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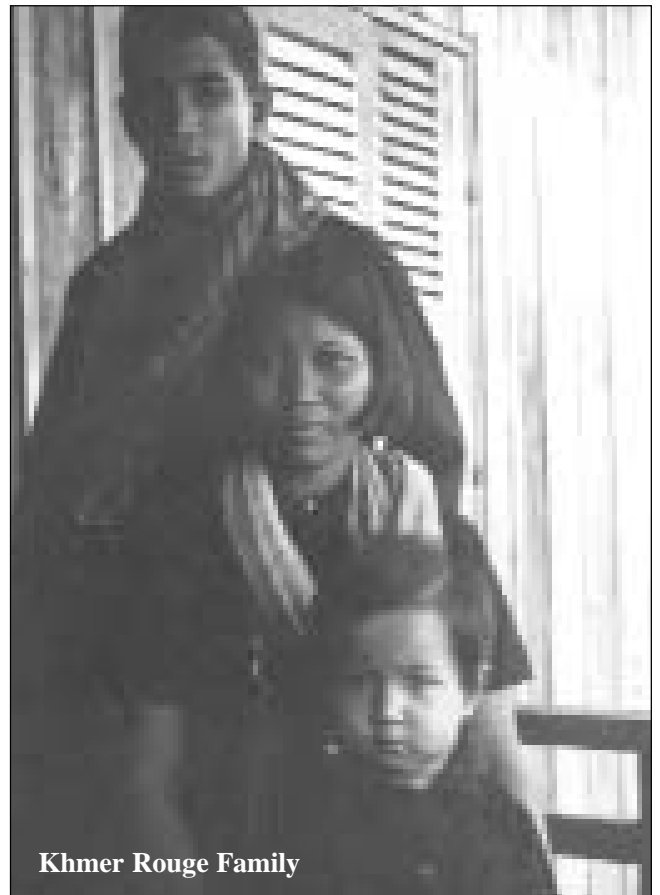
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Khmer Rouge Family

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Letter:

S H A D O W

Lay Ny, a victim in Prey Veng province, told me: “As long as I can still see my shadow while walking to the rice fields, I will never be able to forget the slaughter committed by the Khmer Rouge against my wife, children and the people of Cambodia between 1975-1979”. His statement defines and indicates two principal requests for: 1) the truth of what happened in the era of the Khmer Rouge, and 2) acknowledgement of the state of being a human being. These demands are not revenge-motivated views. It is important to acknowledge that what happened to human beings cannot be forgotten. Most of Khmer Rouge leaders who defected foolishly continue to suggest that the victims forget and bury the past, with the oppression and mass murder perpetrated upon them. As of today, the Khmer Rouge leaders still do not acknowledge what are the conditions of being a human being. On the contrary, they continue to exhibit only the brutality, viciousness, and extremism that characterized their regime. What has happened to human beings will not be forgotten as long as their souls and lives go on. The only way to make human beings forget such things is to take away their lives, to execute them in the way the Khmer Rouge murdered millions of the people of Cambodia, including the family members of Lay Ny. Such acts are blatant crimes against the condition of being human beings and their right to life, and must be punished without fail before a court of law and human history. None of the thousands of victims I have interviewed have voiced any demands for legal compensation for what the Khmer Rouge perpetrated upon them and their families. On the contrary, the victims only wish to get an answer to

the question: “Why did the Khmer Rouge kill our families?” Even if the victims demanded legal compensation, I believe that to imprison the Khmer Rouge leaders for a million years, or to starve Ieng Sary, Ieng Thirith, Khieu Samphan, Nuon Chea, Ta Mok or Duch for a million years, would not be enough to compensate for what the victims suffered in the era of the Khmer Rouge. Were we to chop the Khmer Rouge leaders into a million pieces, it will still not be possible to retrieve the lives of the millions of victims, or the family members of Lay Ny. The magnitude of the victims’ actual request is very small and humble, but so far it has not been responded to. For twenty years the victims have patiently waited and yearned for the closure that only an accounting can bring. It is now time for the Khmer Rouge leaders to testify before a court of law and explain their reasons for having so barbarously oppressed and killed the people of Cambodia.

