judge

The Agreement provides, in Article 5, for a Cambodian investigating judge and an international investigating judge, serving as co-investigating judges.

In accordance with Article 5, paragraph 5, the international co-investigating judge is to be appointed by the Supreme Council of the Magistracy of Cambodia from a list of two nominees provided by the Secretary-General.

The other nominee is to be appointed as a reserve international co-investigating judge, to fill the post of international co-investigating judge, should the need arise.

International Judges of the Pre-Trial Chamber

The Agreement provides, in Article 7, for a Pre-Trial Chamber, consisting of three judges appointed by the Supreme Council of the Magistracy of Cambodia and two judges appointed by the Supreme Council of the Magistracy upon nomination by the

Secretary-General.

The Pre-Trial Chamber is to be convened, and its judges to serve, only if and when needed, in order to settle differences between the co-prosecutors or between the co-investigating judges. (*Secretariat of the Task Force, [Press Release](#) dated November 25, 2005*)

The first members of the United Nations administrative team arrived in Phnom Penh in December 2005, and in January 2006, part of the High Command Headquarters of the Royal Cambodian Armed Forces at Kambol, just outside the capital, was handed over to the Royal Government Task Force for the Khmer Rouge Tribunal. On May 8, 2006, all of the national and international judges and prosecutors for the ECCC were appointed by royal decree.

Since then, the Extraordinary Chambers is continuing to hire and recruit staff, and has begun their investigations to gather evidence for the trials. If all goes well, the first of the trials should begin in 2007.

The Tribunal's Structure: Sovereignty vs. International Standards

Throughout the decade when the ECCC was being formed, debate frequently flared up over who should control its proceedings. On the one hand, Cambodian sentiment (at least as embodied by the government) leaned toward a wholly Cambodian tribunal with funding from the international community. After all, this was Cambodia's genocide and Cambodians were in the best position to judge crimes against their own people. Others argued that the international community had no moral authority to demand a voice in the trials: it had turned a blind eye to reports of the genocide that filtered to the West throughout the late 1970s, and had even "legitimized" the Khmer Rouge by allowing it to retain a seat at the United Nations for a full ten years after the regime was ousted from power. The fact that the Cambodian government had raised the issue of the genocide to the rest of the world several times throughout the 1980s, only to have their calls

for trials fall on deaf ears, gave additional fuel to these arguments.

On the other hand, many scholars, diplomats and legal experts argued that Cambodia was not equipped to handle trials of this magnitude. Several factors stood in its way, among them a corrupt judicial system where the chance of winning a case was in direct proportion to one's financial resources and influence, a poor record in the field of human rights, the fact that many ranking officials in the Royal Government had themselves been members of the Khmer Rouge, and the government's lack of funds to support proper trials. Many people in the international community felt that if they were to fund the trials, they should also have a stake in ensuring that they were conducted to comport with international law and standards.

After ten years, there has been ample opportunity to examine the pros and cons of the Tribunal's structure. Now that the trials are within reach, it seems that there is a consensus among Cambodians and foreigners alike that a "hybrid" structure is a viable compromise between the nationalist and internationalist points of view.

For one, by accepting contributions from other governments for a mixed tribunal, the Royal Government of Cambodia also takes on an obligation to ensure a transparent process. People must know where their money is going and what it will fund. Allowing an audit of how the funds are used and publishing the report would improve the credibility of the government in the eyes of its citizens as well as the international community. It would also give Cambodia real ownership in the tribunal for people around the world.

Also, with its 17 Cambodian and 13 foreign members, the responsibility for the trials will be shared fairly. The "supermajority" formula, where at least one international judge must agree with the Cambodian judges in order to render a decision, further guarantees fairness.

In addition, by offering up more open and transparent proceedings than might otherwise be

the case, the mixed tribunal can offer Cambodians a number of less direct, but equally important, benefits. To say that the mixed tribunal will help reduce Cambodia's poverty or the injustices that plague its society is clearly setting expectations for the trials too high. However, once past wrongs are addressed, the tribunal could prove to be a stimulus for other social, legal, and economic benefits as well.

Social Benefits. Nearly 80% of Cambodian adults over the age of 40 suffer from post-traumatic stress disorder, mood, or anxiety disorders, primarily as a result of their experiences under Democratic Kampuchea. This trauma has produced a nation that is broken in many ways, as many people have found it nearly impossible to move on with their lives. Because the leaders of Democratic Kampuchea have never been held accountable for their crimes, Cambodians feel a sense of frustration and helplessness, which has translated into the way they lead their everyday lives. Of course, this is an oversimplification of the situation, but there has been no talk of a truth commission or other vehicle for Cambodians to formally express the trauma they have suffered and continue to suffer to this day. So, seeing justice done openly will do a great deal to alleviate the terrible memories they have from the regime. Perhaps even the low-level perpetrators, who have lived in uneasy circumstances next to their former victims, can begin to ask for forgiveness, and the nation can begin to reconcile and heal.

Benefits for the Judicial System. Despite a number of complaints over the appointment of certain Cambodian judges (largely on the grounds of corrupt practices), the ECCC's composition is likely to be independent and as impartial as possible. A truly independent tribunal will have a powerful, positive impact on Cambodia's "culture of impunity." For nearly thirty years, former Khmer Rouge leaders continued to enjoy impunity for the crimes they perpetrated upon the Cambodian people. They led lives of complete freedom, immune from prosecution. Ieng Sary, for example, was not only granted amnesty by King Sihanouk, but has also profited from the

government. His loyalists, including his son Ieng Vuth, control the wealthy autonomous zone of Pailin, which the government carved out for the regime's former leaders in exchange for peace. Like perpetrators everywhere, he and other CPK leaders have refused to acknowledge any role in Cambodia's genocide.

But the culture of impunity does not end there. The average citizens of Cambodia have been forced to endure the injustice and menace of "civil servants," including politicians, police, and soldiers, who have come to believe that they are above the law. Strongmen do what they will, while the people suffer what they must, and no one dares hope that the "law" will intervene to remedy this situation.

Holding the Khmer Rouge leaders accountable before the Cambodian people – and indeed, the world – is the most effective way in which Cambodia can begin to dismantle this culture of impunity and build a legal system that is based on law. This critically important task will be greatly facilitated by the effective participation of the international community in the Khmer Rouge Tribunal.

Economic Benefits. When the Cambodian side appeared to be stalling on the Tribunal, many officials explained their actions away with statements to the effect that the government's priority was economic development rather than genocide justice, so the monies intended for the trials would be better spent on the poor. The average income in Cambodia is about a dollar a day, and many would welcome more investment and donor funds. Yet not even the average Cambodian seemed to buy this argument; instead, polls revealed that trials of former Khmer Rouge leaders were more important to them than an influx of money into the economy.

But economic development plans will be thwarted in an environment that lacks transparency, accountability, and a firm basis in the rule of law. If Cambodia does not have the will to address its worst case of impunity, the international community and Cambodian people alike will have no confidence that the Royal Government will take measures to

correct less glaring problems. If justice is served during the trials, it will reflect favorably on the government, and there is a far better chance that investment and development dollars will flow into the country.

Perceptions fuel action in the economic arena, and the international community's perceptions will likely be more favorable toward a mixed tribunal. They are investing in improving the legal system in Cambodia, and if they are successful, Cambodians' perceptions will change as well. When they have faith that their country will prosper, that they will have a say in their own future, and that they can trust the political system under which they live, they will respond in positive ways. Businesses invest when they know the rules under which they can play. People create jobs rather than move their money (or themselves) out of the country because they expect that the system will treat them equitably. Once people's faith in their government is restored, we can expect economic improvements. And the effects could be quick, dramatic and long lasting in a country where nearly 40% of the population is under the age of 14.

Benefits for a Budding Democracy. If the Royal Government's judges address the issue of Khmer Rouge impunity in a forthright manner and the government stands behind those judges, the Cambodian people will have greater faith that their government is working to protect their interests. Armed with this faith, the Cambodian people will be able to bring to bear all of their powers for the development of a more democratic process in their country. Verdicts that the population perceives as fair could have a "multiplier" effect in terms of people working toward a fair and transparent legal process in such contentious areas as land tenure and civil suits, and demanding civil rights, to name only a few. Giving people more confidence that their good-faith efforts to improve their lots and that of their country will receive an impartial audience will help them become more active in their government.

Forming a mixed tribunal also opens the door

for greater public accountability in a country where this is not the norm. In April 2005, for example, the Phnom Penh Municipality granted a Japanese company the rights to develop and manage the Choeung Ek killing fields (this site, about 25 km from Phnom Penh, is where most of the over 21,000 prisoners held at Tuol Sleng were executed, and holds great significance for the Cambodian people). The deal allowed the company to promote the genocide memorial site as a tourist destination for the next 30 years in exchange for payments initially amounting to \$15,000 per year. This deal, which was made in secret, was completed over a storm of protests from the Cambodian public. If the trials remain open and transparent, and if ordinary citizens have some avenue for participating in the process – for example, by being allowed to attend trials – they could be encouraged to become more active in the workings of the political and legal spheres. This can be viewed as a step on the road to democracy, which, with the cooperation and participation of all segments of society, will lead to a more just future with greater safeguards for the promotion and protection of human rights for all.

Last, Cambodia is home to at least 20 major human and civil rights non-government organizations. Now that the tribunal is slated to begin, many other smaller NGOs are also seeking to find a place for themselves on the human rights agenda. Together, these organizations – if they organize their activities well, and their actions are careful and above reproach – could become a formidable voice in advocating for the rule of law and democracy in Cambodia.

The Benefits of an Improved Historical Record. Another valuable contribution a mixed tribunal will make is to increase the likelihood that the “truth” comes to light. Many scholars have long believed that the seeming reluctance on the part of the Royal Government to hold trials at all and its myriad efforts to stall them were part of an effort to cover up the association of several current government officials with the Communist Party of Kampuchea. Like many other Cambodians, many of these officials

were forcibly recruited into the Khmer Rouge or joined in an honest effort to help their country. However, they would rather not make their association a matter of formal record for the world to see (their former affiliation is an “open secret” in Cambodia). And for their part, senior Khmer Rouge have long taken refuge from legal accountability by hiding under the umbrella of “national reconciliation.” This “bury the past” mind set is an unhealthy one for Cambodia, and can only serve to undermine the rebuilding of the country based on the rule of law, democracy and human rights.

The Tribunal, of course, will also serve as a cautionary note, and one to take our country forward. Today, many young people refuse to believe that their parents could have possibly have experienced the degradation, loss of freedom, starvation and torture they tell their children about. And the school textbooks no longer even mention the Khmer Rouge regime, which prevents our children from learning the mistakes their country made in the past and learning from them. (This phenomenon was the product of politics; all sections on Cambodian modern history were removed from school books over the reporting of the results of the 2003 elections. The publication of a new text on the history of Democratic Kampuchea is anticipated next year.)

Cambodians’ Views of the Trials

In Cambodia, where literacy rates hover around 65% and access to newspapers and other media is out of reach in many rural areas, a great deal of education is needed on the Tribunal and what it means for them and their country. The government, ECCC and several non-government organizations have begun fanning out across the country to convey the fundamentals of legal literacy to average citizens, to describe the ECCC and its processes, and to answer questions villagers have, including who will be tried (former low-level cadres feel more than a little anxiety over this matter, and information campaigns have gone to great lengths to convey to them that only the “regime’s senior leaders and those most responsible” will be held accountable).

Few if any of the thousands of victims interviewed about the trials over the past ten years have voiced any demands for monetary compensation for what the Khmer Rouge perpetrated upon them and their families. On the contrary, the victims only wish for an answer to the question: “Why did the Khmer Rouge kill our families?” Even if the victims were to receive compensation, they know it would not be enough to make amends for what they suffered in the era of the Khmer Rouge. Instead, their requests are humble; they want the closure that only a legal accounting can bring, and they have waited for it with great patience for twenty-eight years.

Still, in interviews and in the visits of average citizens to the ECCC, average Cambodians have many questions. They want to know who will be tried, when the trials will start, how the ECCC will proceed, what the victims can expect from the prosecution, and how victims could bring cases against the Khmer Rouge, to name a few. They will doubtless find the answers to these and other questions as

the trials unfold.

But many other questions, which Cambodians share with people around the world, will likely not be answered adequately in a court of law. No one can quite understand why Cambodians killed their own, and many Cambodians continue to believe that foreigners ordered Khmer to kill Khmer. They wonder about the political roles of various Western nations and whether they would also be prosecuted. They ask why the United Nations and other countries did not intervene to stop the genocide.

Only time can help us unravel the mystery that surrounds Democratic Kampuchea three decades after it came to power. These questions may continue to haunt us for generations to come, but only the Tribunal can help us begin to find answers by bringing forward the truth for all to see. The Khmer Rouge have been thieves of our history, and it is high time we regained it, learn from it, and reconcile with ourselves and others.

MISSING FILMS FROM DEMOCRATIC KAMPUCHEA: A FRENCH MYSTERY

Over a million Cambodians were evacuated from Phnom Penh and other cities when the Khmer Rouge took control of the country in 1975, and millions more lived through Democratic Kampuchea. They have first-hand knowledge of forced labor, Khmer Rouge propaganda, and the regime’s continual battles with its enemy, the Vietnamese. But Cambodians under the age of 35 – not to mention the rest of the world – have no such direct knowledge, and for many of them, “seeing is believing.”

Convinced that they would stay in power forever, the Khmer Rouge filmed people working in the countryside, cadre and upper echelon meetings, and other events for posterity. For the purposes of propaganda, it also filmed reenactments of its

battles with the Lon Nol Army and other military victories. After the regime was overthrown, these films were housed at the Ministry of Culture and Fine Arts’ Cinema Department.

This cinematic record is of inestimable value to Cambodia, particularly in light of the trials of Khmer Rouge leaders, which are anticipated to begin in mid-2007. They include material that could help make cases against such senior Khmer Rouge leaders as Nuon Chea, Ieng Sary and Khieu Samphan. Equally important, these documents are crucial parts of the country’s modern history of genocide and could serve as educational tools for future generations of Cambodians. But they vanished in early 1998, and their whereabouts today is still uncertain.

The Documentation Center of Cambodia (DC-Cam) and others have been following the films around the globe for nearly nine years, trying to retrieve them for the Cambodian people. But they have traveled under a cloud of secrecy, perhaps because many people stood to profit from them.

1998: The Films Leave Cambodia for France

In May 1998, DC-Cam asked the Cinema Department of the Ministry of Culture and Fine Arts (MoCFA) for a list of the films it possessed that were made during Democratic Kampuchea. The Ministry sent a list to DC-Cam, stating that it held over 1,000 hours of film that comprised virtually all of the archival footage from the regime.

The MoCFA's list contained 187 films: 36 from the Sihanouk period (1954-1970), 26 from the Khmer Republic (1970-1975), 101 from Democratic Kampuchea (1975-1979), and 24 films from the Peoples Republic of Kampuchea (1979-1992). The official list was signed by Bun Narith (department director) and Sok Song (archivist), and agreed to and approved by Minister Nouth Narang on March 4, 1998.

The 101 films from Democratic Kampuchea covered a variety of subjects. Some examples include:

- ◆ Scenes of everyday life during the regime: planting and harvesting, weaving, carrying earth, building dikes and canals, hill tribes
- ◆ Visits of foreign leaders sympathetic to the regime (e.g., Korea, Laos)
- ◆ Military: Khmer Rouge troops reenacting battles with Lon Nol soldiers and the Vietnamese military, the army's entrance into Phnom Penh, and women combatants
- ◆ Political: a meeting of the Democratic Kampuchea congress at Olympic Stadium, the anniversary celebration of Cambodian communism, Pol Pot inspecting a dam.

There is also anecdotal evidence that some of the films contain images of King Norodom Sihanouk and Prime Minister Hun Sen.

Next, we wrote to Nouth Narang, then Minister of Culture and Fine Arts, asking to see the films. But

by the time permission was granted, we found only an empty room at the Ministry. MoCFA employees told us that the films had been sent to France for "restoration." They also told me informally that the films would "never be returned unless the Government pays money to get them back."

1999-2002: The Films' Location is Discovered, but the Secrecy Continues

In January 1999, acting on an anonymous tip, a Reuters reporter questioned Daniel Renouf, the chairman of System-TV in Boulogne (France's sixth-largest television company), about the missing films. He confirmed that System-TV had the films and said it had restored all of them. This gave us hope that the films would soon be returned to Cambodia, especially when M. Renouf acknowledged that they belonged to the Cambodian Government.

Later, however, the company changed its story. First, it claimed to have only 40 hours of historical film from Cambodia, and only about 10 hours of them dealt with the Khmer Rouge period. M. Renouf also suggested that the films would "probably not provide evidence," and that more important films could exist in Vietnam or Eastern Europe, where the original processing was done. Second, M. Renouf stated that his company would restore the reels within "four to five months."

While M. Renouf also said that System-TV was restoring the films for free, over the next three years, the company again changed its position. System-TV publicly stated that Cambodians must buy the films if they wanted them returned. And at one point, M. Renouf told me in a private conversation that System-TV did not have the films at all.

It soon became a matter of public record that Nouth Narang had signed a one-page contract with M. Renouf that turned the films over to System-TV. But the contract did not specify how much the French company had paid for them; nor did it mention a date when they were to be returned to Cambodia.

We made repeated attempts to contact Minister Nouth, but our messages went unanswered. Although we also contacted various other officials of the Royal

Cambodian Government, they generally denied responsibility for the films' recovery or said they were "too busy" to deal with the matter.

Likewise, the French side did not seem inclined to be forthcoming about the films. Officials at the French Embassy refused to interfere because the films were held by private interests. And M. Renouf stated that the 1998 agreement prevented him from releasing the films until instructed to do so by the MoCFA, adding that he had received no official requests from them. "We are keeping them in safe condition here, keeping them in the proper condition. If the Government wants it back, all they have to do is ask," he said.

In the interim, segments of the films began appearing in contemporary documentaries, leading DC-Cam to conclude that the restoration work had been somewhat completed. It also seemed that the French station was holding the films as a unique archive, and that the archive was likely for sale.

2002-2006: The Web of Deceit Continues

In mid-2002, the case was handed over to the Cambodian Council of Ministers' Anti-Corruption Unit. Som Sokun, director of the MoCFA's Cinema Department, also went public, saying the government had asked that the film collection be returned. Mr. Som had gathered many of the films beginning in 1979, when Khmer Rouge documents were being thrown out and burned following the collapse of Democratic Kampuchea.

The issue again came before the public when a story entitled "Historic Film Archive Languishing in France" appeared in the April 25-May 8, 2003 edition of a local newspaper, the *Phnom Penh Post*. In it, Nouth Narang, who was by then a member of Parliament, was quoted as saying he had seen the films in 1999 and had been shocked at their condition: half of them had already been stolen or destroyed, he said. Minister Nouth also denied selling the films, stating they had been sent to France only for the purposes of conserving them. "The press said I sold the films but it's not true," he said. "What I did was purely cultural."

Sean Visoth, then head of the Anti-Corruption Unit, fueled the controversy when he was quoted as saying that Youk Chhang "doesn't have enough evidence to substantiate the matter. I will look into this matter if the Ministry of Culture makes a request to the Council of Ministers. If there's no complaint from the victim, then the police can't do anything," he said.

Edwige Laforet, a French film researcher, added another layer of mystery to the films' whereabouts. She insisted they were hidden in the huge French archive, Pathé Library. She stated, "It seems true that the deal between System-TV and Pathé was first to restore them, then to come to a distribution agreement which would have been a big robbery." The *Phnom Penh Post* investigated Pathé's website, which did not show that it had any footage shot during Democratic Kampuchea. The library did not respond to the newspaper's requests for information.

Daniel Renouf, who was also interviewed for the article, claimed that the films were still at System-TV, where they were being kept in professional storage. This time, however, he contradicted his earlier statements regarding the restoration; \$65,000 was now needed for this task, he said. M. Renouf promised that as soon as he was able to get official funds, he would return them to the Ministry, whose head was then Princess Bopha Devi.

He also reiterated that if the Ministry of Fine Arts and Culture wanted the films back, all it had to do was ask. Posing a challenge to DC-Cam, he added, "If... Chhang wants to view the films, he should consult the director of MoCFA's Cinema Department."

DC-Cam countered by writing the editor of the *Phnom Penh Post*, quoting a letter it held from His Excellency Deputy Prime Minister Sok An:

"The Royal Government of Cambodia has agreed to authorize you to search for all types of documents about/related to the genocide in Cambodia and other countries through your NGO the Documentation Center of Cambodia (DC-Cam)."

There was no further response from Mr. Renouf.