With the setting of the sun, the shadow may vanish from Lay Ny as he returns from his rice fields each evening. But the memories will then haunt his dreams and those of the millions of other victims until the truth of what took place under the Khmer Rouge regime is revealed to the public through an independent tribunal.

Youk Chhang



PHNOM PENH LIBERATION

(Continued)

(Excerpts from document D00710, A Khmer Rouge commander's description of the liberation of Phnom Penh, as recorded by him at Khao-I-Dang refugee holding Center, Thailand, in 1979)

◆ Then the Khmer Rouge Angkar considered the people in the upper part of Phnom Penh as 'people and loot' of the Eastern Zone. Those people could go anywhere they wished within the territory of Prey Veng, Svay Rieng and Kampong Cham Provinces. When the time limitation for travel expired, all were required to settle wherever they happened to be, in locations directed by Angkar.

◆ When evacuating and arranging people to live in rural villages, the Khmer Rouge village chiefs told the people: "Brothers and parents, you don't need to travel by yourselves any more, since your homesteads are so far away. Please stay here for a period of time, and Angkar will provide vehicles to take you to your homesteads. It will be easier by this way". This was the second trick used by the Khmer Rouge to delude people.

2. People in Northern part of Phnom Penh was divided by the Khmer Rouge Ankgar into two categories:

a) People in the northeastern part of Phnom Penh, from the railway station to the Mekong River were considered as 'people and loot' of Northern Zone. Those people had to walk along National Road 5 and cross the Mekong River to National Road 6 for Kampong Thom and Siem Reap Provinces.

b) People in the northwestern part of Phnom Penh from the railway station to the east of Tuol Kork

were considered as 'people and loot' of Northwest Zone. Like people bound for the Northern Zone, these people had to leave Phnom Penh along National Road 5 for Pursat and Battambang Provinces.

◆ People in this zone were unable to reach their targets due to the delusive words of the Khmer Rouge.

3. People in western part of Phnom Penh were divided into two categories:

a) People in the Northwestern part of Phnom Penh from Charles De Gaul to Toul Kork were considered as 'people and loot' of the Western Zone. The chief of the zone had to move people to Kampong Chhnang Province through Thnal Tortoeng, Kandal Province, and Oudong District of Kampong Speu Province.

b) People in the southwestern part of Phnom Penh from Charles De Gaul to March 18 School were considered as 'people and loot' of the Western Zone. The chief of the zone decided to take people from these areas to Kampong Speu Province through Stung Mean Chey, O Bek Ka-am along National Road 4.

4. People in southern part of Phnom Penh were divided into two categories:

a) People in the southwestern part of Phnom Penh from March 18 School to Boeng Trabek were considered as 'people and loot' of the Southwest Zone. The chief of this zone decided to evacuate these people from Phnom Penh to Kampot Province through Stung Mean Chey Street, crossing Ba Kou stream.

b) People in southeastern part of Phnom Penh from Monivong Blvd to the river were considered as 'people and loot' of the Western Zone. The chief of the



zone decided to evacuate these people from Phnom Penh to Ta Keo Province through Kbal Thnal along National Road 2.

Confession 1, section 2

Why the evacuation?

1) The Khmer Rouge followed the Angkar's directions based on the theory of the President of the Communist Party of China: "Must sweep clean the internal enemy before fulfilling other tasks".

2) The communist party [of Kampuchea's] goal was to make people aware of difficulties in order to break up and convince people to follow the guidelines of the communist party one hundred percent when fulfilling the task of building the party in Kampuchea.

3) The communist party aimed to select those who were to be considered as party elements and those who were to be smashed based on a theory that "Keeping you is no gain; pulling you out is no loss."

4) The communist party intended to kill people considered to be untrustworthy, such as former civil servants and soldiers, preventing the local public and international opinion from observing their acts on the basis of a slogan: "Try not to make waves while dragging the boat, and not to contaminate the water while catching fish".