The next person to enter the fray was Cambodian filmmaker Rithy Panh, who lives in France. He also attempted to review the films, but was rebuffed by System-TV, which said he needed permission from the MoCFA. Others, such as the American television program *60 Minutes* tried as well, but System-TV told them that they did not have the rights to screen the films.

A Private Company Tries to Track Down the Films

The situation languished until late March 2006, when a series of communications began between James Lindner of Media Matters (a New York-based firm specializing in archival audio and visual materials) and the National Archives of Cambodia. Mr. Lindner was working with the National Archives and had become intrigued by the matter of the missing films, so he decided to try and locate them. Mr. Lindner contacted the state-owned National Audio-Visual Institute (INA) in Paris, which said it would check on the status of the films. He took this as a positive indication that INA had some or all of the footage from Democratic Kampuchea.

Mr. Lindner then wrote to His Excellency Chea Sophorn, Secretary of State of the Council of Ministers, asking if he would write an informal letter to the INA requesting assistance from them in locating the films and returning copies to Cambodia. Although there was no response, in April, Mr. Lindner received an unofficial confirmation from INA that it was holding the films.

Later that month, Emmanuel Hoog of the INA wrote to Mr. Lindner, stating that his organization had concluded an agreement with the Cambodian Ministry of Culture. The agreement entrusted the restoration and preservation of the films to the INA. He also stated that the INA was going to restore the originals and send a copy to the Cambodian authorities. What was contained in that agreement is not publicly known.

Mr. Lindner replied to Mr. Hoog, copying Ms. Lim Ky of the National Archives and H.E. Chea Sophorn. He told Mr. Hoog that neither the National Archives nor the Council of Ministers had a copy of

the agreement between the MoCFA and INA, and requested more information. He also asked Mr. Hoog to clarify the current status of the INA's film restoration efforts and when they would be concluded. Last, Mr. Lindner asked that the INA provide the Archives with digital copies of the materials in the meantime so they would be able to know the contents of the films the INA was holding.

Mr. Hoog sent a curt reply in May that avoided answering nearly all of Mr. Lindner's questions. It stated that his organization had been in contact only with the new Minister of Culture, Sisowath Panara Sereyvuth, who had signed the agreement. Perhaps sensing that he was walking through a political minefield, Mr. Hoog was firm: the National Archives must deal with Minister Sisowath on this matter.

For its part, the National Archives replied that it was "discussing" the preparation of a letter for Mr. Lindner with the Secretary General of SEAPAVAA (the South East Asia Pacific Audio-Visual Archive Association), Jamie Lean. Its representative also said that it was working with the SEAPAVAA Committee for Repatriation Project.

In May, the National Archives notified Mr. Lindner that the Secretary General of SEAPAVAA had replied to them informally. He stated that he was very happy about the recent developments to recover the films, and that he would talk to Minister Sisowath about them. He also promised to inform Mr. Lindner when he had sufficient information on the status of the films.

The National Archives also informed Mr. Lindner of a new twist in the case: a project of the French Embassy – the Hanuman Audiovisual Resource Center Cambodia – was working on the films with the MoCFA's Cinema Department (but not with the National Archives). The Archives stressed that while the Hanuman Center could collect films, they could not legally keep them. They cited Cambodia's Archives Law, which states that all Cambodian ministries must transfer their archives to the National Archives, and all non-government

organizations working in Cambodia must give a copy of their projects to the National Archives.

Mr. Lindner then wrote to Hanuman, asking about its role. The NGO's reply was vague: the organization was collecting digitized copies of all audio-visual archives that are relevant to Cambodian history, traditions, or culture. Noting that Hanuman has no legal mandate, the organization reaffirmed that it only intended to collect digitized copies of films, both in Cambodia and abroad.

Curious about the films from Democratic Kampuchea, Mr. Lindner wrote to Hanuman again, asking if they knew anything about the status of the footage in the INA's custody, whether they knew what condition they were in, whether they had been restored, and when the National Archives could expect to receive a digitized copy. He asked several other questions, including whether Hanuman had seen a copy of the contract with the INA, and whether Hanuman would cooperate with the National Archives. He had not received a reply by November 2006 and it seemed that the trail was growing cold.

The Truth Remains to be Revealed

DC-Cam has information that points to the whereabouts of the missing films, although we have not been able to pinpoint their exact location. We know, for example, that Hanuman has changed its name and is now known as Bophana; it is headed

by Rithy Panh. The organization's website says that it is cooperating with the INA and Ministry of Culture and Fine Arts, among others. Its website also notes that the MoCFA has entrusted the Center for Audiovisual Resources (Bophana's parent organization) with a large collection of documents to be restored and digitized. And the Ministry has also made a building in its compound available to the Center.

Does Bophana have the missing films? In response to DC-Cam's questions, Rithy Panh claims that it does not, saying only that the restoration is still incomplete. And while Bophana's website says that it has over 900 documents from Cambodia, its search engine is not yet operating, making it impossible for the public to know what the NGO does have in its archives.

If Bophana has the films, when will it make them available to the Cambodian public? Will they be restored in time to serve as potential evidence in the Khmer Rouge Tribunal? And will Bophana comply with the law and turn copies over to the National Archives?

In the end, it doesn't really matter where the films have been, what money changed hands, and who was telling the truth. What matters is that the films are returned to Cambodia, their rightful owner.

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

KHMER ROUGE HISTORY AVAILABLE ON AIR

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

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

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

For comments or questions on our programming, please contact Sophorn Lath or Rattanak Leng at P.O. Box 1110, Phnom Penh or 023 211 875.

SUN TY AKA TEANH, LOGISTICS STAFF

Confession Summary

Sophary Noy

Sun Ty aka Teanh was born in Phoum Thmei village, Thmei sub-district, Kramuon Sar province, Kampuchea Krom. In 1957, at the age of 12, he studied train repair at a workshop. During Democratic Kampuchea, Sun Ty was a deputy chief of the logistics staff in the Ministry of Defense. On December 10, 1978 he was arrested for overthrowing the Party. The following is a summary of his confession.

On April 9, 1962 Sun Ty became a member of the Kampuchean Workers Party. During the day he worked at a train workshop. In the evenings after 7 o'clock, Sun Ty was a messenger of Van aka Te (a member of the Standing Committee of the Communist Party of Kampuchea after the Khmer Rouge seized power in Phnom Penh on April 17, 1975). Sun Ty also took Sar Kimlmut's and Van's letters to a woman selling newspapers at Depo Market. At night he brought the letters from his house to Khieu or Brother 89 (Son Sen's nickname). Van told Ty that the letters were signed with a single or a double cross. The single cross meant that internal affairs were quiet, so the letter could be an hour or two late. The double cross meant that the letter was for the People's Movement, so the messenger must deliver it quickly.

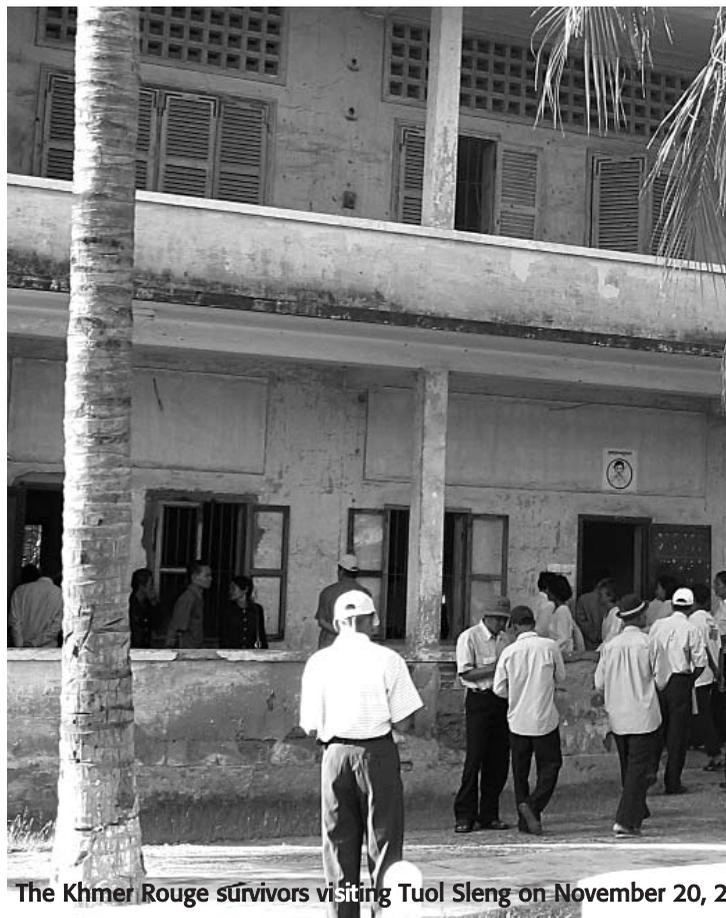
In 1963, under Van's direction, Sun Ty joined the People's Movement, but he was actually a Free Khmer. He was educated about the Khmer Republic and socialism, and recruited forces to the Free Khmer at different factories. He also had to report on his activities to Van.

In August 1968, Sun Ty's activities came out into the open when some people in his workshop reported to the Party on the arrests of Khmer Rouge who were in the Free Khmer movement. These people knew both Van's and Sun Ty's houses. Se gave Sun Ty 100,000 *riel* to give to the Free Khmer

forces and told him and Van to split up and go to their hometowns. Sun Ty then suspended his Free Khmer activities until the end of September 1969, but throughout the next year he tried to maintain close contact with his uncle to buy weapons for the Khmer Rouge. He was able to buy 20 carbines and 10 to 20 containers of ammunition.

Also at the end of September 1969, Van assigned Sun Ty to go to the northeast to be trained in making landmines from 60mm or 80mm mortar shells. A year later, he returned and was placed in the Special Zone office (in the north of Cambodia), where he was in charge of maintaining the office.

In 1972, Van appointed Sun Ty as a political commissioner of Battalion 12 with Nat, a CIA agent.



The Khmer Rouge survivors visiting Tuol Sleng on November 20, 2001

Sun Ty was very worried about this assignment because he was afraid that he would be exposed as a member of the Free Khmer, but Van advised him to work temporarily with the CIA for his safety. With this covert assignment, he was to expand the CIA's forces. Over the next six months, Sun Ty recruited two CIA agents, Run and Son, into Nat's military company.

On December 21, 1972, Sun Ty met Nat and Lay in Damrei Chhlang village, Region 25, where they attended a meeting on the Party's work progress and directions. While there, they also participated in a secret meeting with the CIA.

In late 1972, Rit from the North Zone formed the Office of the Special South Zone and transferred Sun Ty and Nat there. They were put in charge of economic activities.

The Invasion of Phnom Penh in 1975

In April 1974 Sun Ty met Van at his home near the military office along the riverside. Van appointed Sun Ty as a commissioner of division

politics because two regional battalions were being joined together and two divisions – Divisions 11 and 12 – were being created. Sun Ty and Saom were the cadres put in charge of managing Division 11. The weight of politics fell on Saom, while the burden of army leadership at the front line fell on Sun Ty.

The two divisions defeated the enemy along the river and took over Champuh Ka-Ek and Prek Ambel pagodas. During the fighting in the south of Phnom Penh, Sun Ty held a meeting of cadres from both battalions and regiments so he could expand his CIA forces. The *Angkar* removed the forces of two regiments of Division 11 to fight along National Road 5.

In September 1974 Nat's Division 12 fought along the Mekong River. Sun Ty's Division 11 fought across National Road 2 to replace those killed on the Bassac front. Saom and Sun Ty were careless when they communicated via a Model C25 radio, and the enemy was able to learn about their plans. Then, the enemy began attacking in the liberated

region at Chhoung Leap pagoda (Sa-ang district) and occupied that region for a short while.

After having completed his tasks along the Mekong River, Nat returned to Bassac to collaborate with Sun Ty in preparation for launching an assault on Phnom Penh. Sun Ty used that opportunity to spread propaganda, saying that the battle near Phnom Penh was difficult and that the assault on Ta Khmau town had been slow. Eventually, the revolutionary movement successfully liberated Phnom Penh on April 17, 1975.

The CIA Spies on the Ministries

Ten days after the liberation, Van called Sun Ty to his house to report on the CIA's situation and secret activities. He told Sun Ty to expand the CIA forces within the



cadre ranks. Sun Ty met with soldiers from Nat's Division 12 at Chamkar Daung, where he conducted a survey and encouraged the Division's forces to join the CIA.

Also in 1975, Cheng An requested 200 combatants to work in the Ministry of Industry. Van advised Sun Ty that he should deliver the forces from Division 11 to Cheng An and hide some bad elements in each factory for the purposes of sabotage. In addition, Sun Ty often monitored the CIA's situation through Chen, who worked in the tank unit, Pheap in the cannon unit, Ren and Roeung on the medical staff, Sou Met's Division 502 and Nat's Division 12.

Work of the Logistics Staff

Van told Sun Ty about the Party's plans for Division 11, and assigned him to the logistics staff in the Ministry of Defense.

In mid-May 1976 Sun Ty participated in a meeting with 40 division and regiment cadres to review all divisions and discuss productive labor. After the meeting, Khieu talked with Sun Ty, and told him, "Comrade, you have to work hard. Ammunition must be preserved. Today it is ours. It will continue to be ours."

In early June 1976, Sun Ty went to Khieu's house again. Khieu advised him to work hard for the Party and carefully preserve ammunition. Khieu added that the ammunition was given to Van to hold until he showed up with a permit in hand. Furthermore, Khieu instructed Sun Ty to work with Nat on all tasks that Nat recommended. After that, Sun Ty always contacted Nat to discuss and report on the activities of the CIA forces, including expanding the membership in their own unit by one or two people each month. After Nat left for Svay Rieng province, Sun Ty's connections became Ren and Roeung, who replaced Nat on the staff.

After four or five months of working at the logistics office, Sun Ty knew that he hadn't achieved his goal of recruiting cadres into the CIA. One day, Van told Sun Ty that if he had any problems, he should talk with him because Van worked closely

with the *Angkar*.

In the same year, Sun Ty paid a visit to Oeun's office, Suong's office, and Kuor's glass factory. Then, the *Angkar* arrested Oeun and Suong. Van advised Sun Ty to work secretly because the situation was in complete disorder. One night, Sun Ty visited Nhar, who had just replaced Oeun, and also met Nat there. Sun Ty also had a discussion with Nat about screening CIA operatives because between the time their secret plan had been disclosed and the arrest of Oeun, it had become dangerous to increase the number of CIA members within the logistics force.

In November 1976 Khieu went to the front line in Svay Rieng to fight against the Vietnamese. Before he left, Khieu reminded Sun Ty about some of the tasks he was to complete. Khieu repeated that Sun Ty was not to take weapons (especially ammunition and guns) without permission. In case Khieu was not around, responsibility would fall on the *Angkar* or Van. Sun Ty could also contact Ren and Roeung if he needed anything.

After Khieu left, Van called Sun Ty to go to the Office of Economics to ask about the expenditures made for ammunition and the relationship between Sun Ty and Khieu. Van told him that Khieu's instructions were given simply to create confusion; Sun Ty was very worried about this.

The Plans to Overthrow the Party in the 1978 Dry Season

Around February 1978, Sun Ty reported to Khieu in Kampong Trabek. He also attended a meeting there; Nat, Pin and Khieu were present. They had dinner together. Before they left Kampong Trabek, Sun Ty went to the front line with Nat. Then they continued to Kampong Soam to check on the ships that had just arrived.

In mid-June of 1978 Van told Sun Ty about preparations that were being made for a coup d'état in the summer. Van also gave him a permit to carry ammunition, which he was to supply to Khieu, who would then launch an attack against the Party. Van stamped and signed the permit. The permit contained

three justifications: 1) ammunition and weapons, 2) transportation and 3) forces.

Sun Ty then held a meeting with Maut, Thim and Phon at which four main points were discussed: 1) requesting to prepare several types of ammunition and storing it in different warehouses, 2) preparing all types of weapons, 3) preparing water and land transportation, and 4) arranging forces. The four men also divided their responsibilities: Sun Ty was to prepare the forces in Chamkar Daung, Maut was to prepare cars and oil, Thim was to manage the ammunition warehouses, and Phon was to organize the force by groups.

On June 29, 1978 Nuon Chea, called Brother Number Two, assigned Sun Ty of the staff logistics to work with Vann (Ieng Sary) in the Ministry of Foreign Affairs.

On September 12, 1978 Sun Ty went to New York with a delegation led by Vann. Then, he continued his trip, visiting the Philippines and Indonesia in October.

The Plan to Assassinate the Party's Top Leaders

In November 1978 Sun Ty met Ny Kan, who was Khieu's younger brother, at the Ministry of Foreign Affairs. Kan told him that Khieu had planned to poison Brother Number One (Pol Pot), assassinate brother Vann, poison and shoot the Chinese delegate, Ting Yong Koy, and ask for help from the Laotian Embassy in making contact with Vietnam.

Khieu's wife At was assigned to poison the food of Brother Number One, but the plan failed because she was unable to get close to the bodyguards who cooked Brother Number One's food. Moreover, the plan to assassinate Vann also failed because Vann never informed anyone in advance when he went anywhere. The plan to kill the Chinese delegate was not achieved because the security around him was strong.

Arrest and Confession

Sun Ty was arrested on December 10, 1978 at the age of 40, and then transferred to the interrogation office. His confessions were written on December 14, 24, and 25, 1978. Attached to his confessions was a piece of paper written by Sun Ty:

To Brother Secretary (Via Comrade Duch)

To Respected Party

To Comrades and Friends,

It is my fault, but I did not betray the Party. Before I had refused to answer; then I invented the answers after I was hit hard with a big club.

I have devoted my life to the Party – please do not arrest the people I named; I reported falsely – because our friends are good. I am not a CIA or Free Khmer. I would like to make a final statement because I have to die. Please, Party and Comrades, forgive me. I am a communist and will be sacrificed for the Party because Van, Khet, Kong, and Sophal accused me of being a CIA or Free Khmer. I did not conspire with them.

Phnom Penh, December 15, 1978

Sun Ty (aka Teanh)

my wife

Nat's wife

do not know anything, Brother!

Long live glorious and prodigious Kampuchean Party!

Long live tremendous and prodigious Kampuchean Revolution!

Long live courageous and prodigious Kampuchean People!

Courageous and prodigious People and Kampuchean Revolutionary Army!

This is the meaning of Brother Vann to provide education to the Office of the Ministry of Foreign Affairs.

Please comrade, do not tear it.

This is my last voice. December 15, 1978.

According to prisoner biographies, Ty's wife Chea Sam-At aka Phal was also arrested by the *Angkar*. Otherwise, no sources or documents were found on their children: a son and two daughters.

According to the Tuol Sleng prisoners' list, Sun Ty was smashed on December 31, 1978.

Sophary Noy is a staff writer for Searching for the Truth.

SURVIVORS' PARTICIPATION: NOVEMBER 20TH-21ST

Dacil Q. Keo

To date, the Documentation Center of Cambodia has sponsored ten tours to the Extraordinary Chambers in the Courts of Cambodia (ECCC). The tours have brought over 5,000 Cambodian villagers from across the country to visit important genocide memorial sites and attend meetings with prominent persons involved in the Khmer Rouge Tribunal.

Since its inception, the Tribunal has generated much publicity, which has generally focused on perpetrators who may stand trial. However, because DC-Cam has always valued the voices of the victims, it is more determined than ever to incorporate the role of victims into the process of delivering justice. The ECCC tours not only spotlight the role of victims in the Tribunal but also foster communication and understanding between the ECCC and the Cambodian people.

The 10th ECCC tour continued this vital dialogue, which began in February 2006 with the first tour. Its agenda followed that of prior tours: on the first day there was a visit to the Tuol Sleng Genocide Museum; then an informative session with a National Assembly lawmaker; a viewing of the film, *S-21: The Killing Machine*; and a trip to the Choeung Ek Killing Fields Memorial. The second day included a question-and-answer session with Tribunal officials at the ECCC courtroom.

There was also one addition to the schedule for the 10th tour: a presentation by two American political science professors from Eastern Illinois University on the topic of past ad hoc tribunals and the ECCC. From the domestic focus on Cambodian history and law to comparisons of ad hoc tribunals globally, the 10th ECCC tour contributed to elevating the role of the victim.

The 10th tour included 402 villagers from 11 provinces and the city of Sihanoukville; roughly a quarter of the participants were women (ten were

Buddhist nuns). Of the attendees, 29 were from Banteay Meanchey, 78 from Kampong Cham, 56 from Prey Veng, 33 from Svay Rieng, 19 from Kampot, 13 from Takeo, 19 from Kandal, 10 from Kampong Speu, 32 from Pursat, 57 from Kampong Chhnang, 45 from Kratie, and 1 from Sihanoukville. All of the participants arranged their own transportation to



Phnom Penh and were later reimbursed by DC-Cam.

Villagers came to the Center on Sunday, where its staff and volunteers welcomed them and provided boxed dinners. Buses were on site and took them to hotels, which DC-Cam had booked in advance. All travel within Phnom Penh and meals were provided by the Center. Lunch boxes were also handed out on the last day of the tour after the ECCC courtroom

segment ended at approximately 10:30 a.m. In addition, headache, nausea, upset stomach, and cold medicines were given to villagers who needed them.

As with past tours, various foreign and domestic media networks were there to take photographs and interview people on the 10th tour. Freelance photographer Ron Gluckman and journalist Ulrich Ladurner of *Die Zeit* covered both days of the tour. In addition, Isabel Rodde, a lecturer of broadcast journalism from the Department of Media & Communication at the Cambodian Communication Institute and her 13 students attended both days of



Khmer Rouge survivors visiting Tuol Sleng on November 20, 2006

the tour. With suggestions from DC-Cam staff members, the students interviewed villagers who found photographs of their relatives at the Tuol Sleng Genocide Museum and recorded certain parts of the tour on camcorder and digital cameras.

The Tuol Sleng Genocide Museum has always generated the most interest from villagers and this tour was no exception – it is a well known place

among Cambodians nationwide. Many people come here in hopes of finding a photo of a lost relative or loved one. This tour, more than any of the others, turned these hopes into reality when seven S-21 photographs were identified by villagers. The villagers' reactions varied: stunned, some stood still, silently studying the black and white photograph to make sure this was the person who had been missing for decades; others were quickly overtaken by emotion, grabbing the photographs and immediately searching out a DC-Cam staff member to take a picture of the S-21 photograph. In this tour, there were two cases of finding a missing relative or loved one's photograph.

One woman discovered the photograph of two of her relatives at the Tuol Sleng Genocide Museum. At the time her father disappeared, Ms. Vorn Sean was in her mid-20s. Several years ago she was interviewed by DC-Cam's Promoting Accountability Team and was given his S-21 photo, which was small and unclear. When she first glanced at the larger photo of the man labeled #20, Ms. Vorn was uncertain if this was her father. Then she noticed the missing front tooth and became confident that it was he. With piercing, frightened eyes and a startled expression, Chheum Von's photograph embodies the emotions of those who were taken to S-21 during Democratic Kampuchea (1975-1979). Committing what the Democratic Kampuchea regime considered a crime was as easy as breathing. Ms. Vorn is unsure why her father was taken to S-21; she only knows that he was taken away in car one night. Her last meeting with him was in 1976 when he came to visit her. Mr. Vorn was still single at that time and had many suitors. Her father told her not to get married yet; his reason was that the country would be liberated soon. Liberation from the Khmer Rouge regime, however, came three years too late; she never saw him again after his 1976 visit.

In another room holding enlarged copies of S-21 photographs, Ms. Vorn recognized the face of another relative: her older brother. She did not know the reason for his arrest. A DC-Cam staff member photographed and printed both S-21 photos and

gave them to Ms. Vorn the next day. When asked whether she wanted a trial to bring former Khmer Rouge leaders to court, Ms. Vorn responded, "I want the trial so that future generations can learn from this and so that we never kill each other again." Like many other participants, she will use it in religious ceremonies to bless the spirits of the deceased and wish them a better life after reincarnation.

Another tour participant, Ms. Mut Leangkry, saw the photograph of her neighbor, a former S-21 guard who is still alive today. Ms. Mut said that she clearly remembers the face of her childhood friend and neighbor, Try Leang Mai, who was born in Koh Thom. Ms. Try was a Khmer Rouge soldier prior to being placed at S-21 for guard duty. She was then arrested and made a prisoner at the very place where she once worked. According to her neighbor, Ms. Try is now living in Phnom Penh and working in a garment factory. DC-Cam's Film Project leader, Ms. Pivione Beang, is in the process of contacting the former S-21 guard for an interview.

Villagers spent approximately 1.5 hours at the genocide museum and at 9:00 a.m. left the site to listen to two presentations at the Faculty of Social Sciences and Humanities. H.E. Maonh Saphan is the deputy chief of the Legislation Committee of the National Assembly and had a pivotal role in discussing and ratifying the ECCC law; his presentation was thus on the laws and procedures of the ECCC. In addition, this session included two American professors who gave a lecture titled, "Placing the ECCC within the context of ad hoc tribunals since Yugoslavia." Dr. Lilian A. Barria and Dr. Steven D. Roper are political science professors from Eastern Illinois University and are co-authors of the new book, *Designing Criminal Tribunals: Sovereignty and International Concerns in the Protection of Human Rights*. After both presentations were given, audience members were given the opportunity to ask questions. Their questions were similar to those asked on previous tours; they concerned who will be prosecuted, the sentencing, if foreign governments will be tried, and why nothing was done to stop the genocide. All three

presenters were patient and gracious in answering the difficult questions asked of them.

After lunch, a film by French-Cambodian director Rithy Panh was shown titled, *S-21: The Khmer Rouge Killing Machine*. The film screening also took place at the Faculty of Social Sciences and Humanities. This documentary film tells of the experience of being a prisoner at the notorious secret prison of the Khmer Rouge, code named S-21. At the prison and interrogation center, confessions were forced, torture was rampant, and execution was almost guaranteed. Everyone who entered was guilty upon arrival and releases were rare. This film was overwhelming for several participants and some had to step out of the auditorium. One woman commented that seeing this film made her recall all the horrible memories that she kept buried inside for so long. She left part-way through the film in tears and remained outside in order to compose herself. She did mention later on, however, that despite this, she was still grateful to be a part of the tour.

By early afternoon, villagers made their way to the Choeung Ek Killing Fields Memorial. The most noticeable structure upon entering the site is the tall monument located near the gate. This imposing structure contains the skulls of those that died at Choeung Ek, nearly all of whom were prisoners from S-21. Burial sites are almost unnoticeable due to the grass that now covers them. There are, however, signs in Khmer and English which point out where and how people were tortured and executed here. Several interviews by DC-Cam staff were also conducted during this part of the tour. While this tour day undeniably brought back painful memories for many, all interviewees remarked that they were very pleased that such commemoration sites existed as historical evidence for younger generations. They also said that they would pass on their observations and new knowledge to family members and neighbors.

The next segment of the tour was dinner at Stung Meas Restaurant with DC-Cam staff and volunteers. After dinner, villagers were taken back to their hotel rooms via bus.

Day two of the tour began in the early morning at the ECCC courtroom located behind the National Army Headquarters along National Highway 4. Once seated in the new courtroom, villagers were warmly greeted by ECCC Public Affairs Officer Mr. Reach Sambath and Senior Assistant to the Co-Prosecutor's Office, Ms. Pamela Reusch. Despite the humidity that day and the lack of air-conditioning in the courtroom, villagers were very engaged with what Mr. Reach Sambath had to say. Questions were answered by both Mr. Reach and Ms. Reusch. Mr. Reach, whose talents lies in presenting complicated information in terms understandable to common people, made the villagers feel comfortable asking questions. As with every tour, he exhibited both an air of authority and friendliness; many villagers have commented to DC-Cam staff that they greatly appreciated his humbleness and humor.

In this 10th tour, more so than in previous tours, participants actively participated by asking a wide range of questions. While some questions

were similar to those in past tours, others had not been asked before. The questions were: 1) Who will be indicted; 2) Why are only the top leaders going to be tried and not those leaders from the regional, zone, district, and village levels; 3) What will happen to those who are indicted but remain at large; 4) How many lives were lost during the genocide, is it 3, 2, or 1.7 million; 5) Will Ta Mok be tried; 6) Why are there two trials to try Khmer Rouge leaders, one in 1979 and the upcoming ECCC; 7) Which Khmer Rouge leaders will be tried; 8) Why has it taken so long for a tribunal to finally come to fruition; 9) Who were the countries that supported the Khmer Rouge during that time; 10) Given that 3 million lives were lost and countless properties destroyed, how will surviving victims be compensated; 11) Which Khmer Rouge leaders are currently living abroad; 12) Will those who committed the actual acts of torture and killing, such as low-level cadres, be tried; 13) How does an accusation come about, meaning if a victim does not accuse someone of having

The Khmer Rouge survivors visiting the ECCC on November 20, 2006



killed another person, will that person be tried in the court; 14) Will those found guilty be forgiven by the court or is punishment certain; 15) Who exactly were the Khmer Rouge and how was the regime created; and 16) How many witnesses and what kinds of evidence are needed to bring about a conviction.

While we cannot assess the full impact of the ECCC tour without a proper on-field survey of those who attended, the questions asked at the tenth tour indicate that this project has indeed made an impact on Cambodians. The questions asked were both specific and broad. They related to issues, figures, and statistics presented in the four documents which DC-Cam hands out in each tour: a booklet on the Khmer Rouge tribunal and DC-Cam's role, a booklet on the ECCC law and the *Agreement* between the UN and the Royal Government of Cambodia, a special edition of DC-Cam's magazine *Searching for the Truth*, and a booklet introducing the ECCC. Such documents not only educate tour participants but also those who they are shared with.

Until recently, formal education and accessible texts on the Khmer Rouge period in Khmer have been unavailable to many Cambodians. Consequently their knowledge of this short and catastrophic era comes from personal experiences, shared stories, or intermittent stories from parents. The questions asked at the 10th ECCC Tour show that people are seriously thinking about the Tribunal, its jurisdiction, and what it has to offer them in terms of information and justice. Also, the various informal comments villagers made when visiting the three sites indicated their interest in the Tribunal and demonstrated that their knowledge of it has increased. When addressing the audience and ECCC officials during the question-and-answer session, villagers spoke with passion, sometimes reading a prewritten question, sometimes in a nervous voice, but always from their hearts.

After the tour, a Cham community leader (or *imam khet* in Cham), Mr. Sann Latin, called DC-Cam to thank us. He was not able to attend the tour himself, but many people in his community of 20 villages in Kratie province did attend. They told him they

were well received during the entire tour and were very grateful to have been able to visit the Tuol Sleng Genocide Museum and the Choeung Ek Killing Field Memorial.

This tour was our last ECCC tour in 2006. With the encouragement of the ECCC, we are planning to have another round of tours in 2007, although its exact form has not been decided yet. The tours in 2007 will of course be of great importance to both Cambodians and the ECCC since this is the year that trial hearings are set to begin. The goal of finding justice for victims of the Cambodian genocide is now closer than ever; these tours will serve the purpose of allowing the average Cambodian to understand the ECCC and the ECCC to understand the average Cambodian. We hope to continue this project in 2007.

10th ECCC Tour by Province and Group

| Province, Gender, Group | Participants |
|---|--------------|
| Banteay Meanchey | 29 |
| Kampong Cham | 78 |
| Prey Veng | 56 |
| Svay Rieng | 33 |
| Kampot | 19 |
| Takeo | 13 |
| Kandal | 19 |
| Kampong Speu | 10 |
| Pursat | 32 |
| Kampong Chhnang | 57 |
| Kratie | 45 |
| Sihanoukville City | 1 |
| Nuns | 10 |
| Women | 120* |
| Men | 282 |
| Total | 402 |
| Student from the Cambodian Communication Institute | 13 |
| Grand Total | 415 |

* The number of women includes the number of nuns.

Dacil Keo is the public affairs officer on DC-Cam's Legal Response Team.

A SITE OF TRAGEDIES

Socheat Nhean

In 1977, while 54 year-old Po was riding on his ox-cart, a Khmer Rouge cadre named Khon asked him to work in the West Zone. Po was not surprised to hear that the *Angkar* had decided to move him to work in a different zone; it happened all the time during the Democratic Kampuchea regime.

A moment after he departed from his cooperative, Po saw a crowd of people from cooperatives in Kandal Stoeng district making their way to the same destination. Po, wearing his *krama* (a traditional checkered scarf), traveled with the crowd. Many of the people making their way to the West Zone did not even know where the Zone was located.

Po walked across National Road Number 2 before he reached Trapaing Lavea village where a Khmer Rouge prison stood. It was called Sa-ang Prison. Po did not know that he was going to be held there. When they were halfway to Sa-ang Prison, the security guards told the people to stop. Then they made the travelers walk in rows that were accompanied by guards walking in front and back of them. About a half kilometer from the prison, Po saw some Khmer Rouge security guards holding guns, standing and waiting for their arrival. As Po and the others approached the prison, the security guards were already pointing their weapons at them. Then the chief guard shouted loudly, "Bend down, enemies!"

The Khmer Rouge security guards firmly held their guns and pointed them at the people, making

them very frightened. A guard stepped on Po's foot, and grabbed his scarf away from him, using it to tie his hands behind his back. Other people were also treated the same way. The Khmer Rouge security guards tied the hands of those who had no *karmas* using their own scarves. Po said that the security guards tied his hands so tightly that he almost could not stand up. After the security guards finished, they

pointed guns at the group while leading them into the prison.

Po was led into a big cell where there were many shackles of different sizes lying in a pile on the ground. The Khmer Rouge security guards ordered him to choose shackles that fit his ankles. Po was shackled in a large cell where there were about 30 prisoners laying in rows.

At dusk, the security guard brought some watery porridge to Po and the other prisoners. He said he was absolutely starving.

Although Po's stomach always rumbled, he never dared to ask for more porridge. He could not figure out why he was sent to prison.

A few days later, Po was moved to a small cell. There, he saw a table and a chair. The security guard told Po to sit on the chair, shackled him, and tied his hands so tightly behind his back that Po almost couldn't breathe. The security guard then left the room, but a moment later, he returned and untied Po. The security guard asked him, "Had you known your mistake before you were brought here?" Po answered that he had used the name of a dead Lon Nol soldier and taken a position as a soldier himself. However, this answer did not satisfy



Pok Po in 2005



Khmer Rouge Security Guards

the security guard, so he continued asking whether he had been involved with White Khmer. Po said that he had heard about the White Khmer, but never believed that they existed. Hearing this reply, the security guard showed Po the confession of a man named Phat. In the confession, Phat mentioned the names of his friends who had talked with about the White Khmer. Po's name was included in the confession.

Po recalled that Phat once saw a white flag at the cooperative. Then Phat told him about the White Khmer. After the Khmer Rouge cadres heard about this, Phat was sent to Sa-ang Prison. Po was also sent there because Phat's confession mentioned Po's name.

Po was assigned various jobs in the prison, such as farming, carrying soil, chopping wood, and digging up tree trunks. Po recalled that all the prisoners were chained while they were working. Po shared a cell with a prisoner named Pon, who had gonorrhea. He needed to urinate often, so he had to ask permission from the security guards. Pon was tortured several times because the security guards thought that he was pretending to be sick. Po was also tortured for being Pon's accomplice. Later, the security guards learned that Pon actually has gonorrhea.

Once a prisoner who slept near him stole some food and kept it for supper. Unfortunately, the security guard saw that prisoner eating. Other prisoners were also tortured. Po remembered being beaten so hard by the Khmer Rouge that they broke his sternum with a hoe.

Sometimes the security guards burnt tires to light the prison so that they could see if any prisoner had dared to unshackle himself so he could break out of prison. The Khmer

Rouge security guards sometimes dropped the burning rubber liquid on the prisoners' legs, causing them great pain. Po's legs still have many scars left from the hot liquid rubber.

Having lived in the West Zone for more than a year, Po suffered physically and emotionally. The pain he endured was too much. He still suffers from his broken breastbone.

Despite the great pain Po experienced, he does not want to take revenge against the former Khmer Rouge security guards who had treated him with such cruelty. Po blamed the low-ranking Khmer Rouge who were uneducated, thoughtless, and too obedient their superiors. He said, "Because of them [the Khmer Rouge leaders], because of their orders, their subordinates [the low-ranking cadres] blindly took orders. I do not want revenge. I think they [the low-ranking cadres] are as Khmer as me. They were uneducated and did not know what they were doing; therefore, my anger does not fall on them. They did not know anything besides following their superiors' commands."

Socheat Nhean is a field investigator for the Victims of Torture Project. This story is based on his interview with Po.

NETH, A LIFE REMAINS FROM DEATH

Naroeun Chhay

In 1973 when Neth was in grade 10, he was forced to quit school because the war. At that time, the Khmer Rouge movement quickly mushroomed throughout Romeas Hek district in Svay Rieng province. Most of the people in his village decided to join the revolution. Neth's mother Hem was very worried because one of her sons had already joined the Khmer Rouge and she did not want Neth to do the same thing. Afraid of losing Neth, Hem decided to send him to Tasous Pagoda to be ordained as a monk. He spent three years there.

After the Khmer Rouge triumphed over the Lon Nol regime on April 17, 1975, Neth and other ten monks at Tasous Pagoda were disrobed. Neth had to return to his village and work in the fields like other people. Not long after their victory, the Khmer Rouge said publicly that they were recruiting people to work in Phnom Penh. Hearing the announcement, Neth did not react at all. He simply followed the village chief's orders and left his home village to work in Phnom Penh.

Before leaving for Phnom Penh, Neth was assigned to attend a short course at S-200 School, which provided basic skills related to the politics and military of the East Zone. After a month of the course, Neth was sent to be educated at Rong Damrey Pagoda in Prey Veng Province for three days. Finally, the *Angkar* sent him by boat to work in Phnom Penh.

After he arrived in Phnom Penh, Neth was assigned to work for a school of politics that was situated in the vicinity of Borey Keila. Neth's duty was to clean the building and to taste the food in every dish that was prepared for the cadres who came to study politics. Actually, the *Angkar* was very careful about the safety of its party members. To prevent the party members from being poisoned, the *Angkar* had all the dishes tasted. Because the members who attended the course were senior cadres from different zones and regions, their security

had to be carefully watched. Every meal time, five people tasted each dish. After tasting the food, Neth took a microphone and told the senior cadres that the food was safe. Then the cadres began to eat.

According to Neth, every month-long course was taught by Pol Pot, Kieu Samphan, and Nuon Chea. He added that those senior Khmer Rouge leaders never ate with the other cadres even after the dishes were confirmed to be safe to eat.

Besides cleaning and tasting food, Neth had some trivial extra jobs like searching for land mines and peeling sugarcane. Neth worked under the control of comrades Pang and Phum. Neth worked there for three years without having any serious accusations made against him or being in any danger.

In late 1978 So Phim, the secretary of the East Zone, was accused of betraying the revolution and conspiring with the Vietnamese. After that, Neth who was originally an East Zone combatant, was moved from Borey Keila Unit to work in Stoeung cooperative. A local cadre at Stoeung told Neth, "Do not be disappointed comrade Neth. Wherever you work is work for *Angkar*. You cannot remain in the same position forever. Normally, there is always a change." Neth did not think much about the change because everywhere he went, he was given rice to eat. There was no money or any property to worry about. But in fact, the *Angkar* sent Neth to Stoeung cooperative to be tempered.

After he had worked at Stoeung Cooperative for ten days, the *Angkar* assigned Neth to look after two buffalos. Neth said that if someone broke even a plough, he or she would be regarded as the enemy and sent away to be killed at the fields. Neth concluded that the *Angkar* must have taken people to be killed every day. He said, "Whenever you saw an old CL motorbike at dinner time, you knew it was coming to take people away."

In the early dawn, the *Angkar* blew a whistle to wake people and have them line up. Then they

called out names. Those whose names were on the list had to move out of the row. Neth's name was on the list one day. The *Angkar* told those who had stepped out of the line that they would be sent to fight the Vietnamese soldiers who were coming really close to the area. Soon after, a truck came to pick up Neth and his colleagues. There were 50 people in the truck. In fact, however, the *Angkar* did not send them to join the army; it needed their labor in building a hill on which they would lay a new rail line in Kampong Speu province.

Two weeks later, Neth and his friends were sent to build a drainage system near Stoeung Hao where they worked under comrade Hoeun. The work there was very hard. Having been given insufficient food and treated badly by Hoeun, Neth and some other workers rebelled. They arrested Hoeun and sent him to the military base nearby. The following day, a soldier came to call Neth and his friends to join a meeting. At the meeting, a group of soldier released Hoeun and then arrested Neth and his friends, accusing the men of rebelling against the *Angkar*.

Neth was detained in the vicinity of Stoeung Hao. While in prison, he was tortured. Once he was tortured with electrified wires for ten days. The Khmer Rouge also tied him to a tree that was full of fire ants. They broke the ants' nest, and then the ants fell from the tree and bit Neth. After interrogating Neth for several days, the cadres told him that they would release Neth and his friends and send them to Phnom Penh. But in fact, they planned to send Neth and his friends to the killing fields in the nearby forest. On the appointed day, the Khmer Rouge had about ten prisoners stand in line and then tied them together. Then the Khmer Rouge walked their prisoners to a hill in the nearby forest.