5) The communist party intended to make the people forget about the loss of their property, which would be difficult to control in the future.

6) The communist party had already planned to prevent people from having their own personal property.

7) The communist party aimed to make their acts parallel their persuasive words to convince cadre members and people through propaganda where they had prepared their forces to smash the liberal regime: "Brick house, villa, car, and diamond being consumed by the capitalists and feudalists stem from the

exploitation of the farmers and workers. So, we have to try our best to have a successful liberation for the Angkar of the party, mothers and comrades. By doing so, we will chase them out and then eat and sleep as they have done."

8) The communist party was based on a theory: "When we have liberated the country from the liberal order, we must restore the country by transforming rural areas [into towns]."

9) "In order to build the country from poor to rich, we must take the feudalists and capitalists (i.e. the city dwellers), as well as their property, to rebuild the country, rather than to let them spoil.

Confession 1, Section 3

Before the evacuation of people from the city

Based on [our] observation, there were well organized plans to evacuate the population of Phnom Penh, because there were vehicles, motorbikes, bicycles and loud speakers arranged, and because the words used [during the evacuation in different parts of the city] were also uniform.

[Examples]

1) Phnom Penh dwellers, no matter who they are, must move three kilometers away from the city.

2) For only three days.

3) Don't need to bring any belongings, which will create difficulties.

4) Our Angkar will be there, wherever you are, for the support of everything. Angkar will evacuate brothers and sisters for a period of time to liberate and send all of you back, who have separated from relatives in the rural areas due to the traitorous Khmer Republic led by Lon Nol who had forced people into the city.

[That's it for confession 1, section 3. More documents related to this confession have yet to be uncovered].



IENG THIRITH TALKS ABOUT CAMBODIAN GENOCIDE

The transcripts below provided by Peter Maguire from two documentary films of the H and S Studio. As for all the typos in the transcripts, that is how it appears in the original so we left it alone. If there are any obvious typos we made them, but the strange spellings were in the original.

The transcripts are about 1) comrade Ieng Thirith or Khieu Thirith (alias Phea, Hong), Democratic Kampuchea (DK) Minister of Social Affairs and Education and Candidate member of the Standing Committee of the Communist Party Kampuchea (CPK) Central Committee, 1975-1979; and 2) comrade Ieng Sary or Kim Trang or So Hao, Democratic Kampuchea (DK) Deputy Prime Minister for Foreign Affairs and Full Rights member the Standing Committee of the Communist Party Kampuchea (CPK) Central Committee, 1975-1979.

Youk Chhang

COMRADE IENG THIRITH FROM Kampuchea: Death and Rebirth. H and S Studio 1980. INTERVIEW WAS CONDUCTED IN STOCKHOLM, SWEDEN.

Transcriptions:

276 p. 106 “You know that the United States first they were aggressing our country, but know they are in favor of our independence we consider the United States as our friend.”

282 p. 108 “I think that everybody is aware that, all the world now is aware that the famine is deliberately created by the Vietnamese aggressors in order to crush our resistance.”

288 p. 110 “The Vietnamese they plundered all our warehouses, all our crops, and then even went so far as to burn the crops in our rice fields because that time is the harvest season. And so they have cut off our supplies of food by doing so and now they use the

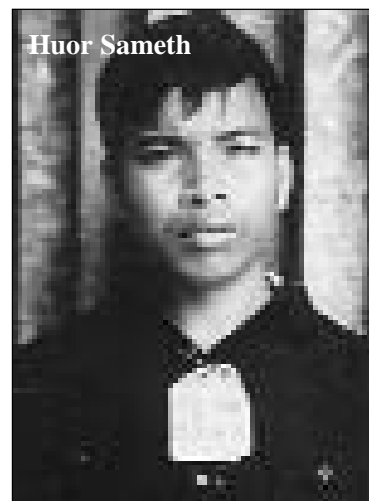
famine as a weapon in order to exterminate our people.”

297 p. 112 “We had succeeded in giving our people sufficient food, sufficient clothes and free medical care for everybody.”

332 p. 124 “We have arrested the agents of the Vietnamese Fifth Column successively from 1975 up to May 1978, and it was in May 1978 that we had crushed the Vietnamese Fifth Column by arresting the heads of these Fifth Columns.”

341 p. 126 “About the pictures. You know that the Vietnamese, they are very cunning about this. They can stage anything. They will stop at nothing in order to legalize their aggression. And I admit, as I told you, that there were excesses but those excesses had been ordered from Hanoi. So the Hanoi authorities they are double-faced. On the one hand, they order the agents to commit excesses in our country and on the other hand they take these few excesses in order to enlarge into systematic slanderous propaganda against our government so that once they aggress our country public, international public opinion have been already mobilised against us, would legalise, would support them, would legalise the aggression by saying: ‘Oh very good those Vietnamese, they are not aggressors, they are liberators of the Kampuchean people who was, who was victim of their own government.’”

343 p. 128 “The Vietnamese aggressor has so far massacred more than half a million of our people, most of all women, children and old-aged people who are too weak to escape in time their furious massacres.” 348 p. 130 “This, the Vietnamese propaganda. I told you that I don’t





Ieng Sary

Ieng Thirith

deny that we have evacuated all the population of Phnom Penh to the countryside, including my own family, my mother, my sister. My sister, she is a doctor in law. She is an intellectual too, and you see that the Vietnamese agents they have killed my sister. So you cannot say that I myself killed my sister. It's impossible. So they have ordered their agents to do so, to kill intellectuals, because intellectuals they are very patriotic, very independent, they are utterly for the independence of the country against Vietnamese domination. And it's themselves, they commit these crimes and they make propaganda on the international arena that it's our government who commits all these crimes."

391 p. 146 "For example myself, I am an intellectual. I was educated in Paris. I was educated especially in the Sorbonne in Paris."

394 p. 148 "So it's not true that we had set as our aim to eliminate any intellectual, because we want intellectuals, we need intellectuals, because intellectuals can help us build our country more quickly."

401 p. 150 "And even the Vietnamese they went so far as to say that we kill everybody who wears spectacles, who wears spectacles, who wears glasses, because everybody who wear glasses is taxed as intellectual. But you see that myself I'm wearing glasses."

**COMRADE IENG SARY FROM
Die Angkar BY STUDIO H and S,
WRITTEN AND DIRECTED BY**

Heynowski and Scheumann 1981

558 [Film's frame number, p. 140, storyboards to Die Angkar]

558. Picture of Ieng Sary in a suit.

Sary: "In 1976 I was appointed Deputy Premier. I was responsible for foreign policy. And today under Khieu Samphan I am Deputy Premier and Foreign Minister..."

592 p. 150. Sary speaks: "I read the sentence at the UN, like many other diplomats. They said it was a comedy, not worth watching.

596 p. 151. "We are firmly convinced that the Chinese Government will always help us in the struggle for independence and preservation of the nation until final victory."

598 p. 151 "We weren't aware of life at the grassroots, that is the way murders are able to happen. But the murderers were Vietnamese agents. That's as plain as day."

614 p. 156 "We set our hopes on the Reagan government that it will implement its declaration to act uncompromisingly with regard to the Soviet Union and only negotiate from a position of strength. That would help us a lot."

628 p. 160 "First there are the aggressors and expansionists headed by the Soviet Union, and second, there is the movement of struggle for independence and freedom against these expansionists. It is good that the USA and China are agreed there. We too are in this team.."



A visit by a Swedish delegation to Democratic Kampuchea



AUTOBIOGRAPHY OF THIOUNN PRASIT

KHMER ROUGE AMBASSADOR TO THE U.N. 1975-1992

Translated by Kosal Phat and Sokha Irene

(Continued)

In between 1958 and 1960, the event of revisionism appeared and I did not have a good view of that and clear standpoint toward that. For this reason, I just lived up to the party's advice which was that I had to put the national matters above anything else—Cambodia matter must be seen as a priority and to stage a Cambodian revolution taking the national interest as the most important of all.