At the killing site, three Khmer Rouge soldiers stood waiting. One of them was a commander, one beat them, and the last man used a pelican-beak-like object to stab the prisoners to death. Each prisoner was beaten once and stabbed with the sharp object three times. The Khmer Rouge did this to Neth and his friends one after another. Neth was the fifth among 50 men at the killing scene. The Khmer

Rouge ordered each prisoner to sit and then beat him with a long stick. When the prisoner fell to the ground, the cadre stabbed him with the pelican-beak-like object three times to make sure that the prisoner was really dead.

Luckily, after a night in the open grave, Neth was still alive, and when he woke up, he thought he was in hell. He did not believe that he survived. But when he stood up and took his first step, he could feel he was alive. Among the 50 prisoners, only Neth and Ta Kan survived. They helped untie each other. Though they survived, they were absolutely exhausted from starvation. Neth and Ta Kan applied some mud to their wounds and wandered about searching for food. Because of extreme thirst, Neth had to force himself to drink his own urine. When night fell, they found a farm full of yams and sugar-cane. After eating them, they felt better.

After this life-threatening situation, Neth returned to Stoeung Hao to find some rice. When he arrived, he found that the Khmer Rouge soldiers had left. They had fled in fear of the Vietnamese soldiers. Like the Khmer Rouge, Neth and Ta Kan were also afraid of the Vietnamese soldiers, so they ran away and hid themselves in a mountainous area with the Khmer Rouge. Later, Neth persuaded Ta Kan to return to Chheung Kou village because he had been longing to see his family.

A month and a half later, the subdistrict chief appointed Neth to be a village militiaman. In this position, Neth often encountered the Khmer Rouge, who almost killed him a few times. Because he faced so much danger, he decided to resign from his job and return to his homeland.

Since then, Neth has lived happily with his family. He began to write down his experiences in a book entitled *13 Days and 13 Nights*. This book is about his life since he left Borey Keila Unit, the day the Khmer Rouge took him to the killing field, and about the struggles he faced afterwards.

Naroeun Chhay is a field investigator on DC-Cam's Promoting Accountability Project. He wrote this article after interviewing Neth.

POVERTY CAUSED MY HUSBAND AND ME TO SEPARATE

Pivoine Beang

“My husband separated from me because my family was very poor after the Khmer Rouge was toppled. He firmly refused to live with me in my homeland. He was determined to settle down alone in Phnom Penh in search of a better standard of living than the one in my village,” said Koem Yoeung. After the Khmer Rouge was overthrown, Koem Yoeung took on the responsibility for their two children.

Today, Koem Yoeung is a widow living in Koh Dach sub-district of Kandal province. She earns a living by weaving *pha muong* (traditional Khmer clothing usually worn by women) and by doing a little farm work to support her family. She picked up weaving skills before the Khmer Rouge regime; however, she did not use them during Democratic Kampuchea.

During the Lon Nol regime, Koem Yoeung’s family earned their living by weaving and farming. Their peaceful and ordinary lives became miserable when the war spread to the village where they lived. Finding their lives disturbed, they moved out. Like other villagers, Koem Yoeung’s family decided to move to a place they believed to be safe. Her family found the area around Chroy Chang Va to be more secure, and they stayed there for a while with an old friend. Not forgetting her weaving skills, Koem Yoeung continued making *pha muong* with the hand-made loom she had brought from her village. She took her products to a regular buyer at the market.

In addition, the Red Cross provided Koem Yoeung’s family with food aid such as rice, fish sauce, dried and salted white radish, and soy sauce. Her family received this sort of food aid every day.

Before 1975, there were incessant explosions everywhere around Koem Yoeung’s house. The sounds of bombs and gunfire could be heard all day and night. One day the sounds slackened and Koem Yoeung saw Khmer Rouge soldiers armed with guns. They

came to announce that the country had found peace. No doubt, Yoeung thought that her country was really at peace, and she felt very glad, thinking that she could return to her homeland safely.

However, things turned out completely the opposite. The Khmer Rouge forced Koem Yoeung and others to leave Choy Chang Va and walk along National Road 6. Still believing the Khmer Rouge, Koem Yoeung thought that they were evacuating people because they wanted to rout out the enemy and organize the city. Thinking that this was only a temporary situation, Koem packed only some dishes, a cooking pot, rice, and clothes.

It took several days to reach Prek Pnoeu. The next day, the Khmer Rouge drove Koem Yoeung’s family and others in a truck that was heading for Kampong Cham province. There, the *Angkar* assigned them to live in the area of Stoeung Thom in Kroch Chmar district. Koem Yoeung and her family were put in an old people’s unit which grew vegetables and cultivated rice. Her children were sent to work in mobile units. The family members were allowed to meet only once a month.

Koem Yoeung complained that her life during Khmer Rouge regime was the worst possible. She encountered untold hardships that she can never forget. Starvation and overwork made people miserable. With insufficient food, people were too frail to complete the hard work assigned to them, yet they were forced to work as beasts of burden. What is more, the most boring but terrifying thing was the frequent denunciations.

Koem Yoeung said that the base people (those living in areas controlled by the Khmer Rouge before they came to power) at Stoeung Thom were very vicious and arrogant. They always mistreated evacuees like Koem Yoeung. They were always looking down on her, mocking her, saying

that new people like Koem Yoeung were useless. The base people blamed Koem Yoeung for eating too much, saying it caused her to be sick. In fact, the *Angkar* provided neither proper food nor medicine. Consequently, many people gradually died.

For example, Koem Yoeung's mother died of malaria. When her mother felt ill, the *Angkar* sent her to a hospital where there was nothing to cure the patient besides rabbit-dung medicine and coconut juice that was used for intravenous injections. Because of improper medicine and unprofessional medical workers, her mother never recovered. The Khmer Rouge did not let relatives visit patients. Instead, they kept the relatives busy in the mobile units. It was only when Koem Yoeung's mother was near death that the *Angkar* agreed to allow her relatives to visit her. When Koem Yoeung arrived at the hospital, her mother had already breathed her last breath. As a daughter, Koem Yoeung was supposed to bury her mother's body, but the *Angkar* did not

allow her to do this. Koem Yoeung did not even know where her mother was buried.

After the Vietnamese army overthrew the Khmer Rouge, Koem Yoeung and her family returned to their homeland. Traveling on foot, their journey home took nearly a month. It was then that Koem Yoeung's husband left her because he wanted to try his luck in the city, which he believed would offer better opportunities. Not knowing how to resist, Koem Yoeung let her husband go alone.

Koem Yoeung still cannot forget the pain she bore during the Khmer Rouge regime. However, she was relieved and glad to hear that the Khmer Rouge Tribunal will start soon. She feels optimistic about the upcoming trials and hopes they will bring justice to the victims of the Khmer Rouge regime, especially her mother.

Pivoine Beang is researcher on DC-Cam's Documentary Film Team.

PUBLIC INFORMATION ROOM

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

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

The PIR offers four services:

1. Library: Through our library, the public can read documents, books and magazine, listen to tapes, watch documentary films, and view photographs held at DC-Cam, the Tuol Sleng Genocide Museum, National Archives and other locations.
2. Educational Center: DC-Cam shows documentary films and offers lectures on Khmer Rouge history, the upcoming tribunal, and other related subjects.
3. Tribunal Response Team: Our document and legal advisors will provide research assistance to the tribunal's legal experts from both Cambodia and the United Nations, as well as to the public.

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

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

Thank you.

**SUPPLEMENTARY AGREEMENT
BETWEEN THE UNITED NATIONS
AND THE ROYAL GOVERNMENT OF CAMBODIA,
ANCILLARY TO
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, REGARDING UTILITIES, FACILITIES AND SERVICES**

Whereas on 6 June 2003 the United Nations and the Royal Government of Cambodia signed the Agreement Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea (hereinafter the “Agreement”);

Whereas Article 14 of the Agreement provides that the Royal Government of Cambodia shall provide at its expense the premises for the co-investigating judges, the Prosecutors’ Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration provided for in the Agreement;

Whereas Article 14 of the Agreement further provides that the Royal Government of Cambodia shall provide for such utilities, facilities and other services necessary for the operation of those premises that may be mutually agreed upon by separate agreement between the United Nations and the Government;

Whereas Article 17 (b) of the Agreement provides that the United Nations shall be responsible for the costs for utilities and services as agreed separately between the United Nations and the Royal Government of Cambodia;

Whereas the Royal Government of Cambodia has confirmed that, pursuant to its responsibilities under Article 14 of the Agreement, it will, for the duration of the Agreement, provide at its expense these parts of the High Command Headquarters of the Royal Cambodian Armed Forces in Phum Ang village, Kantok commune, Ang Snoul district, Kandal province, that are indicated on the site plan contained in the annex to this supplementary agreement as premises for the co-investigating judges, the Prosecutors’ Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration (hereinafter, the “premises”);

Wishing to conclude the supplementary agreement that is foreseen in Article 14 and Article 17 (b) of the Agreement;

Now therefore the United Nations and the Royal Government of Cambodia agree as follows:

Article 1

Improvements, alterations and fitting-out of the premises

1. The Royal Government of Cambodia, at its expense, shall make such improvements and alterations to the premises as may be necessary and appropriate to render them ready for use by the co-investigating

judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration. Such improvements and alterations shall include, but not be limited to, the erection of internal partitions and the installation of communications infrastructure for computers, telephones, telex, telefax, and electronic mail, in accordance with such specifications as may be separately agreed between the United Nations and the Royal Government of Cambodia. The Royal Government of Cambodia may seek financial assistance from donor States or organizations with a view to enabling it to defray the costs of any such improvements and alterations.

2. The United Nations, at its expense, shall have the right to affix a flagstaff and office signs and insignia outside and on the premises. The dimensions and location of such flagstaff and signs and insignia shall be separately agreed between the United Nations and the Royal Government of Cambodia. Such flagstaff and signs and insignia shall be and remain the property of the United Nations. The United Nations, at its expense, shall have the right to remove at any time such flagstaff and any and all such office signs and insignia that it may affix outside and on the premises and shall do so prior to the termination of this supplementary agreement.

3. The United Nations, at its expense, shall have the right to install on the premises telecommunications and electronic communications systems and security devices. Such systems and devices shall be and remain the property of the United Nations. The United Nations, at its expense, shall have the right to remove at any time any or all of the telecommunications and electronic communications systems and security devices that it may install on the premises.

4. Upon cessation of the occupation of the premises by the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration, the United Nations shall not be under any obligation to restore the premises to the condition that they were in when such occupation commenced.

Article 2

Maintenance and repair of the premises

The Royal Government of Cambodia undertakes, at its expense, to maintain the premises, including *inter alia* air-conditioning equipment, toilets and grounds, in good repair throughout the duration of the Agreement. It shall also be responsible, at its expense, for minor repairs to, and routine maintenance of, the premises, including *inter alia* air-conditioning equipment, toilets and grounds, arising from their occupation and use throughout the duration of the Agreement.

All work executed pursuant to paragraph 1 above shall be carried out, if at all possible, in a manner that avoids disruption to the functioning of the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration and, if and to the extent that this is not possible, ensures that such disruption is kept to an absolute minimum.

Article 3

Utilities and services

The Royal Government of Cambodia undertakes to ensure that the premises are supplied with the following utilities and services in a manner and to an extent adequate to ensure the smooth functioning of the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration.

a/ electricity; b/ running water; c/ drinking water; d/ sewerage and drainage; e/ post, for collection at the nearest post office; f/ telecommunications, including telephone, telex, telefax and electronic mail, for

local, national and international communication, by means of both land-based and cellular networks; g/ garbage collection and disposal; h/ cleaning services, adequate to maintain all parts of the premises in a condition and at a standard cleanliness appropriate for the uses for which they are intended pursuant to the Agreement; i/ emergency services in the event of fire; j/ pest control, including spraying for mosquitoes both within the premises and in its immediate environs; and k/ catering services.

2. If and in so far as this may be necessary, the Royal Government of Cambodia shall, at its expense, ensure that all necessary works are undertaken and all necessary infrastructure is put and maintained in place so as to ensure that the utilities and services specified in paragraph 1 are brought to and are available to and on the premises, including, in the case of telecommunications, the installation of all last-mile wiring into and on the premises and the erection of all necessary mobile telephone network towers.

3. The Royal Government of Cambodia undertakes to ensure that the utilities and services specified in paragraph 1 (a), (b), (d), (f) and (i) are supplied to the premises on all days and at all times and hours, whether business days or hours or otherwise. For the purpose of discharging this obligation with respect to the supply of electricity, the Royal Government of Cambodia shall, at its expense, install on the premises two or more electric generators or similar devices to serve as back-up sources of electricity for all services and equipment in the event of interruption or disruption to the main supply.

4. In the event of interruption or threatened interruption, whether due to strikes, mechanical difficulties or any other causes, to any of the utilities and services specified in paragraph 1, the Royal Government of Cambodia will consider the needs of the premises as being of equal importance with those of essential agencies of the Royal Government of Cambodia and shall take steps accordingly to ensure that the work of the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration is not prejudiced.

5. The Royal Government of Cambodia undertakes to enter into such contractual arrangements as may be necessary with local suppliers of the utilities or services specified in paragraph 1 in order to ensure the supply of those utilities or services to the premises.

Article 4

Costs for utilities and services

1. The Royal Government of Cambodia shall be responsible for bearing all costs for, and arising from the use of, the utilities and services supplied pursuant to Article 3, paragraph 1 (a), (b), (c), (d), (e), (g), (h), (i), (j), and (k), of this supplementary agreement.

2. With respect to telecommunications services that are provided pursuant to Article 3, paragraph 1 (f), of this supplementary agreement:

a/ the United Nations shall be responsible for reasonable costs of establishing and maintaining connectivity with the local land-based and cellular telecommunications networks;

b/ the United Nations shall also be responsible for reasonable charges for the use made of those networks by the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration. Such charges shall be levied in accordance with a tariff which shall not exceed the lowest comparable rate accorded to institutions and organs of the Royal Government of Cambodia;

c/ in so far as concerns charges for the use made of the local land-based telecommunications network, the Royal Government of Cambodia shall submit monthly invoices to the Deputy Director of the Office of Administration. The United Nations shall effect payment to the Royal Government of Cambodia against those

invoices once they have been certified, and for the amounts accepted, by the Deputy Director of the Office of Administration or his or her designated representative;

d/ in so far as concerns charges for the use made of the local cellular telecommunications network, it is understood that the local commercial service provider will submit invoices directly to the Deputy Director of the Office of Administration. The United Nations will effect payment directly to the local commercial service provider in accordance with the terms of the applicable service contract.

Article 5

Taxes

1. The United Nations shall be exempt from any and all taxes and other charges of a public nature which are or may be assessed against or in respect of the premises.

2. The United Nations shall be exempt from any and all taxes, direct and indirect, including value added tax, that may be levied on or payable as part of the costs and charges specified in Article 4, paragraph 2, of this supplementary agreement.

Article 6

First aid and medical emergencies

1. The Royal Government of Cambodia undertakes to make available on the premises, at its expense, adequate medical facilities for first aid in the event of emergencies.

2. The Royal Government of Cambodia undertakes to assure immediate access and admission to the Calmette Hospital, Phnom Penh, whenever required in the event of medical emergencies occurring on the premises. It also undertakes to ensure, at its expense, that the necessary transport for this purpose is available on call, on all days and at all times and hours, whether business days or hours or otherwise.

Article 7

Transport

1. The Royal Government of Cambodia, at its expense, shall provide adequate transport, on regular working days and regular working hours, between the centre of Phnom Penh and the premises for international and Cambodian personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration. The schedule for these services and the locations and routes that they serve shall be separately agreed between the United Nations and the Royal Government of Cambodia.

2. The Royal Government of Cambodia, at its expense, shall ensure that adequate transportation is available, at regular working hours on days when proceedings are taking place before the Extraordinary Chambers, between the centre of Phnom Penh and the premises for members of the public and representatives of the media and of national and international non-governmental organizations wishing to attend those proceedings. The schedule for these services and the locations and routes that they serve shall be separately agreed between the United Nations and the Royal Government of Cambodia.

3. The Royal Government of Cambodia shall be solely responsible for, and shall handle, any and all demands, claims, suits and liabilities of any nature or kind arising from or relating to the transport that it may provide pursuant to this Article and shall indemnify, hold and save harmless and defend the United Nations, its officials, agents, servants and employees from and against all such demands, claims, suits and liabilities.

The Royal Government of Cambodia shall provide and maintain, at its expense, adequate insurance to cover such demands, claims, suits and liabilities.

4. The Royal Government of Cambodia, at its expense, shall provide and maintain, outside and immediately adjacent to the premises, spaces for the parking of vehicles of international and Cambodian personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration and vehicles of representatives of Member States of the United Nations, of the Secretary-General of the United Nations and of national and international non-governmental organizations, and of members of the new media and of the general public attending public hearings of the Extraordinary Chambers. The location or locations in which such parking spaces are to be provided and maintained and the numbers of vehicles that they are to accommodate shall be the subject of separate agreement between the United Nations and the Royal Government of Cambodia.

Article 8

Obligations of the United Nations in respect of the premises

The United Nations undertakes that the Deputy Director of the Office of Administration and international personnel recruited by him or her shall exercise due care and attention with respect to the premises and their fixtures, appurtenances and contents.

Article 9

Indemnification and insurance

1. Without prejudice to any other indemnity given by it in this supplementary agreement, the Royal Government of Cambodia shall indemnify, hold and save harmless and defend, at its expense, the United Nations, its officials, agents, servants and employees from and agents all demands, claims, suits and liability of any nature or kind arising from or related to the occupation or use of the premises by the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration, by the Deputy Director of the Office of Administration and by international personnel recruited by him or her.

2. Subject to paragraph 3 below, the Royal Government of Cambodia shall be responsible for satisfying any claims of any nature or kind by, and liabilities to, third parties for personal injury, illness, death or damage to property occurring on the premises and shall indemnify and hold the United Nations, its officials, agents, servants and employees harmless from such claims.

3. The United Nations shall be responsible for handling any claims in tort or delict by third parties for personal injury, illness, death or damage to property arising from negligent acts or omissions of the United Nations, the international judges, the international co-investigating judge, the international co-prosecutor, the Deputy Director of the Office of Administration or international personnel recruited by him or her and shall, for this purpose, maintain such insurance as is necessary to meet its responsibilities under this paragraph.

4. Before making any claim against the United Nations on account of damage to the premises, its fixtures, appurtenances or contents or on account of injury to persons or property caused by the United Nations, the international judges, the international co-investigating judge, the international co-prosecutor, the Deputy Director of the Office of Administration or the international personnel recruited by him or her, the Royal Government of Cambodia shall look first to any insurance in its favour.

5. It is understood that the United Nations will obtain and maintain adequate insurance for equipment,

devices, provisions, supplies, materials and other goods that may be installed, operated or stored by the United Nations on the premises or that may otherwise be provided by the United Nations for the purpose of supporting the operations of the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration.

Article 10

Settlement of disputes

Any dispute between the United Nations and the Royal Government of Cambodia concerning the interpretation or application of this supplementary agreement that is not settled by negotiation or other agreed mode of settlement shall be referred at the request of either Party for final decision to a panel of three arbitrators, one to be named by the Secretary-General of the United Nations, one to be named by the Royal Government of Cambodia and the third, who shall be the Chair, to be chosen by the first two arbitrators. If any Party fails to appoint an arbitrator within 60 days of the appointment by the other Party, or if these two arbitrators should fail to agree on the third arbitrator within 60 days of their appointment, the President of the International Court of Justice may make any necessary appointments at the request of either Party. However, any such dispute that involves a question regulated by the Convention on the privileges and immunities of the United Nations shall be dealt with in accordance with Section 30 of that Convention.

Article 11

Privileges and immunities

Nothing in or relating to this supplementary agreement shall be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations or of any of the privileges and immunities provided for in the Agreement.

Article 12

Withdrawal of cooperation

In the event that, and for so long as, the United Nations may exercise its right under Article 28 of the Agreement to cease to provide assistance pursuant to the Agreement, the obligations of the United Nations under this supplementary agreement shall cease to apply.

Article 13

Relationship with the Agreement

This supplementary agreement is to be interpreted and applied in a manner consistent with the terms of the Agreement.

Article 14

Entry into force

This supplementary agreement shall enter into force immediately upon signature.

Article 15

Termination

This supplementary agreement shall remain in force for as long as the Agreement remains in force. It shall terminate when the Agreement terminates.

PROSECUTING NUON CHEA FOR KHMER ROUGE WAR CRIMES

Kate Hill

I. Introduction

During the 1970s, the newly independent nations of Southeast Asia were at the center of the world's attention, engaged in battles with economically and militarily powerful states. Newspapers covered North Vietnam's victory over the United States, the battle between Russia and China for influence in the region, and the secretive US bombing of Cambodia. Overshadowed by these global political struggles, a bitter regional conflict raged between two nations that should have been allies. Since the early twentieth century the young communist leaders of Cambodia and Vietnam sought to overthrow French colonialism and American imperialism. The leaders of both movements grew up in the oppressive French colonial system and left their native lands to travel and study abroad. They returned home, where their disenchantment with political and economic conditions often led them to guerilla warfare waged from remote locations. In 1930 they allied to create the Indochinese Communist Party. It would seem that a Vietnam-Cambodia partnership would be mutually beneficial to both countries.

Instead, war broke out between the two nations. The Khmer Rouge, a regime that thrived on generating fear and distrust among its own people, accused the North Vietnamese of espionage and attempts at regional dominance. These fears were probably not entirely without merit: the Vietnamese had betrayed the Khmer Rouge in the 1954 Geneva Convention. The Vietnamese also did not try to disguise their paternal feelings toward Cambodia, referring to their relationship as "ank-em" in Vietnamese, meaning the older brother and the little brother. As a result, while the Khmer Rouge imposed a regime of terror on their own people, they invaded Vietnamese villages in Ha Tien and Tay Ninh province. The majority of the Vietnamese living in Phnom Penh were expelled in 1975. Khmer husband were forced to turn in

their Vietnamese wives to be executed. The fighting between the two countries was initially kept secret from the international community. It came to a head in 1977, leading to intensified repression of the Vietnamese in Cambodia and the eventual Vietnamese invasion of Phnom Penh.

The Vietnamese were called the "hereditary enemy" by the Khmer Rouge, and villagers, even those living in the Eastern Zone, could not disagree with the party line at the risk of their own lives. Widespread killings were reported throughout the region, and the anti-Vietnamese clamor began in 1977. As Ben Kiernan points out, the increased hostility towards the Vietnamese in official party statements reflects the "close-relationship between internal repression...and the Pol Pot regimes' attacks into Vietnamese territory."

The crimes committed against the Vietnamese prisoners in S-21 can be prosecuted as war crimes under the Geneva Conventions. A war crimes charge for abuses of Vietnamese soldiers is more viable than a claim for the lives of Cambodian soldiers because of the higher bar for non-international conflict. Civil law evidence standards are very flexible, and judges can look at almost any material they feel is relevant. A claim against Nuon Chea is particularly possible because of the availability of evidence against him compared to the other defendants.

The Third Geneva Convention, which protects prisoners of war, requires an "international armed conflict" and victims that can be classified as "protected persons" under the agreement. Additionally, Article 6 of the Law of the Extraordinary Chambers requires crimes to reach the level of "grave breaches" in order to qualify as war crimes.

II. The Confession

Approximately 488 Vietnamese were arrested and brought to Tuol Sleng during the Khmer Rouge period, including 381 men, 59 women, and 47 children. They were arrested in Vietnam, in the disputed

territory near the border, and throughout Cambodia. Most were civilians, many were soldiers. There were even soldiers from the South Vietnamese army, referred to as “soldiers for the contemptible Thieu-Ky regime.”

The confessions and biographies of approximately 50 Vietnamese prisoners, as well as execution logs documenting their murder, are held in the archives of Tuol Sleng, the notorious Khmer Rouge prison that housed approximately 20,000 prisoners between 1975-1979. Often these confessions were written only hours or days before their execution. Former employees of Tuol Sleng, or S-21, have confirmed that these Vietnamese prisoners were indeed held, tortured and executed. Telegrams from Khmer Rouge cadres in the Eastern Zone also allude to the abuse and torture of Vietnamese prisoners. The Tuol Sleng confessions, however, provide the best evidence of war crimes because they contain the identities of specific victims with their exact time of capture, detention, and death. The UN Convention Against Torture limits the use of confessions wrought by torture in legal proceedings. The convention does allow, however, for the confessions to be used as evidence of torture committed. Using the confessions in this context obviously does not create the same policy problems as relying on them for their substantive content.

Several of the confessions were transcribed in Vietnamese by Tuol Sleng employees while the prisoners were being interrogated, but the majority were recorded in Khmer. The interrogations of Vietnamese prisoners were performed mainly by Mam Nay, a deputy interrogator, and Chann, both of whom spoke Vietnamese fluently. Mam Nay would later transcribe the confessions. The majority of the prisoners were arrested in the Eastern Zone, along the Vietnamese border, by Division 703 of the Khmer Rouge army. Sometimes the soldiers in Division 703 transported the prisoners to Tuol Sleng themselves; other times, prison guards and executioners were sent to Svay Rieng to bring the prisoners back to Phnom Penh.

Of the confessions that have been recovered,

four prisoners were female and forty-three were male. Their ages range from 20-35. Discussions with former S-21 officials have shown that there were probably more women prisoners; however, their confessions may have not been written or maybe lost. There is photographic evidence of one Vietnamese female prisoner who committed suicide by throwing herself from the third floor of the prison. Execution logs also show that there were other female prisoners for who confessions have not been found. The female prisoners were usually captured during battles along the disputed border between the two areas; it is possible that some might have been the wives of Khmer villagers. Some of the women confess to being spies for the Vietnamese government. One female prisoner, Nguyen Thi Bach Hue, was a former lounge singer at the Rex Hotel in Saigon. She was captured near the Cambodian border while visiting relatives and confessed to being a spy for the Vietnamese government.

The majority of the male prisoners were soldiers and officers in the Vietnamese army, captured during battle or on reconnaissance missions. The soldiers generally gave detailed information about their rank, the actives and location of their battalion, and their military training. Three of the male prisoners confessed to being members of the elite Yellow Star Division from Song Be, a special division for monitoring prisons. Several men were arrested in boats in the Cambodian sea and confessed to being members of the Vietnamese navy. Others were local officials, villagers, and ethnic minorities who were arrested as spies for helping the army. Most of the men were in their mid-twenties. The majority of the prisoners say they were arrested in Cambodia, even if they were very close to the border. Twelve of the prisoners say in their confessions that they were arrested in Vietnam, in Tay Ninh, Ha Tien, and Dong Thap, provinces near the Cambodian border where fighting was very heavy.

III. Prosecuting War Crimes Under the ECCC Law

Article 6 of the ECCC Law authorizes the tribunal to try suspects for grave breaches of the Geneva Convention committed against protected groups

during the Khmer Rouge period. Under the Geneva Convention, these grave breaches must have been committed during a period of declared war or “armed conflict” between two nations. In order to try senior Khmer Rouge leaders for war crimes under ECCC law, the prosecutors must establish that the crimes took place during a period of armed conflict, that the crimes were committed against protected persons, as defined by the Geneva Convention, and that the acts were grave breaches as listed by the convention and Article 6 of the ECCC law.

a. Armed Conflict

Article 2 of the Geneva Convention states that the convention applies to all cases of declared war or “any other armed conflict” that might arise between two or more states. The International Tribunal of Yugoslavia attempted to define “armed conflict” in the convention: “resort to armed forces between states or protracted armed violence between government authorities and organized armed groups or between such groups within a state.” This imprecise definition demonstrates how difficult it is to identify “armed conflict” in modern times, a problem not foreseen by the drafters of the Geneva Convention, who lived in a generation of wide scale global battles. The convention, which has become anachronistic in the latter half of the 20th century, assumed it would be easy to determine when and where armed conflict was taking place. The battles of the past 50 years, as opposed to massive scale fighting of the two world wars, has not always been so easy to define as the boundaries between war and peace, adversaries and allies have become blurred. There is still a good deal of disagreement among legal scholars about the exact threshold of armed conflict and intensity of fighting required in order to justify the application of the Convention.

Determining the exact date of the armed conflict between Vietnam and Cambodia is further complicated by the war’s secretive nature and the fact that neither country ever declared war against the other. The Khmer Rouge government officially broke diplomatic relations with the Vietnamese in December 1977:

before the announcement the outside world had little knowledge about the border conflict raging between the two states.

Tuol Sleng was located in Phnom Penh, and prisoners were tortured and execute far away from the embattled border region. According to the ICTY, however, there can still be a sufficient nexus between the armed conflict and crimes committed even if they occur in a different location. The Appeals Chamber in the *Kordic* case said it was enough for the crimes to be closely related to “hostilities occurring on other parts of the territories controlled by parties to the conflict.” In this case, the Vietnamese soldiers and civilians from the border areas were arrested because of their suspected involved in the ongoing armed conflict between the two countries. Their removal to Tuol Sleng does not remove their status as prisoners of war and civilians.

The prosecutors should try to establish the earliest possible start date for the armed conflict to be able to admit evidence of more killings and torture. A breakdown of events on a yearly basis shows potential start dates for the conflict.

1975

The hostilities between Vietnam and Cambodia began long before the breach in relations in 1977. Although the two countries had been allies against the French and the Americans, the Khmer Rouge deeply resented Vietnam’s annexation of ancient Khmer lands that occurred long before Western powers arrived on the scene. Border fighting to recover these lands began as early as 1974 and began to intensify in 1975. Some historians mark this early fighting as the start date of the armed conflict, encompassing almost the entire Khmer Rouge period. One of the earliest signs of hostility was the so-called Pvo Lov incident that happened in June 1975. The Khmer Rouge shelled Vietnam’s Phu Quoc Island as early as April 19, and the Vietnamese took Wei Island in June. This event is surrounded by uncertainty, but it is continuously discussed by both sides as a serious clash. Vietnam contended well into 1978 that Cambodia has not

returned approximately 515 Vietnamese captured during the event. The ostensible goal of this fighting was to recover ancient Khmer lands that made up modern day Southern Vietnam. This fighting ended, according to Ben Kiernan, when the strategic opportunity created by the temporary weakening of South Vietnam and the rise to power of the Khmer Rouge had passed. Pol Pot passed off these early skirmishes as a misunderstanding on the part of lower cadres and quickly tried to patch things up with the Vietnamese. This event could represent the start of the armed conflict, and it is also likely that the 515 missing were some of the earliest victims of war crimes. Telegrams discussing Vietnam's concerns about these 515 missing people were sent to Nuon Chea, making him culpably responsible for this action, as will be discussed later.

1976

Fighting was particularly concentrated at the beginning of 1976, from December and January until March. Fighting continued throughout February. There were constant bombings along the border, attacks on villages and kidnappings, and attempted invasions by sea. At one point, the Vietnamese reportedly said to their Cambodian counterparts that their people wondered why there was still fighting when the war was over. Negotiations and discussions were continuing between the two sides at this point – Pol Pot said that he wanted to maintain an atmosphere of solidarity, and blamed the bloody clashes on the impatience of lower cadres. But internally, the Vietnamese and Cambodians already saw each other as enemies.

Fighting continued throughout the early part of 1976. The skirmishes continued, on and off, throughout the year. There is evidence of village burning and kidnapping of soldiers and civilians, occurring throughout 1976, and further interviews along the Eastern Zone and in Monduliri might reveal witnesses to this fighting and abuses committed against Vietnamese soldiers and civilians.

1977

The armed conflict had certainly begun by

April 1977, so crimes committed by Nuon Chea after that date are covered by the Geneva Convention. There was a large escalation of troops along the border in April, followed by wide scale engagements in September. Khmer Rouge leaders publicly acknowledged the war with Vietnam after that point, and political propaganda dating after April 1977 repeatedly referred to the Vietnamese as the enemy. Historians and local Cambodians also acknowledge this as the beginning of the full scale war. Khmer Rouge correspondence shows a definite spike in the number of battles after this period, which corresponds with the sharp increase in the number of Vietnamese prisoners in Tuol Sleng.

Of course, even if the tribunal rules that the official start date of the international armed conflict did not occur until January 1978, when relations between the two nations officially terminated, there were still a large number of prisoners abused and executed in Tuol Sleng after that date. According to Sorya Sim's research and upcoming books, there were 414 Vietnamese arrested in 1978 and 171 executions at Tuol Sleng. The arrests peaked in April of that year and began to climb again in September, October, and November, the months leading up to the large scale Vietnamese invasion of Cambodia.

b. Protect Persons

The Geneva Convention preserves the rights of victims who fall under the label of "protected persons." Under the Third Geneva Convention, "protected persons" include members of the armed forces, as well as members of militias or volunteer corps forming part of such armed forces, who are party to the conflict and who have fallen into the power of the enemy. The Fourth Geneva Convention offers a much wider range of protection, applying to persons who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a party to the conflict or an occupying power of which they are not a national.

Virtually all of the Vietnamese prisoners at Tuol Sleng, according to the information in their biographies, are protected persons under the Third

or Fourth Geneva Convention. The soldiers are covered as prisoners of war under the Third convention. Most Vietnamese living under the Khmer Rouge were considered residents of the country, rather than Cambodian citizens, so even those civilians captured within the border fall under the protection of the agreement. Of course, the Vietnamese civilians who were kidnapped from Vietnam are also protected.

The Vietnamese government, for political reasons of its own, has claimed that the Khmer Rouge never actually captured any Vietnamese Soldiers. Vietnamese government officials argue that the Khmer Rouge dressed civilians in military uniforms in order to make themselves appear victorious on the battlefield. In some confessions, particularly those belonging to men accused of being members of the Vietnamese navy, this assertion might be true. These men say they are members of the navy, but they offer vague details about their rank, mission, and their commanders. They also claim to have thrown their guns and maps overboard before their arrest the Khmer Rouge probably forced these men to fabricate a story covering up the lack of evidence against them. Nuon Chea might try to use this as a defense, arguing that the men were not actually soldiers and therefore not protected by the Third Geneva Convention. For the majority of Vietnamese soldiers, however, their confessions contain such detailed accounts that it is difficult to fathom they are not who they claim to be. Him Huy, one of the chief executioners of Tuol Sleng, has also disputed the claim, stating that the Vietnamese soldiers were already in uniform when they were brought to the prison. In any case, even if these men were not soldiers, they would still be Vietnamese nationals protected under the Fourth Geneva Convention as civilians in the hands of the enemy.

Additionally, Nuon Chea might attempt to argue that some civilians (or all) of the civilians in Tuol Sleng forfeited their rights under the Fourth Convention because they confessed to being spies for the Vietnamese government. The Fourth Convention states in Article 5 that such people are

not “entitled to claim such rights and privileges under the present convention as would, if exercised in the favor of such individual persons, be prejudicial to the securing of the state.” The Article goes on to say that civilians expected to spying forfeit their rights to communication.

This argument fails for two reasons. First, the Geneva Convention also states in Article 5 that “such persons shall nevertheless be treated with humanity” and be given a fair trial. The condition of prisoners in Tuol Sleng was anything but humane; neither was their brutal execution. Second, relying on the forced confessions to prove these people were spies would violate the principles of the UN Convention Against Torture: many of these prisoners were brutally tortured until they lied about being spies in an attempt to save their own lives.

c. Grave Breaches

Article 6 of the ECCC law gives the tribunal jurisdiction over those war crimes deemed to be “grave breaches” of the 1949 Geneva Convention. There is strong evidence that the Khmer Rouge committed at least three of these grave breaches in its treatment of the Vietnamese prisoners at Tuol Sleng: willful killing, torture or inhumane treatment, serious injury to body or health.

The Tuol Sleng execution logs offer direct proof of the grave breach of willful killing. The logs list the name, age, sex, nationality, and the occupation of the victim, along with the day they were killed. The execution logs are corroborated by the statements of former executioners and Tuol Sleng employees. Him Huy has freely admitted that the Vietnamese, like all prisoners, were tortured and then executed after writing a confession. Him Huy cannot remember the names of any specific Vietnamese prisoners; however, further interviews with prison guards might produce evidence about the fate of specific prisoners. These guards may also have additional information about the torture and abuse of Vietnamese prisoners that would qualify as additional grave breaches.

In addition to the documented execution of Tuol Sleng victims, there is also evidence of grave

breaches being committed against Vietnamese troops and civilians along the border. Atrocities committed in Vietnamese villages were photographed by the international press. Unfortunately, the ECCC law limits the tribunal's jurisdiction to crimes committed inside Cambodia.

IV. Nuon Chea's Culpability

a. Nullum Crimen Sine Lege

Under the international legal principle "nullum crimen sine lege" a person cannot be held criminally responsible for an act that was not a crime at the time it was committed. While nullum crimen sine lege limits the prosecution of Khmer Rouge leaders in other spheres, it will not protect them in the fact of war crimes charges. Both Cambodian and Vietnam were signatories of the Geneva Convention during the entire Khmer Rouge period, so any wartime abuses of soldiers or criminals would be a crime under international law.

b. Direct and Command Responsibility

Under Article 29 of the ECCC Law, a suspect is responsible for a crime if they "planned, instigated, ordered, aided, abetted, or committed" the crime in question. This type of culpability is called direct or individual responsibility under international law. Additionally, Article 29 states that a superior is responsible for a crime committed by a subordinate if the superior had effective command and control over the subordinate and knew or had reason to know that the subordinate was about to commit such acts or had done so and failed to take necessary and reasonable measures to punish the perpetrators. Known as superior or command responsibility, this type of culpability allows a wider range of suspects to be punished under ECCC law.

i. Direct Responsibility for Crimes Committed Against the Vietnamese

There is little physical evidence that ties Nuon Chea directly to the crimes committed against the Vietnamese in Tuol Sleng. His initials are not on the cover pages of any of the confessions, and none of the documents discussing the executions of these prisoners were copied to him. He was, however,

copied on a telegram reporting that Vietnamese prisoners of war had been sent to Tuol Sleng. This document is critical in tying Nuon Chea to the crimes. Duch, the former commander of Tuol Sleng, told journalist Nate Thayer that Nuon Chea knew about the Vietnamese prisoners and ordered them to be executed, along with the other prisoners, before the fall of Phnom Penh in 1979. Duch's accusation would be critical in making Nuon Chea directly responsible for the deaths under the Geneva Convention. There are no known documents to corroborate Duch's testimony, however, and it is unknown how much weight the tribunal will attach to his statements. Ben Kiernan has uncovered one document, "Directive from the CPK Center," dated April 1, 1977, that orders the arrest of all ethnic Vietnamese or those with Vietnamese connections. Duch has no obvious motivation to lie, as he himself has already confessed to committing gruesome crimes against the prisoner. If Duch testifies and is deemed credible, it is very likely that Nuon Chea can be held directly responsible for the deaths of the Vietnamese prisoners.

ii. Command Responsibility for Crimes Committed Against the Vietnamese

If the tribunal finds that Nuon Chea was not directly responsible for the crimes committed against the Vietnamese prisoners, it is highly likely they will find he had command responsibility for the acts. As a member of the elite Standing Committee, Nuon Chea's de facto authority extended to almost every subordinate Khmer Rouge cadre, including Duch and the other workers at Tuol Sleng. At trial Nuon Chea will likely claim that he was only in charge of the National Assembly, not Tuol Sleng, and that he had virtually no decision-making power. The numerous reports from Duch and other interrogators that were sent to Nuon Chea help to dispute this position. Additionally, there is significant evidence that Vietnamese soldiers were being held in Tuol Sleng. In addition to the telegram notifying Nuon Chea that Vietnamese prisoners were being held, the confession of many of these prisoners were

broadcast over the national radio, “in every commune and throughout the rice paddies.” It is virtually impossible, then, that Nuon Chea did not know that Vietnamese prisoners were being held and possibly tortured in Tuol Sleng. Additionally, telegrams from the Eastern Zone would have alerted him that war crimes were being committed. Because Nuon Chea failed to prevent or punish his subordinates for committing these crimes, he would be liable under the theory of command responsibility.

V. Conclusion

The crimes committed by the Khmer Rouge occurred over two decades ago, and there is limited

evidence available for their prosecution. The confessions of the Vietnamese prisoners held in Tuol Sleng, however, might prove particularly valuable for making a war crimes claim against Nuon Chea, and possibly Duch himself. These documents, along with Khmer Rouge correspondence and accounts from historians, help to establish Nuon Chea’s culpability for grave violations of the Geneva Conventions. The prosecution team of the Extraordinary Chamber should further analyze and examine these documents for their potential legal significance in the upcoming trial.