V. From (June) 1963 to (March) 1970:

◆ When I arrived in France, I taught the Khmer students the internal situation within the party to spread out among Khmer students in France. I adhered to the standpoint to which the party had advised me to adhere and I was concerned with the conflict between the revisionist and Chinese the revisionist and our revolution. The party standpoint and concept helped solve to a greater extent the chaotic confusions within the mind of Khmer students in France.

◆ Within the period of almost seven years, my political activities were just within the circle of the Khmer Student Association and some other Cambodians. I have established tie with my old friends who studied with me. A Mare whom I met in Phnom Penh contacted me as well but not as often since he lived very far from us. After the March 1970 coup, it was obvious that he protected the traitor, Lon Nol. I then broke off relation with him in early 1971. I did not have any other contact with any other foreigners. Nor did I join any activities. I do not even know certain Vietnamese with whom our students had connection in Paris. I did not re-established relation with the French communist party. I did spend 90% of my time earning a living in order to feed my family and to care for my job.

◆ However, I was at that time very idealistic. I still lived the way of the exploiting class. In between 1958 and 1960 the event of revisionism appeared and I didn't have a good view of that clear standpoint. For this reason, I lived up to the party's advice which was that I had to put the national matter above anything else.

The Cambodia's matters must be seen as a priority and to stage a Cambodian revolution taking the national interest as the most important of all.

◆ Eventually, I moved to live in France for a while just to await the day when the party called me to return. At the same time, I prepared to return to Cambodia, I joined the Khmer Student Association in France and tried to educate students there as much as I could. Over the past seven and a half years, I completely lost touch with the party.

◆ During my stay in France, I received some money from my mother. Especially in 1968 I received from my mother 50,000 Tranout.

◆ From 1963 to 1968, I worked in a fuel company (coal and oil). In 1960, I worked in a French Airport in Paris.

◆ During my stay in France, I was very much influenced by the French capitalists in terms of life style, concept and standpoint. Even though it was because I prepared and awaited the day I would undertake my assigned tasks and that I had keenly observed the internal situation, that revolutionary standpoint had faded to a great extent. My revolutionary standpoint looked blurry and step by step I came to care very much about seeking a comfortable life and I failed to educate people there to think about the national interest. I was blinded by material things and I didn't realise that this was the concept of revisionism until after I was educated after the coup. In fact, if there was not a coup and the party didn't call me to operate in Beijing after the coup, I would have been unable to correct and change myself and I would have lived in France and served the French capitalists forever. The party has put me on the right track and has washed me off corruption and has educated me to become a man of grace. The way the party introduced to me was rather complicated but it is a clean way full of credit.

◆ Since I already prepared myself, and had hoped that one day the party would call me back and the party had demanded that I stay away from my family

for a while, I made everything possible to enable my family to become independent and self-reliant in terms of earning a living and living in my absence. Therefore all the money deposited in the bank was in my wife's name or in both mine and hers. With a capitalist concept, I thought that I should buy a house and make payments by salary instalments (by on credit) because it gave me more benefit and was much cheaper than renting one. I did that in 1965, due to the distance of the house and the fact that I received some money from my mother and I could work in the French Airport in Praise, I decided to change my address by borrowing additional money from the French Air-line company before I sold my old house. All these activities showed that I was drowned in the capitalist society. This was required by the regulation of "the Paris Airline" that every one has to give 3-month notice if they want to quit their job. This prompted me to follow the party's advice which was to send me to Beijing. I see this as my main disadvantage and I have felt regretful up to this day.

◆ The situation of property ownership is as follows:

◆ Housing: In 1970 I was allowed by a French notary to live in the house in Paris until he died. I would like to confirm that my wife and I saved money to buy this house. My wife shared 1/3 of the whole budget.

◆ in the bank: Because the account in the bank was only eligible to my wife I really don't have any information concerning the account. I have my own account and I allowed my wife to use it. According to information from her 5 months ago, the account was valid for 2,700 « RteNat ». However, I really don't know how the money has been managed so far.