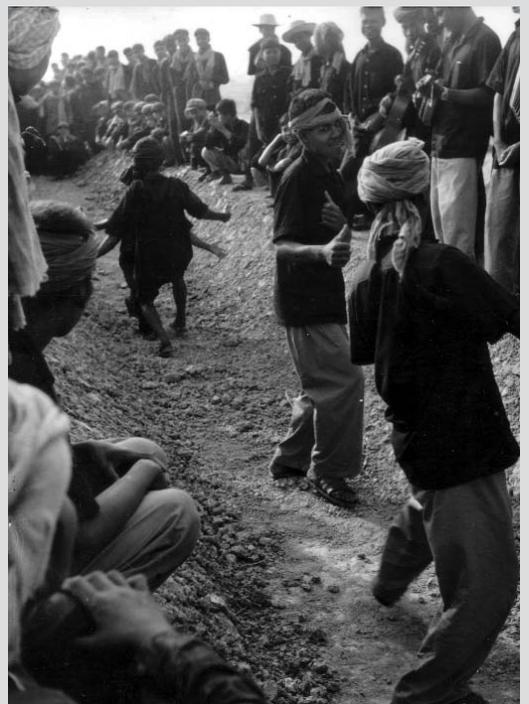
Kate Hill, Harvard University, USA.

THE HISTORY OF DEMOCRATIC KAMPUCHEA TEXT BOOK

Chinese diplomat Chou Ta-kuan gave the world his account of life at Angkor Wat eight hundred years ago. Since that time, others have been writing our history for us. Countless scholars have examined our most prized cultural treasure and more recently, the Cambodian genocide of 1975-1979. But with Khamboly Dy's *A History of Democratic Kampuchea*, Cambodians are at last beginning to investigate and record their country's past. This new volume represents two years of research and marks the first such text written by a Cambodian.

Writing about this bleak period of history for a new generation may run the risk of re-opening old wounds for the survivors of Democratic Kampuchea. Many Cambodians have tried to put their memories of the regime behind them and move on. But we cannot progress -- much less reconcile with ourselves and others -- until we have confronted the past and understand both what happened and why it happened. Only with this understanding can we truly begin to heal.

Intended for high school students, this book is equally relevant for adults. All of us can draw lessons from our history. By facing this dark period of our past, we can learn from it and move toward becoming a nation of people who are invested in preventing future occurrences of genocide, both at home and in the myriad countries that are today facing massive human rights abuses. And by taking responsibility for teaching our children through texts such as this one, Cambodia can go forward and mold future generations who work to ensure that the seeds of genocide never again take root in our country. **Youk Chhang**



Note: *The Royal Government of Cambodia has been evaluating this new book, and it is expected to be, partly or entirely, put in the school curriculum soon.*

DARFUR FOR DUMMIES (OR FOR THOSE WANTING TO UNDERSTAND A COMPLICATED TRAGEDY)

Susan E. Cook and Charles K. Mironko

Introduction

The situation in Darfur, Sudan's western-most province, has featured prominently in international headlines since February 2003, when violent clashes escalated into full-scale civil war. Complex in its contours, baffling in its acronyms, and alarming in its prognosis, Darfur is among the most serious humanitarian crises in the world today. According to a statement by the United Nations Secretary General on September 11, 2006, the total number of internally displaced people in Darfur is currently 1.9 million, while an estimated 400,000 have died as a result of the conflict, half of those violently. There is strong evidence of genocidal intent behind the killing, "ethnic cleansing," raping, and looting.

There is irony in the fact of writing a scholarly account of the human tragedy unfolding in Darfur, for scholarship seems to be the last thing the region needs. Rather than slow, careful reflection and analysis, the victims of a genocidal campaign need protection, humanitarian assistance, and, ultimately, justice. Scholars do not provide any of these. It is also true, though, that those more accustomed to dealing with the urgency of crises such as Darfur, including diplomats, humanitarian aid workers, journalists, and human rights activists, cannot always afford the luxury of in-depth understanding of historical and cultural contexts, a fine-grained sense of how individuals (not just groups) view and experience events, or comparative perspectives from other analogous events (Ehrenreich 1998). So, however callous or ineffectual it feels to contemplate events that are causing pain and destruction to so many people, there may be room, even need, for careful study alongside committed action. It is our hope that the former might even inform the latter, as the

political pressure to intervene on behalf of the victims mounts.

As comparative genocide scholars, we believe that one of the reasons why the international community has been slow to respond decisively to the Darfur genocide has to do with the nature of genocide itself. Known to the world as the ultimate crime against humanity, but existing in its modern form only since the beginning of the 20th century, people tend to conceptualize genocide as an event, rather than a process. As a result, it is easier to recognize in retrospect, when there is a body count, categories of victims and categories of perpetrators, than to see it unfolding. After all, we prefer to think of heads of state and senior policy officials as reasonable, humane statesmen, not people who would permit, or actively seek, the elimination of whole segments of their population. We fall prey to the myth of "the goodness of nations" and don't expect them to be arenas of mass murder. The banality of this particular form of evil evades us, and leaves us in denial until it is too late.

But the world has changed since the Herero genocide of 1904, and major strides have been made in establishing the legal mechanisms to prosecute, if not quite prevent, state-sponsored mass murder. In the aftermath of the genocides in Yugoslavia and Rwanda in the 1990s, the United Nations set up international criminal tribunals to try the perpetrators of those genocides. In 1998, the Ad-Hoc International Criminal Tribunal for Rwanda returned the first ever conviction on the crime of genocide in an international court. Almost thirty years after the Cambodian genocide, a special tribunal is being set up to seek some measure of post-hoc justice in that country. The International Criminal Court, established to try perpetrators of genocide and other serious crimes against humanity,

came into force in 2002 and now has one hundred signatories. In 2004, the United Nations Secretary General announced the appointment of the first ever UN Special Advisor on the Prevention of Genocide. And in September 2005, the UN declaration of a “responsibility to protect” established the potential for military intervention in the case of “national authorities manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”

These advances in international human rights law and the establishment of institutions to hold perpetrators accountable make the failure to halt the destruction in Darfur that much more inexplicable and unacceptable. A political solution – the Darfur Peace Agreement – was brokered in 2005, but is now considered “all but dead.” The government of Sudan continues to pursue a military solution in plain view of the international community that strongly condemns this approach. While the full range of options aimed at stemming the violence have not been exhausted, a sense of futility pervades the crisis at the time of writing. As a small contribution towards motivating policymakers to continue their efforts to resolve the conflict in Darfur, we offer this short outline of the crisis.

Aside from its philosophical objectives, this article is aimed at providing a clear and accurate sketch of the events in Darfur over the past few years, leading up to the time of writing. The complexities of the social groupings in the region, and the ways in which they correspond to political parties and armed groups are outlined. The broad economic background to the current crisis is discussed, as well as some of the present debates going on in the international community about appropriate responses to the crisis. We have intentionally devoted less space to the international dimension, and more space to the internal dynamics in Darfur. The intervention debate is 1) easier to understand, 2) well covered in the international press, and 3) rapidly changing. The background and major root causes of the conflict

remain, in our minds, the most important aspects to understand in the search for a durable solution.

Background to Social and Economic Divisions in Darfur

The parties to the Darfur conflict are not easily categorized in terms of race, religion, ethnicity, or nationality. Some understanding of the history of the region and the migrations that have taken place there is required to appreciate the range of groups involved in the conflict. There are an estimated 80 ethnic groups (often referred to as “tribes”) in Darfur. One of the principal divisions among these 80 groups relates to their primary mode of production, namely sedentary farmers and semi-nomadic pastoralists. This division overlaps to a large extent with the division between non-Arab tribes (who tend to rely on agriculture) and Arab tribes (who rely more heavily on cattle and camel keeping). Historically, Arabs from the north of Sudan are known as *Bedouin Arabs*, a group that can be subdivided into the *Ta’isha*, the *Rizeigat*, the *Habbaniya* and the *Beni Halba*. The Arab tribes who moved south in search of better grazing lands changed from being camel herders to being semi-nomadic cattle herders. They later mixed with *Fula* speaking tribes and formed the *Baggara*. The *Baggara* or *Darfuri Arabs* now make up the majority of the militia group known as the *Janjaweed* (see below).

The *Fulani* Empire, stretching from Senegal to Sudan, was responsible for introducing Islam to many parts of Northern Africa through a series of “jihad” in the early 19th century. Traditionally the *Fula* people are semi-nomadic, light-skinned, with thinner lips and straighter hair than their African counterparts. Their ancestors are mainly located in Northern Sudan, the Blue Nile region and the Kordofan region.

The Arab tribes that came to Sudan with the spread of Islam became a ruling merchant class, and were responsible for the introduction of slavery in Sudan’s feudally-based economy. Many African slaves were captured and sold either within Sudan

or in the Middle East. The southern parts of Sudan that were not yet penetrated by Arabs and Islam became arenas of much hostility, especially from the ranks of the non-Arab/African tribes. European anti-slavery policies put an end to the slave trade, which also put an end to Sudan's booming economy. This economic shift helped give rise to the Mahdist forces, whose followers (*Ansars*) are still active in the Umma Party.

African tribes make up more than forty percent of the regional population, which is estimated at around four million. Darfur's indigenous ethnic groupings can be divided into three main groups: the *Fur*, the *Massaleit* and the *Zaghawa*, who, although not considered Arab (a racial distinction), are nevertheless overwhelmingly Muslim.

The *Fur* people of the Jabal Marrah mountains established the first ever Sultanate in Sudan (the Keira Dynasty in the late 14th century) and were also the first to establish Islam as an official religion in the region. They ruled *Dar Fur* (literally, "the land of the *Fur*") until they were conquered by a Turko-Egyptian force in the 1820's. Those individuals from the *Fur* tribe who remained among the remnants of the once great empire, settled as agriculturalists on the richest soil in the west of Sudan. Today, the *Fur* still occupy the central parts of the Darfur region, including the Jabal Marrah massif, the area with the richest soil and the best water resources.

The *Massaleit* are the original inhabitants of *Dar Massaleit*, which they now share with various Arab tribes who, like the *Massaleit*, are camel-herding nomads. In 1999, a government-sponsored peace agreement between the *Massaleit* and the Arab tribes in Dar Massaleit was signed, but violent conflict between the two groups continued unabated.

The *Zaghawa* are historically Nilo-Saharan semi-nomadic pastoralists, who depend on stock keeping, gathering, agriculture, hunting and trade.

Smaller non-Arab tribes found in Darfur today include the *Tunjur* (who ruled before the Sultanate), the *Berti* (another Nilo-Saharan group) and two

groups of *Nubian* speaking farmers (Northern Sudan is known as Nubia), the *Birged* and the *Meidob*.

Although people in Darfur are often principally identified according to tribal affiliation, the 1995 *Report on the Peoples of Darfur* states: "Ethnicity is not in itself clear-cut, given the long history of racial mixing between indigenous *non-Arab* peoples and the *Arabs*, who are now distinguished by cultural-linguistic attachment rather than race." Kevane notes that "In Darfur and other marginalised areas of Sudan, an Arab was anyone tracing lineage to Nile Valley Sudan, identifying with the traditional prerogatives of the Nile Valley Elite, and placing alternative, local identities in second order place underneath the Arab rubric". Whether determined along racial, or cultural-linguistic lines, the distinction between Arab and non-Arab in Darfur is a deeply politicized distinction that animates local and international understandings of the current violence, even as it obscures other root causes.

Political Parties and Armed Forces

Having only recently emerged from its 22-year long civil war, Sudan is replete with opposition parties, rebel groups, and various armed factions. With every major change (coup, peace agreement), allegiances shift, party split, and names change, resulting in a dizzying array of acronyms, aliases, and a.k.a.'s.

In the current Darfur context, it is most useful to understand the range of political groups with reference to the Darfur Peace Agreement (DPA), signed in Abuja on May 5, 2006.

The DPA provides for: 1) the disarmament of the Janjaweed militias, 2) the incorporation of rebel fighters into the army, 3) a once-off transfer of USD 300 million to Darfur, 4) payments of USD 200 million a year every year thereafter, 5) compensation for those forced to flee their homes, and 6) a regional government, if approved in a vote. Regardless of its success or failure as an instrument of power and wealth sharing, the DPA now serves as the major political dividing line in the region.

The government of Sudan (GoS), based in the capital Khartoum, is dominated by the National Congress Party (NCP), previously known as the National Islamic Front (NIF), and is an Islamist regime with a policy of full “Islamization” for Sudan. The Head of State, President Omar Hasan Ahmad al-Bashir, took power by coup in 1989, and has adopted a particularly intransigent line on the involvement of the international community in resolving the Darfur crisis. The GoS is a signatory to the DPA.

The Sudan Liberation Army (SLA), known up until 2003 as the Darfur Liberation Front (DLF) is a Darfuri rebel group and a member of the National Democratic Alliance (NDA). This group is generally associated with the *Fur* tribe, the *Massaleit* tribe and the *Wagi* clan of the *Zaghawa* tribe, and was the largest rebel group until early 2006. Their stated aim was to liberate non-Arabs from Arab domination and to press for greater power and wealth sharing for the impoverished region of Darfur. The SLA split into two factions when Minni Minawi (previously leader of the SLA) signed the DPA in May 2006, the only rebel group to do so. The split in the SLA occurred along tribal lines, with the Abdel Wahid Mohammed Nour-led *Fur* faction (the smaller of the two forces, but with a larger support base) on the one side and the Minni Minawi-led *Zaghawa* faction (with a larger share of both the fighters and the weapons) on the other. The Minawi faction is now referred to as the SLA/MM, and Minawi is now the Senior Presidential Assistant and the Head of the Provisional Authority in Darfur State.

Due to the fact that the DPA has led neither to a cessation of hostilities in Darfur, nor to increased security for its people, Minawi’s followers have grown frustrated with the situation and have threatened to break away and choose a new leader.

The Justice and Equality Movement (JEM) is another major rebel group. The JEM used to be a faction of the SLA and there have been several reports that this group is now being controlled by Hassan Al-Turabi. Al-Turabi used to be the civilian

leader of one of the two factions that made up the National Islamic Front (NIF) before President al-Bashir took control of the Party in a faction fight. Al-Turabi had been arrested after he and several other PMC officials signed an agreement with the Sudanese People’s Liberation Army (SPLA). The JEM refused to sign the DPA and has recently joined forces with the non-signing faction of the SLA to form the National Redemption Front (NRF).

The NRF is an umbrella group made up of the groups that refused to sign the Darfur Peace Agreement; the JEM, the Sudan Federal Democratic Alliance (SFDA) and the dissident SLA faction. The NRF rebels signed a declaration in June 2006 to keep fighting for the rights of non-Arabs. The declaration was signed by Dr. Khalil Ibrahim (JEM leader and previous NIF leader), Khamis Abdalla Abaka (dissident SLA faction’s new leader) and two representatives of the SFDA, Sharif Harir and Ahmed Ibrahim Diraige (former Darfur governor and also chairman of the new movement). The NRF have accused the GoS of oppressing non-Arabs and favoring Arabs since 2003. Government representatives accuse the NRF of “working to derail the DPA.” In September 2006, the JEM split from the NRF and started to mobilize their military forces once more.

The Janjaweed militia is paramilitary groups known for their practice of conducting raids on civilian villages on horseback. Janjaweed come mainly from the *Baggara* tribe, but are also recruited from other Arab tribes in both Darfur and Chad. The Janjaweed militias have perpetrated the majority of the human rights abuses documented in the Darfur conflict. Early in the conflict the government suffered several defeats at the hands of the rebel groups. It was around this time that the government changed tactics, and the Janjaweed became central to the counterinsurgency effort. Armed by the GoS, and assisted by aerial bombardments and aerial reconnaissance to help them determine which villages to raid, the Janjaweed have been given license to strike at their traditional rivals among the sedentary tribes (*Fur*,

Zaghawa, Massaleit) with impunity. The Janjaweed have driven millions from their homes, weakening the non-Arab rebel groups by depriving them of their support bases through “ethnic cleansing.” One of the main provisions of the DPA calls for the disarmament of the Janjaweed, which has not taken place to date.

The Umma party is one of the oldest parties in Sudan with its roots in the *Mahdist* regime of the first Sudanese Mahdi, Muhammad ibn Abdallah. His grandson Sadiq al Mahdi’s ineffectiveness as his heir was ironically the reason for many Umma officials leaving the Party and joining the Government.

In the greater Sudan one of the two main opposition parties is the Sudan People’s Liberation Army (SPLA) which is ruled by the *Dinka* elite who supported secession from Sudan. In 2001-2002 they controlled most of the non-urban areas in Sudan. Their leader, John Garang, joined the GoS in July of 2005 and was sworn in as Sudan’s Vice President under a new power-sharing arrangement stipulated by the Comprehensive Peace Agreement (CPA) that brought an end to Sudan’s 22-year civil war. He died 20 days later in a “helicopter accident.”

The Comprehensive Peace Agreement (CPA) signed on 9 January 2005 between the North and South provides for: 1) the formation of the Government of National Unity, 2) the setting up of an integrated army, 3) the equitable sharing of oil revenue, 4) national elections in three years, 5) a referendum in six years to determine the issue of secession of the South, and 6) the expansion of the UNMIS (United Nations Mission in Sudan) to Darfur.

Outline of the Conflict

Darfur covers an area of 200,000 square miles, comparable to the size of France. Sudan has good agricultural potential, plentiful water, and contains one of the world’s largest oil reserves that is yet to be exploited. It also has many other natural resources such as natural gas and minerals. The presence of these resources has attracted international business interests from the United States, Russia

and China, among others.

Darfur itself does not have oil or other important resources. This, together with a range of historical, political, and environmental factors that are outlined briefly below, has led to high levels of structural inequality between the center (Khartoum) and the periphery (areas such as Darfur). These inequalities have fueled the Darfur conflict in important ways.

Key points in Darfur’s history include the year 1916, when the British officially annexed the region to the Sudan. Previously, Darfur had been an autonomous entity under the Anglo-Egyptian condominium. The Arab inhabitants of Khartoum and the Blue Nile region had always received the bulk of British investment, however, and when they eventually came to power, they merely continued the pattern of both economic and political marginalization of the rest of the country. Sudan gained the right to self government in 1953 and became an independent state with a provisional constitution under the Arab-led Khartoum government in 1956. At this stage the civil war (1955-1972) had already started between the Christian south and the Muslim north. Arab Muslims viewed Sudan as a Muslim Arab state and by 1968 the implementation of an Islamic-oriented constitution was underway.

In 1972 Sudan’s agricultural sector changed from being aimed at internal consumption to a being more “pro-West” industry focused on mechanized export. Mechanizing agriculture led to increased government expenditure and commodity prices fell, leading Sudan closer and closer to economic devastation. Sedentary farmers bore the biggest brunt of these changes and the final blow came with the implementation of the IMF’s Structural Adjustment Program, which put even more focus on mechanizing the agricultural sector for increased export.

Civil war broke out once more in 1983 when the Khartoum government attempted to institutionalize Islamic law. Control of the government changed hands several times until 1989, when the current NIF/NCP took control in another military coup,

bringing the current president, Omar Hasan Ahmad al-Bashir, to power.

Since the early 1980's, the presence of drought and crop failure have given rise to increased competition for land. Between 1983 and 1984, 95,000 people died in Darfur from famine and curable diseases. The government has been accused of neglecting to act on warnings of famine.

The most sought after land is the areas occupied by the *Fur*, situated in the Jabal Marrah area. The Jabal Marrah region has been the scene of much violence, not only between nomads and farmers, but also on the part of government against civilians. One such fight took place on the 22nd of April in 2002 when the Janjaweed attacked three villages in this area, raiding, killing and burning down houses. Previous conflicts among nomads, farmers and the government started between 1983 and 1987 when the *Zaghawa* and a few Arab groups, all nomads, started moving towards *Fur* land for the purpose of either grazing or settling in the area. The *Fur* were not prepared to share their land (or land in the nearby vicinity used for foraging) and the local army and the police were unleashed on "illegal" settlements, killing many prominent *Zaghawa* tribesmen and many *Zaghawa* civilians. The local government needed very little persuasion to remove the *Zaghawa* from land they were illegally settled on, as they had, on several prior occasions, been accused of stealing livestock.

In 1987, twenty-seven Arab nomad tribes formed an alliance and declared war on the non-Arab/black tribes in the region. These farming tribes were, according to Arab herders, blocking traditional migration routes used by them, thus causing their animals to starve. The *Fur* were specific targets in this war over access to land, and as a result, they started arming themselves and forming militias and political alliances (with the SPLA) in an attempt at self defense.

War over land soon turned into an ethnic cleansing campaign. From 1988 up to 1990, 13 local Arab tribes killed more than 3,000 *Fur*.

By 1989, 40,000 *Fur* homes had been destroyed, and their inhabitants displaced. *Fur* deaths during this struggle are estimated at 5,000 and Arab deaths at about 400. Government interference exacerbated the conflict. Instead of promoting equitable distribution of resources, government forces aligned themselves with Arab militias, and attacked both non-Arab rebels and non-Arab civilians.

Although the Darfur conflict is often said to have begun in February of 2003, the above accounts show that the violence had been going on much earlier than this.