All these problems have sometimes caused me feelings of frustration. I haven't figured out a clear solution to them yet. To be eligible to sell the house, we must divorce. According to the French law, it will take a long time or it may even be

impossible, unless both sides consent to the divorce. Practically, I had only 2 options-either to divorce my wife or to bring my family to live in Cambodia.

When certain front members handed over their houses back to the party in Paris, I was ashamed but did not know how to better approach the matter. Now I am still at an impasse.

My family: She worked in Khum Orsie. The khum chief is a communist. However, as I know she had tried to look for a job at 2 or 3 different places because she had experience at being an adviser to the Family Planning Consultancy. I did not know how much her salary was. As I presume she just got enough to cope with the family's needs. She joined the French party in 1970 but she did not get along very well with the French party. Generally, she is a woman who likes to see progress but has the idea of self-comfort. She is also uninterested in politics.

VI. From March 1970 to December 1975

During this period I actively served the revolution in the front line under the leadership of the party until I was able to return to the country. "I arrived in Cambodia in August but I stayed only 2 days."

I arrived in Beijing on July 8, 1970 via Moscow. At that time, most people did not like to travel by French planes because these planes flew via Thailand.

(Continued to page 38)



PHOK CHHAY BEFORE BECOMING A PRISONER OF THE KHMER ROUGE

By Kalyan Sann

Phok Chhay, whose revolutionary name was Touch, was born in 1936 in Svay Prey Village, Lum Chang Sub-district, Samraong District, Ta Keo Province, and ended his life as a prisoner of the Khmer Rouge at Tuol Sleng. His father's name was Hou Chour. His mother's name was Neang Huon, who later married another man named Phok Song. Phok Chhay is one of those who had relations with certain high-ranking persons in the Khmer Rouge regime, such as Hou Youn and Hou Nim. Based on "confession" document J00446, Phok Chhay, along with Khieu Samphan, Hou Youn and Hou Nim, had been imprisoned together in 1967 by the royal government of King Sihanouk for opposing the Chinese arts exhibition.

The confession of Phok Chhay was written three times, indicating that he was interrogated three times at Tuol Sleng. These three documents were dated March 20, 24-26, and 31, 1977, respectively. Together, these documents total 81 pages. They differ on certain points, and each of the three files is incomplete, in that the Documentation Center of Cambodia is not in possession of certain missing pages, the location or locations of which are being investigated.

The following is a summary of the contents of these "confession" documents. The reader is advised that as with all such "confession" documents summarized in this magazine, the truth of the matters asserted therein is by no means certain, the persons in question having been subjected to torture.

In 1950, when Phok Chhay was 13, he was expelled from school in Ta Keo with twenty other students for having joined a demonstration against the provincial governor of Ta Keo, Chea Chin Kok, and their school's principal, Mr. Chann. The protest had been organized by Prum Chao Sou and Chhouk Moeng Mao, who were supporters of Son Ngoc Thanh. In 1952, Phok Chhay won a scholarship to study at Reach Samphea High School in Kampot Province. In 1956, Phok Chhay went to study at a French School (De Kat)

in Phnom Penh. During the academic year, he stayed at Wat Pra You Vung.

In 1959, when Phok Chhay was 22, he passed an exam to pursue studies in the Faculty of Law. After 1960, he was a tutor for several private educational institutions, (Chaktomuk, Khemra, Chamroen Vichea and Pra Sae Sik Sa) as a means of supporting himself and his mother, who lived in Ta Keo Province. While at law school, Phok Chhay knew Sarin Chhak, who worked in the Ministry of Foreign Affairs. Sarin Chhak had established a student association at the law school in 1961-62, of which Phok Chhay was a member and editor of the journal.