The *Massaleit* had also suffered clashes with Arab tribes over the question of land. In 2000, *Massaleit* land was allocated to new Arab arrivals in the region. The *Massaleit* were effectively forced from their land and the conflict cost the lives of many people, along with their livestock. Survivors of these clashes are now living as refugees in neighbouring countries or as internally displaced people (IDPs) in Darfur.

In sum, even before 2003, the government of Sudan was fomenting conflict between various groups in Darfur where tensions were already high as a result of environmental and economic factors. The targets of ethnic cleansing have been the *Fur*, the *Massaleit* and the *Zaghawa*. On 21 July 2001, *Fur* and *Zaghawa* fighters joined forces at Abu Gamra.

The conflict intensified in 2002 and 2003 as a result of several successful rebel attacks on army garrisons in Darfur. On 26 February 2003, the Darfur Liberation Front (thereafter known as the SLA) launched an attack on the GoS headquarters in the Jabal Marrah district. The April 25, 2003 raid on the government garrison in El Fashir, the capital of Darfur, in which a joint SLA-JEM force killed government soldiers and destroyed government artillery, is seen as a turning point. The government responded by "unleashing the Janjaweed" on non-Arab settlements, and by early 2004, several thousand were dead, and a million more were displaced. All twenty-three *Fur* villages in the Shattaya Administrative Unit were "depopulated, looted, and burnt to the

ground.”

Although attempts to reach a political solution have been ongoing since 2004, none of the various ceasefire agreements has “stuck” and the violence has continued, intensifying since July and August 2006.

Despite the dimensions of the humanitarian crisis in Darfur, where millions are displaced without food, shelter, water, or adequate protection, aid organizations have also been forced to consider leaving since July 2006, after repeated attacks on their personnel. At least twelve aid workers have died in Darfur in the two-month period from mid-August to mid-October 2006.

After the signing of the Darfur Peace Agreement, the SLA/MM joined forces with the government. Whereas these rebels had previously worked to protect civilians from the army, they are now responsible for inflicting the same type of terror as the Janjaweed militias in their raids and massacres. Left with the smaller fighting force, the *Fur* have borne the brunt of the combined attacks of the Janjaweed and other forces aligned with the GoS and their vulnerable state is yet to change. This rift within the SLA has obvious political benefits for the Khartoum government as it pursues a “divide and rule” strategy to combating political opposition.

A recent interview by a humanitarian worker with an IDP in South Darfur revealed that Arab tribes had issued warnings to non-Arab tribes to evacuate the area or be killed. At a subsequent meeting, according to the IDP, seven Arab tribes met to discuss how to chase non-Arab tribes out of the region. The plan is to be implemented in two phases: emptying the villages (completed) and then occupying them. The informant alleged that a high-level delegation from political and administrative levels of the GoS attended this meeting.

According to the latest statistics, more than 200,000 people have died violently and 2.5 million (primarily from the *Fur*, *Zaghawa* and *Massaleit* tribes) have been driven from their homes in Darfur. About 2,000 villages have been destroyed, and an estimated

450,000 people have died in total since 2003. Those who are still alive (predominantly women and children) live in fear and suffer atrocities on a daily basis. Reports of sexual violence are on the rise. Non-Arab males are killed on the spot in many cases, leaving the female population increasingly vulnerable to attacks from Arab militias and government forces.

The humanitarian situation inside the displaced people’s camps is not much better than outside the camps. The displaced people have little shelter and many are in need of food, medicine, mosquito nets, insecticide, soap, blankets and mattresses. No sanitation facilities are available and all basic services are located away from the camp, including water, firewood and basic foodstuffs. Armed groups operate within and along the perimeters of the camps. In addition, IDPs are denied healthcare and are intimidated if they accept any help from AMIS or other humanitarian groups. An estimated 7 - 9 deaths occur per day and 5 -7 of these deaths are children younger than five. Most individuals die from complications due to malnutrition.

IDPs refuse to return home to villages that are completely destroyed. Even going to harvest crops exposes them to the possibility of rape and death, so most prefer to stay in, or close to, the camps. According to the UN Inter-Agency Fact Finding and Rapid Assessment Mission in Kailek town in South Darfur: “There is nothing left to harvest in case of return and all the destroyed villages inspected need to be wholly rebuilt if they are again to serve as homes.” Recent reports of child abduction only add to civilian fears. The conclusion drawn by the UN mission is that there has been a “longstanding prevention of access to food (and that this) alludes to a strategy of systematic and deliberate starvation being enforced by the GOS and its security forces on the ground.”

International Responses

Peacekeepers operating under the auspices of the African Union were deployed in July 2004 for the specific purpose of monitoring the Chadian-brokered ceasefire agreement signed in April 2004. Made up

initially of a few hundred Rwandan and Nigerian soldiers, the force, now known as the African Union Mission in Sudan (AMIS), presently has a contingent of about 6,000 soldiers, civilian police, humanitarian officers and other officials in Darfur. The force is small, poorly organized, and has limited resources. As a result, violations of the ceasefire agreement occur on a regular basis. Observers both inside and outside AMIS agree that the force does not have adequate capacity to enforce the provisions of the DPA, or to provide security for the millions of IDPs in Darfur.

Proposals to allow the United Nations to enhance or replace AMIS have been hotly debated in 2006. UN Security Council Resolution 1706 (31 August 2006) extends to Darfur the mandate of the existing UN Mission in Sudan (UNMIS), a 10,000-person force which is currently monitoring the North-South Comprehensive Peace Agreement in southern Sudan. The African Union signaled its willingness to hand over its mandate to the U.N. in January 2006. The U.S. government is strongly in favor of this proposal.

The National Congress Party (NCP) has rejected this proposal repeatedly. Other parties within the Government of National Unity, such as the SPLA and the SLA/MM, are in favor of an expanded UNMIS, but analysts argue that the NCP fears losing its grip on the Darfur region, and may also fear the prospect of having its members indicted by the International Criminal Court. According to President Al Bashir, Sudan has its own peace plan and its own court, the "Special Criminal Court on Abuses in Darfur," to handle the internal situation. He has said that attempts by the international community to intervene will be treated as colonialist endeavors and that Darfur will become a graveyard for Western troops if the UN sets foot on Sudanese soil. The Sudanese ambassador in Pretoria remarked that Resolution 1706 is "tantamount to having a mandate system, a sort of trusteeship, on the Sudan. The Government of Sudan has objected outright to this resolution, and it was done with national

legislation."

On September 1, 2006, AMIS officials reported that a major offensive had been launched by the GoS in Darfur. Three days later, on September 4th, AMIS was asked to withdraw its force by the end of the September unless it accepts Arab league and Sudanese Government funding. Despite all this rhetoric, the GoS accepted, on October 7, 2006, the offer of United Nations support for AMIS. Whether this amounts to backing down, or stalling for time on the part of the GoS, is unclear at the time of writing.

The International Criminal Court (ICC) has already started investigating Sudanese officials and those allegedly responsible for crimes against humanity. According to recent reports, the ICC has enough evidence of killing, rape and destruction in Darfur to warrant bringing suspects to trial.

Conclusion

There is some consensus among international observers that, however difficult, a political solution to the Darfur conflict is the only path to a sustainable peace. The military solution being pursued by Khartoum is taking an unconscionable toll on the region, and is based on racism and greed rather than fairness and respect for life. The international community must not be daunted by the flawed DPA, the untested UN Resolution 1706, and the under-resourced AMIS. Seen as a crucial test case for the newly empowered African Union and the goals of the New Partnership for Africa's Development (NEPAD), as a symbol of the substance (or hollowness) of the African Renaissance, and as a reality check for all those like President George Bush who have declared "Not on my watch" with regard to 21st century genocide, Darfur awaits the world's resolve. The Convention on the Prevention and Punishment of the Crime of Genocide (1948) defines and outlaws [genocide](#). The Convention (in article 2) defines genocide as «any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:» a) killing members of the group; b) causing serious bodily or

mental harm to members of the group; c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d) imposing measures intended to prevent births within the group; or e) forcibly transferring children of the group to another group.

While almost all of the enumerated “acts” listed above have been perpetrated against non-Arab peoples in Darfur over the past three to five years, the concept of “intent” has led to misplaced controversy over calling the Darfur conflict a genocide. A UN report released in January 2005 stated that despite the occurrence of mass murders and rapes, “genocidal intent appears to be missing” in the Darfur situation. What is required, however, is “intent to destroy” a protected group in whole or in part. The confusion arises not because there is a lack of evidence that non-Arabs are being murdered, displaced, and persecuted *as non-Arabs*. Rather, it is the complex array of objectives motivating the different perpetrator groups that causes us to question genocidal intent. In light of the fact that all parties to the conflict are Muslim, the Islamicist agenda of the NCP cannot be considered genocidal in the religious sense. Yet the intent to destroy ethnic groups remains clear, and the motive is irrelevant. The perpetrators have demonstrated intent to destroy a protected group, committed the requisite acts intentionally, and consciously desired the destruction of the group(s) in whole or in part.

To the extent that there are issues over wealth and power sharing between Khartoum and the peripheral regions, the conflict looks like a political and economic conflict, best understood in class or regional terms. The contests over land and water that have given rise to bloody rivalries between pastoralists and farmers in Darfur put the conflict in yet another – non-genocidal – light. But the crime of genocide does not need to stand on its own to be considered a crime. It can be a means to an end – as in the scenario where racism towards non-Arab Muslims is a convenient reality to be exploited by

the central government. Local Arab tribes who espouse a historically constructed and virulent form of racially-based chauvinism towards non-Arabs can be manipulated by the government in the effort to divide and rule, or simply annihilate, political opponents.

The ultimate goal of maintaining and consolidating power does not rule out genocide as a means to that end. This was clearly demonstrated in the Rwandan genocide of 1994, as well as in the Cambodian genocide of 1975-79. In Cambodia, it was only some – not all – of the 1.7 million victims of the Khmer Rouge regime who were victims of genocide: Cham Muslims, ethnic Chinese and Vietnamese, Buddhist monks, and perhaps others. Despite the regime’s overall goal of achieving a Maoist agrarian revolution, proof of intent is present. The same applies to Darfur. Plentiful evidence suggests that non-Arabs are being targeted as such, and thus deserve the full measure of protection available to victims of a genocidal campaign. It is our hope that we might be able to one day write of the Darfuri non-Arab tribes as Kiernan has of the Cambodian Chams: “That the genocide was interrupted does not invalidate the term. But it does mean that the Chams survived.” The history of the Darfur genocide is being written while we wait.

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THE MISSING PERSON

Theavy Puth

I still remember April 17, 1975. On that day, the black-uniformed soldiers wearing red scarves were armed with various kinds of weapons. They attacked Phnom Penh, chasing people out of their houses. The common people could not take their property when they were made to leave for the remote countryside.

Cambodian people, including me, struggled to live in hardship for the more than three years of Democratic Kampuchea. Every night I still dream about the work I did in the field, and I feel like the dream is real. While I am sleeping, I still imagine the time I was in the field digging and carrying earth. Whenever I have delicious food, I think of the hard times when I had nothing to eat but watery porridge mixed with watery fish paste or salt. When someone was sick, there was no proper treatment or medicine. When someone died, his or her body was simply wrapped in a torn mat and carried to the forest for burial.

I am Chhith Theavy called Puth Theavy. I am 40. I have five siblings. Before 1975, I lived in Phnom Penh and went to Wat Koh School.

Before 1970, my father Chhit Channarith aka Nhok was a royal official, and my mother Uy Sokhom was a royal seamstress. She made all the clothing for the royal officials. After the coup of March 18, 1970, my family moved from the west of Independence Monument to live just behind Monivong Hospital south of the Air Force barracks. At that time, my father changed his job. He was no longer a royal official. He worked for the Ministry of Justice.

The black-uniform soldiers evacuated my

family out of Phnom Penh. We were forced to leave the city and live in a small remote village near the Cambodia-Vietnam border. The village's name was Angkam in Choam Tamao sub-district, Memoth district, Kampong Cham province. My life there turned completely upside down. My hands, which had been used to holding a pen to write, were forced to carry a hoe and earth-moving bucket walking and collecting cow-dung.

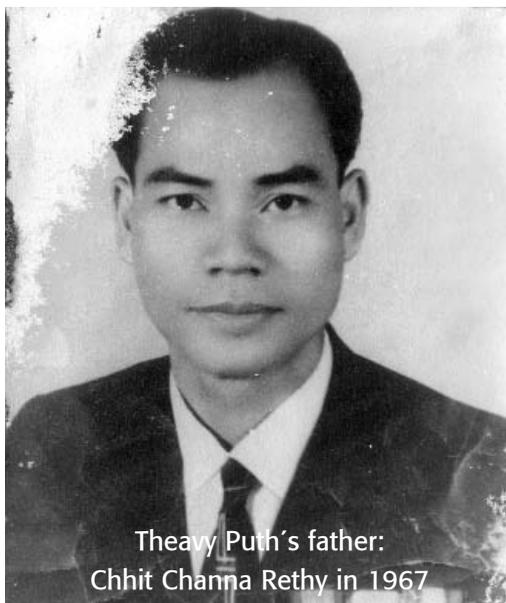
First, because I detested working as a manure collector, the unit chief beat me hard with a bamboo

stick. After I was beaten, I felt ill for three day. Usually if someone was sick for long, she or she would face trouble. The unit chief would call the sick person to a meeting, digging up the cause of the illness.

At dawn, a bell rang waking people and telling them that it was time to work. Before we went to the field, we had to line up and sing a national anthem entitled "Scarlet Blood." Then the unit chief of security called out everybody's name and took attendance. If anyone was missing,

the unit chief of security would go directly to the sick person's house to investigate. "Keeping you is no gain, taking you away, no loss" was the Khmer Rouge's slogan. Just as they said, the Khmer Rouge took the sick people to the forest and killed them.

Despite the killing, we, with empty stomachs, were forced to dig up tree trunks, rake soil, and prepare land for farming. When we were thirsty, we had to run to the pond. At lunch break, the unit chief gave us some watery porridge which was not enough to stop our hunger, so we had to eat some vegetables and wild leaves to fill our stomachs. After lunch, we had to work until 8 or 9 at night.



Theavy Puth's father:
Chhit Channa Rethy in 1967

At night time, we did not dare to talk to each other because there were militiamen wandering around spying on us every night. If we said something bad about the *Angkar*, the militiamen would take us to be reeducated and we would never come back.

On the day that the unit chief came to take my father to be reeducated, my mother was shocked. She cried, begging Comrade Phan. Comrade Phan said, "Do not worry. Just work harder." My father disappeared forever.

In 1977, my mother received news from the dam worksite saying that my elder brother, who was building a dam at Talok Chroeu, and seven of his friends were tied up by the security men and walked to the killing field. My brother and his friends were accused of behaving as feudalists or capitalists. Like my father, my brother disappeared forever.

In July 1978, when the fighting took place between the Vietnamese and Khmer Rouge, there was another evacuation. The base people ran away into the forest. Some of them died in the aerial bombardment. While running, the cartridges hit people around me and they lay dead. A fragment of a shell hit my foot. Luckily, a medic performed an operation on my injured foot in the forest.

Sometime after January 7, 1978, I meet my mother on the way back to Phnom Penh. Then we

walked to Ariy Ksatr in Lvea Em, Kandal province.

Arriving at our home village, my mother fell very ill. In 1985, she passed away, leaving us in suffering and bereavement.

Having lived in Democratic Kampuchea for more than three years, I endured many painful experiences for many years. This brutal regime destroyed people and the entire country. What remained after this regime were orphans, widows, disabled, and traumatized people.

All in all, during the regime, there were serious violations of human rights. Being a victim of the Khmer Rouge regime, I am willing to act as a witness in the Khmer Rouge trials explaining the events that I have seen and heard if the judges need my presence. Everything still remains in my mind. Especially, I cannot forget the people who disappeared.

I have sent this letter to the Documentation Center of Cambodia. I hope the director of the Center will kindly publish my article in *Searching for the Truth* because it is my true life story and it is also my desire to contribute to the process of searching for the truth.

I now live in Slab Ta Aun village, KorKi sub-district, Kean Svay district, Kandal province.

Theavy Puth is a survivor of Democratic Kampuchea.



Villagers are viewing prisoners' photos at Tuol Sleng

LAO EMBASSY: THE FIRST SOUL REMAINS AFTER THE KHMER ROUGE REGIME

Phou Kim Moeur

January 7, 1979 is the day of victory for the soldiers under the control of the United Front for the National Salvation of Kampuchea (UFNSK), who toppled the Khmer Rouge regime and liberated people from the genocidal regime. The capital of Phnom Penh and provinces throughout the country were also liberated.

In the morning of January 7, 1979, after the continuous sound of gunfire had died down, the United Front soldiers received an order from the senior general commander. Obeying the military order, the United Front soldiers, in cooperation with the Vietnamese soldiers, took military action to sweep up the enemy. The T-54 tanks, military vehicles, and infantrymen spread everywhere, checking throughout the country.

When the patrol troops arrived at a quiet elegant building which was supposed to be an embassy, their commander told his troops to open the gate and check. There was no one on the campus of the building. Looking through the wire net wall into a locked room, they saw a car. The troops reported what they had seen to their commander. Although the troops told the commander that there was nobody in the building, he still suspected that there must be people hiding inside and that the building must have been some sort of embassy. So he ordered a group of soldiers into the building a second time. They spoke through a microphone, "We, United Front for the National Salvation of Kampuchea, have come to liberate the Cambodian people from the Khmer Rouge regime."

A moment later, the door of the locked room was opened. A man and his four colleagues appeared. They spoke Khmer fluently. They raised a flag, showing it to the commander and informing him, "We are the cadres of the Lao Embassy in

Cambodia." The commander shook their hands in a welcoming gesture. Then he reported to the senior general commander of the Cambodia-Vietnam military. In about 15 minutes, the senior general commander arrived to meet the Lao ambassador and cadres. The ambassador told the senior general commander that, "I am Kam Phan Vilachith, Lao Ambassador. Here are my secretary and cadres who work for the embassy."

The Ambassador continued, "Before January 7, 1979, all the embassy officials had been hiding in the basement because of the continuous sound of explosions. The electricity had gone off. All communications between the Lao Embassy and the Ministry of Foreign Affairs of Democratic Kampuchea had been shut off."

Having talked in a friendly way with the Lao Ambassador for a short while, the senior general commander raised a Laotian flag, which has the sign of a full moon in the center. At the same time, both the Cambodia and Vietnam sides assigned a group of soldiers to guard the Laotian Embassy in order to protect the security of the embassy officials.

The Ministry of Foreign Affairs gave a motorbike, which had been plundered from the war, to the Laotian Embassy to accompany its car and facilitate the communications in case the Embassy needed to make contact with the Ministry of Foreign Affairs. At the same time, the senior general commander sent a telegram to the Central Party of Laos. The telegram had passed through Ho Chi Minh and Hanoi before it reached the Central Party of Laos. The telegram was sent to inform the Central Party of Laos about the situation which the Lao ambassador and other embassy officials were facing. In the telegram, it said that the Laos ambassador and the embassy officials were safe under the care and protection of

Cambodian and Vietnamese soldiers.

I (Phou Kimoeung) was a Khmer translator, working for the Lao National radio station at Vieng Chan. On December 2, 1980, I received an appointment from the Lao Ministry of Propaganda, Information, and Culture to translate for the Lao Ambassador. December 2 was the anniversary of the establishment of the United Front for the National Salvation of Kampuchea. The celebration took place at Chaktomuk Theatre. During 1980, the Lao delegations who had visited Cambodia included: the Central Art Group of Laos, the Art Troops of Laos, and the Laos Circus.

The Central Art Group, the Art Troops, and the Circus gave a performance to entertain and encourage the public from all walks of life, including government officers, military, police and so on. Having received the request from the government of Cambodia, these art groups also traveled to Battambang and Siem Reap provinces to display their talents, even though the roads linking these provinces were in very bad condition as a result of the Khmer Rouge regime. People throughout the country suffered as a result of the ensuing economic crisis. There was no money. Bartering was commonplace for daily economic activity. People traded vegetables for rice. Besides, the gold left from the *Angkar's* collection, was cut into small pieces and used to barter for other good such as rice and clothes. Foreign goods were imported through the Thai and Laotian borders.

After January 7, 1979, the party and government of the Democratic People's Republic of Laos made contributions to the Government of Cambodia. They included 500 sewing machines, thousands of meters of cloth, thousands of spools of thread, and tools. The army of Cambodia received these donated goods from the Lao Airway Company's plane, which flew from Vientinne to Phnom

Penh. Bou Lang was a representative of Garment Department at that time. He is now deputy governor of Ratanakiri province.

After the embassy cadres were found, the diplomatic contact between Laos and Cambodia became close. The Central Party of Laos and Laos's Ministry of Foreign Affairs wrote a letter to Cambodia's Ministry of Foreign Affairs, suggesting that the Ambassador Kam Phanv Vilachith should return to Rovieng (his motherland) to visit his family and to report to the Central Party of Laos. He was unable to return to Laos before January 7. A few weeks before January 7, the Ministry of Foreign Affairs of Democratic Kampuchea invited all the ambassadors to a meeting on the premises of Ministry of Foreign Affairs. The spokesman for the Ministry of Foreign Affairs confirmed that the overall situation in Cambodia was safe and the political situation remained secure.

However, all the ambassadors were told by Ministry of Foreign Affairs that they had to withdraw to the Thai border a week before January 7 by taking the road to Battambang province.

Before leaving for Vientienne, international journalists sought permission from Cambodia's Ministry of Foreign Affairs to interview the Lao Ambassador. They wanted to find out about the Lao Ambassador's and the embassy cadres' experiences when they were spotted on January 5, 1979 in the



Khieu Samphan

Kham Phanv Vilachith, Laos Ambassador

Lao Embassy by the Cambodian army based in Phnom Penh.

The Interview

Why were all the ambassadors deported to the Thai border before January 7, 1979? Why was it that only the Lao ambassador and the Lao embassy cadres could not escape to the Thai border? These were the questions from local and international journalists.

Between September 1978 and early 1979, the Ministry of Foreign Affairs of Democratic Kampuchea invited all the ambassadors to a meeting at the premises of the Ministry of Foreign Affairs. The aim of the meeting was to give information to all the ambassadors. The spokesman of the Ministry of Foreign Affairs explained the situation in Cambodia. He said that there were many divisions of Vietnamese soldiers invading Cambodian territory. The Vietnamese soldiers had killed many people living near the border. These soldiers then entered Cambodian land violently and illegally. However, the Cambodian soldiers fought against the Vietnamese, who arrested them and kept them captive.

Even though the ambassadors were representatives of their own countries, the government of Democratic Kampuchea banned all of them from traveling elsewhere. Moreover, none of the ambassadors were allowed to communicate with each other by telephone. The Ministry of Foreign Affairs of Democratic Kampuchea had provided a driver to each embassy. The destinations from each Embassy other than to the Ministry of Foreign Affairs were also limited.

What is more, the Ministry of Foreign Affairs provided food to the embassy. Laos' representative to Cambodia was stuck in the once-beautiful Phnom Penh, which now stood empty. Not a soul was walking on the streets; their only occupants were broken cars, which lay blocking the roads.

When Ambassador Kam Phanh Vilachith arrived at Vientienne to visit his family and inform the Central Party of Laos, he also gave them the same answers that he had given to the local and international journalists in Phnom Penh.

I still remember clearly that in early February 1979, the Central Party of Laos invited Ambassador Kam Phanh Vilachith to give a speech at the Nang Bon School of Politics and Theory, in Vientienne. Members of the Central Party of Laos, ministers, deputy ministers, and governors from all over the country were present when he gave the speech.

Ambassador Kam Phanh Vilachith was a well-educated diplomat. He was very fluent in Laotian and other languages. He had been a monk and studied at Unalom Pagoda for five years. He could read and write Khmer very well. He was born in Luong Prabang Province, Laos. After January 7, 1979, the Central Party of Laos appointed him to work as the ambassador to Cambodia. His ambassadorial duty continued until 1982.

This event happened 27 years ago, but there are still Cambodian people and government officials who knew Ambassador Kam Phanh Vilachith while he was on his diplomatic mission in Cambodia. His name remains in their memory although he is dead.

July 3, 2006 marked the historical moment when the swearing in ceremony of the Cambodian and international judges and co-investigating judges took place in the presence of the former King of Cambodia in the royal palace. This event shows the initiation of a diligent effort of the government and the United Nations Trust Fund, which donated money and is cooperating with the government in establishing the Extraordinary Chambers in the Courts of Cambodia.

Establishing the Extraordinary Chambers and bringing the Khmer Rouge to justice are historical events. This can bring justice and the truth to both the dead and surviving victims from Democratic Kampuchea.

I would like to dedicate this work to Ambassador Kam Phanh Vilachith, who passed away in the age of 72. Throughout his life, he was devoted to and had sacrificed himself for the sake of his country's interest. May his soul be in nirvana forever.

Phou Kim Moeur is a survivor of Democratic Kampuchea

MOTHER'S EXPERIENCES

Prum Samon

Before 1975, my mother was a farmer and a traditional midwife. In the Pol Pot regime, she lived in Trapaing Kaknong near Mount Khlong. Everybody in the village knew that my mother was a midwife, so they usually came to pick up my mother so she could help with deliveries. Being a midwife, my mother sometimes had to work all night long without sleep. She helped other people with kindness despite the lack of sleep.

Between late 1976 and early 1977, my grandfather, father, elder brother, and elder sister died of starvation and execution by the Khmer Rouge. They died one after another. Eight member of my family died. Only my mother and I survived.

My mother encountered a many shocking events. She saw teenagers being recruited and gathered in units. She saw those teenagers destroying beautiful brick houses, and turning the houses into stables for oxen and fertilizer storehouses. Some teenagers broke into the house, taking our mirror to look at themselves. Others broke the furniture, turning it into firewood.

My mother was often moved to work in different places. In each place, she always planted vegetables for herself. However, before the vegetables were ripe, she was moved to work in another place.

One day at dusk after dinner, the *Angkar* summoned people to a meeting. The cooperative chief announced, "The Revolutionary *Angkar* encourages people to work hard in cultivating and increasing the agricultural yield, so there will be sufficient food. We must be resolute in achieving the rice yield of three tonnes per hectare. We, the Super Great Leap Forward *Angkar!* From now on, we will have to work an additional three hours at night." After the meeting, the crowd of people broke up and went to work. They picked up their digging hoes, earth moving buckets, and yam trees, and went off to work in

different directions.

Working in the same unit, aunt Chhean built a ridge for growing yams, and aunt Poeu planted the yam seedlings. My mother covered the bottom stems with soil. While my mother and the two women were working and chatting simultaneously, two militiamen walked toward them. "Comrade Chhean, come here," said one of the militiamen. Chhean stood up and walked toward the men, carrying her digging hoe. Having darted forward a few steps, Chhean was stopped by the militiamen. She dropped her hoe, following their order. One of the militiamen tied her hands behind her back. Another carried her hoe and led her into the forest. Witnessing such a shocking event, my mother sat down trembling, with her heart beating fast. She almost could not breathe.

A moment later, two militiamen came to call aunt Peou. "Your hands please, Comrade Poeu," they said. When Poeu heard them calling, she burst out crying, "Mother, they have come to take me." Seeing Poeu crying, one of the militiaman threatened, "Stop crying! You need not call for your mother. The *Angkar* just takes you to be reeducated." Then they tied Poeu's hands and walked her out. At that time, Poeu's young child was only twelve months old. Only her old mother was left to look after the little child. My mother was stunned. She stood still. Her arms and legs became so numb and weak; she almost could not support her body. While my mother was in this terrible situation, she thought of her child (me) who was only seven years of age. My mother felt pity on me sleeping alone in a hut in the forest. She was worried that she would be arrested. My mother could not picture how a child of my age could survive without her. My mother prayed, "Angels! Please help me survive like Badacha [a miserable woman character in a Khmer folktale. Her parents, husbands and children all died,

driving her mad].” Suddenly, a bell rang. People stopped working and walked home. My mother felt relieved.

I slept alone in a dilapidated hut. At that time, I was very frightened, hearing the wild birds chirping all night. Tawny owls, owls, night reddish doves and nocturnal kites (whose cry is said to presage the death of a sick person) cried continuously. I felt so frightened that I trembled with fear. I really missed my mother. I was crying while waiting for her. I took an empty sack to cover myself to keep out the cold. Then I fell asleep. When my mother arrived, she groped around in the darkness to search for me. She felt relieved to find me. “Why are you sweating profusely?” She asked. “Are you frightened?” I replied, “Yes.” Then I snuggled on my mother’s chest and fell into a deep sleep.

My mother could not sleep all night long. In the morning she went out to work as usual. At lunch time, she could not swallow up even a spoon of porridge, even though she was hungry. Anxiety caused her sense of hunger to malfunction. My mother had only her evening meal. She almost could not stand up for work. She became frail and fatigued, but she struggled to work so that she could survive and look after me. Her father, husband, and six children were killed by the Khmer Rouge. She almost lost control and became mentally disordered. My mother said that she had fought for life because she had me. Now my mother is 74 years old.

Unsolved Doubt

After January 7, 1979, the Khmer Rouge were still strong and planned to kill people in various ways. For example, they used mines to destroy bridges. They ambushed vehicles and trains using guns. They burnt people’s houses at Kampong Trach Market. They harmed people who looked for firewood in the forest. Another clear example is that in 1986 they ambushed a train departing from Kampot province to Phnom Penh, causing hundreds of deaths and injuries. At that time, the Khmer Rouge’s radio broadcast a message: “We, the revolutionary army, have just defeated the Vietnamese enemy at Kampot province. We have killed more than a hundred of them.

Besides Kampot province, we had made successful ambush attacks on the Vietnamese enemy in other provinces. We have killed hundreds of them.”

The Khmer Rouge implemented their slogan, “Wipe out the Vietnamese enemy, the invader, from Cambodia territory.” Some of the Western people said, “The act of killing was just a political arena of the government. The government did this to attract donors for financial support. We, the common people, should not be involved in the government’s business.” I wonder how they could attract donors by mass killing? Who would receive the financial support? If there were continuous killings every day, how many people would survive? Who would live in Cambodian territory? Why did the Khmer Rouge’s radio broadcast that the dead victims were the Vietnamese enemy? Did they have evidence to prove that those dead were Vietnamese invaders?

Suggestion

After January 7, 1979, the United Front for the National Salvation of Kampuchea (UFNSK) declared that the death toll of this genocide stood at more than three million, but recently I heard from radio, television, newspapers, and magazines that the number of dead was around two million. People in Chum Kreal village think that this recent figure is incorrect and that it does not correspond to actual events. We, the people in Chum Kreal village, would like to suggest that the previous estimate of the death toll is incorrect because so many people died. A lot of families vanished. For instance, in Kampot province, the mass killings were incredible. In 1975 before the Khmer Rouge regime, the population in Tapiang Kak village, Kaun Sat sub-district was more than 2,000. In 1978, there were only 70 families, most of whom were widows. The killing fields where the Khmer Rouge slaughtered people include Tomnob Kosla, Tiak Krala, Khum Keb, Cheung Phnom Phroul, Trapieang Kok Krong, Wat Kampong Tralach, and so on. These are the sites in only Kampot district. The same thing happened in other districts.

Prum Samon is a survivor of Democratic Kampuchea.

PHOTO STIRS UP THE PAST

Sophal Ly

Every month, about 50 nuns join DC-Cam's ECCC tour. There have been over 400 participants on each tour; the participants include villagers and commune leaders, Buddhist nuns, and Muslim teachers.

During April's tour, a nun named Iev Mao, 79, saw her husband's photo displayed at the Tuol Sleng Genocide Museum. Her husband had been detained at Prey Sar Prison, where he died from torture.

This was the second time Iev Mao had visited Tuol Sleng. The first time she came was in 1979. Iev Mao had met a man who had been her husband's co-worker in Phnom Penh; he had told her that her husband was detained at Tuol Sleng. When Iev Mao learned this, she was so shocked that she fainted. She was sent to the hospital by the Vietnamese soldiers. She had not come back to Tuol Sleng again until she was invited for the April ECCC tour. Seeing the photo for the second time, she could control her anger

toward the Khmer Rouge. She said, "When I see the photo, I can still feel the pain, the pain that is too great to describe in words."

Iev Mao's husband was a captain of the King, and she was a former royal drama dancer. In 1975, her family was evacuated to Kampong Thom province. After two months there, the Khmer Rouge took her husband to work in Phnom Penh. Iev Mao

knew that it was a trick the Khmer Rouge used to gather up former officials. She said, "The Khmer Rouge asked for former officials. They said those who used to hold a particular position would be appointed to carry on the same position and work. Hearing this, my husband confessed that he was a royal captain. Although I tried to stop him from speaking out, he still insisted on claiming his title."



Iev Mao sees her husband's photo at Tuol Sleng

Then, the Khmer Rouge took her husband away. Next, Iev Mao was arrested, shackled, and sent to live in the jungle for a couple of years. In the jungle, she led a miserable life until 1979 when the Khmer Rouge was overthrown by the Vietnamese. Being set free, she went back to her home village where she alone. Her life was bitter because her relatives all had passed away, leaving her alone in the world.

At every ECCC tour to the Tuol Sleng Genocide Museum and Choeung Ek Memorial, the nuns perform Buddhist chants for

the spirits of the dead whose lives were lost during the brutal regime. Iev Mao was among the nuns, chanting and dedicating prayers to her husband and the other victims.

Sophal Ly is a staff writer of Magazine Project, Searching for the Truth.

SEARCHING FOR MISSING FAMILY MEMBERS

Missing Sister and Brother-in-Law



Ung Naret

I am Ung Naret, age 45, living in Rateang village, Phoum Thom sub-district, Kean Svay district, Kandal province. I would like to search for my sister Ung Yoan and her husband So Soeung. In 1973, they and their son Mapp and daughter Thida aka Top lived in Kampong Speu. So Soeung was Chanreangsey's soldier in Kampong Speu. Ung Yoan had short thumbs and was small and beautifully dark. At that time, she was 40 years old. So Soeung was tall and fair-skinned. The family disappeared in 1973.

If anyone knows the two people described above, please inform me via the address above or telephone: 011 627 337. Thank you.

Missing Brother

My name is Phlung Sokhnoeun, age 29. I am living in Krala village, Ampil sub-district, Kampong Siem district, Kampong Cham province. My father's name was Sing Phlung and my mother's Chum Siek. I have three brothers: 1) Phlung Sokhna, 2) Phlung Sorin, and 3) Phlung Sokhnoeun.

My second brother Phlung Sokhna and I were separated when he was evacuated to Angkuonh Dei village, Krala sub-district, Kampong Siem district, Kampong Cham province. We do not know where the Khmer Rouge evacuated him. He was 32 years old at the time.

If my brother sees this notice or if anyone has heard anything about him, please contact me at the village above or the Documentation Center of Cambodia via phone: 023 211 875 or P.O. Box 1110, Phnom Penh. Thank you.

Missing Family

I am Chea Vannak, a teacher at Ramoul Primary School in Ra-ang sub-district, Kampong Siem district, Kampong Cham province. Today, I am living in Ampil village, Ampil sub-district, Kampong Siem district, Kampong Cham province, where my father moved in 1970. I would like to search for my parents and six siblings:

My father is Lay You, probably now age 74, and my mother is Lay Chy. My siblings are 1) Lay Youvandy, 2) Lay Soriprasith, 3) Lay Monithirith, 4) Lay Sokunthea, 5) Lay Socheata, and 6) Lay Sopheap.

In early 1970, my family was living in Phnom Penh. My father had worked as a soldier for France, King Sihanouk, and Lon Nol. When we were separated in 1975, my parents and siblings were evacuated to Takeo province in an attempt to return their homeland in Kampong Kroam. Nothing has been heard about them since then.

If anybody has known these people, please inform me through the Documentation Center of Cambodia. Thank you.

Missing Father and Sister

My name is Kann Boreinin. I am now living in the USA with my mother Chhun Borin and three sisters: Kann Boreiyan, Kann Sreinout, and Kann Sreipeou.

I would like to search for my father Kann Bo and my sister Kann Bopha Kunthea aka Srei Aun, who was probably 6 or 7 years old when we were separated in 1979 in Battambang. Two months before Vietnam came into Phnom Penh, they were evacuated to Thibde Mountain in Battambang. Later, I heard that my father had hemorrhoids and hemorrhages. I have not heard anything about him since then. My sister, who lived with my father, was very worried. She just sat down and cried for help.

If my sister or anybody else has any information about them, please inform me through the Documentation Center of Cambodia. Thank you.

Missing Brother



I am Sek Phally aka Ly. I was born in Veal Lngaet, Kampong Chamlang sub-district, Svay Chrum district, Svay Rieng province. Now I am living in Tanou village, Chambok sub-district. My father was Sek Ty and my mother was Chann Em. They both died. I have four brothers and four sisters: 1) Sek Phally, 2) Sek Thy (died), 3) Sek Ry, 4) Sek Vy (disappeared), 5) Sek Aun, 6) Sek Peou, 7) Sek Neang and 8) Sek Leang.

I would like to search for my fourth brother, Sek Vy. In 1977 my family was evacuated to Battambang province. In 1978 he was separated from the family and moved to Trapeang Kraloeng cooperative in Battambang.

If he has heard or seen this, please contact me through the above-mentioned address or through the Documentation Center of Cambodia. Thank you.

Missing Brother

My name is Thuch Thon, age 55. I was born in Veal Touch village, Angdaung Po sub-district, Baray district, Kampong Thom province. Now I live in Chivpheap village. My father, who was named Thuch Thim, died. My mother is Thou Suong. I have three siblings: 1) Thuch Matt, 2) Thuch Khoeun and 3) Thuch Saroeun aka Saran. I would like to search for Thuch Saroeun, who had joined a mobile military unit in 1970. In 1972 he came home one time. I have not heard anything about him since 1973.

If anybody has heard or knows anything about him, please contact me via telephone: 012 788 512 or the above-mentioned address or through the Documentation Center of Cambodia. Thank you.

Missing Eight Siblings

My name is Thach Saly, age 57. I was born in Sangkat Kilometer 6, Spean Khpors village, Khan Russei Keo. Now I am living in Phnom Penh. My father Thach Khlieng was a soldier of King Sihanouk. My mother was Ly Thivann. I would like to search for my siblings. We have been separated since Pol Pot's time: 1) Thach Moeung, 2) Thach Sarim, 3) Thach Saroeun, 4) Thach Mardi, 5) Thach Try, 6) Thach Sokha, 7) Thach Sam-Ol and 8) Thach Peou.

If anybody has heard or knows anything about the above-mentioned people, please contact Lim Hok via telephone: 012 309 905 or through the Documentation Center of Cambodia. Thank you.

Missing Cousin

I am Sek Sarun. I now live in Preah Tunle village, Sampoar sub-district, Svay Teap district, Svay Rieng province. I would like to search for my cousins, Sek Sophy and Sek Satt aka Prak, who are the children of Chann Kim Srun aka San. Chan Kim Srun was sent to Tuol Sleng prison and killed in 1978.

In 1978 Sek Sophy and I were imprisoned in Chrey O Pnoeu. I was separated from her after 1979.

If anyone has heard or knows anything about her, please contact me through the Documentation Center of Cambodia.

Missing Father

My name is Montha (aka Kra-nhanh); I was born in 1968. My brother Rai Mong (born in 1970) and I are living in Belgium. I would like to search for my father Um Sam-Ol (his real name is Uk Muoy, age 68), who was born in Rakar Kaong. He took refuge in a third country between 1980 and 1981 after he worked with CARE at the child-weighing office of Khav Idang refugee camp in Thailand. My mother Sokha (her new name is Kim Somaly) left my father to work at a new refugee camp. She was a chief of handicapped operations for a German humanitarian organization. While living in Battambang, they were mending machines at a factory.

If anybody knows or has heard anything about him, please inform me or send me an e-mail or a letter. Thank you.

Mme Montha Kim, 145 Rue Neuve, B-1640 Rhode-St-Gene'se (Belgique)

Tel: 0033 2381 0527 or e-mail: kimanfrov@yahoo.fr or fb663380@skynet.be

Missing Brothers and Sisters

My name is Thach Saly, age 57. I was born in Sangkat Kilometer 6, Spean Khpos village, Khan Russei Keo. Now I am living in Phnom Penh. My father Thach Khiech was a soldier for King Sihanouk, and my mother was Ly Thivann. I would like to search for my six siblings who were separated during the Khmer Rouge regime:

- ◆ Thach Moeung (oldest brother)
- ◆ Thach Sarim (older sister)
- ◆ Thach Saroeun (older sister)
- ◆ Thach Mardy (younger brother)
- ◆ Thach Try (younger brother)
- ◆ Thach Sokha (younger brother)
- ◆ Thach Sam-Ol (younger brother)
- ◆ Thach Peou (younger brother).

If my brothers or sisters or anyone else knows the people mentioned above, please contact Lim Hok via telephone 012 309 905 or the Documentation Center of Cambodia. Thank you.



Mut Leang Kry sees her neighbor's photo named Try Leang Nay at Tuol Sleng Genocide Museum in November 20, 2006