Also while at law school, Phok Chhay fell under the influence of two persons, Hou Youn and Uch Ven. Hou Youn taught economics, and asked Phok Chhay to attend a meeting, which concentrated on political issues. Subsequently, Phok Chhay became a convert to Hou Youn's ideas. Phok Chhay's second major influence at the time, Uch Ven, was president of Chamroen Vichea Association, secretary of the law school library, and deputy director of a French Language newspaper, "La De Pes". Through Uch Ven, Phok Chhay was able to publish articles in La De Pes in 1961-1962. In the press team, Phok Chhay met several people, including Ruos Ched and So Nem, who both worked in the Ministry of Foreign Affairs, and Pok Doeuskomar, Hou Nim and Krou Khuon. In April, 1963 Phok Chhay, then 25, graduated from law school and began work in the Ministry of Foreign Affairs through an introduction to Sarin Chhak, secretary of the ministry. On July 28, 1963 Phok Chhay married Sie Kim in Ta Peang Chorn, Bakan District, Pursat Province. In November 1963, King Sihanouk nationalized all banking and overseas trade entities, causing many potential businessmen, including Song Sakk and Ngoy Kann, to flee abroad.

Finding himself bored with the work in the Ministry of Foreign Affairs, at the end of December

1963, Phok Chhay resigned from his position. In February 1964, he worked at a national credit bank with Uch Ven and Pok Doeuskomar. There, Phok Chhay came to know a merchant named Vann Tep Sovann, who frequently came in to make withdrawals. Through Vann, Phok Chhay got to know another merchant named Ky Sien Ho (in his third confession, Phok Chhay said he knew Sien Ho and Vann Tep Sovann through a merchant named Ngoy Thann, who was a son of Ngoy Kann—his mother’s cousin). Vann Tep Sovann invited Phok Chhay to have meals at a market quite often, and often talked about the history of political struggle in Battambang Province during the French colonial period.

At the end of 1964, a rumor was spread in Phnom Penh about the establishment of a new revolutionary movement facilitated by the CIA. Phok Chhay was deeply involved in the establishment of this new party. Early in March, 1964, Hou Nim had talked to Pok Doeuskomar and Phok Chhay about his plans to form a new party to be led by himself, with Pok Doeuskomar and Phok Chhay as colleagues (the second confession states that the discussion took place in October, while the third confession doesn’t mention this issue). That was the first time that Phok Chhay heard of the “Kampuchean Party”. On the night of June 25, 1964 Phok Chhay joined a meeting in Chroy Ampil. The meeting was participated in by Hou Youn, Hou Nim, Vann Tep Sovann, Pok Doeuskomar, Tiv Ol, Khrou Kuon (Thuch), and a clerk. The following tasks were assigned: Tiv Ol was to be responsible for infiltrating the Teachers’ Association and Chamroen Vichea Association, and for collaborating closely with other associations; Pok Doeuskomar was responsible for controlling the La De Pes press in terms of political issues and encouraging the establishment of an Association of Press Editors. Phok Chhay was to join with other students to form a student association.

On December 12, 1964 an association known as “Association of Khmer General Students in Kampuchea” was established under the auspices of Pok Chhay, Vann, Py Ny (students in Royal Administrative School), and Tuon Sokh Phalla and Chhun Sok Nguon (students of school of engineering). Phok Chhay was appointed as the president of the association, whose objective was to support students and poor faculty

members who wished to pursue their studies in Phnom Penh. The association received a great deal of extreme support from surrounding circles. King Sihanouk himself contributed ten thousand riels to the association, which also received assistance from other powerful people, including Vann Tep Sovann.

On December 30, 1964 Pok Chhay attended a meeting held for selecting the new president of the Kampuch Botr Association. That evening, after the meeting, Phok Chhay had dinner with Hou Youn, Vann Tep Sovann and Kruo Yun. They talked about the world situation and national political issues. At the end, Hou Youn came to the conclusion that we “must have a real party with the prominent support of youths in various associations.”

In early February, 1965 there was a friendship meeting between Khmer and Chinese associations for electing a new committee. Phok Chhay joined the ceremony and was appointed as a member of the association committee, while Vann Tep Sovann was elected as accounting commissioner. After the meeting,

S-21 prisoner



Sovann met with Phok Chhay. Sovann broached an initiative to topple the regime of King Sihanouk and raised issues concerning the CIA. He said, “presently, I work in an organization that is committed to toppling the Sihanouk regime.” Phok Chhay was astonished, asking Sovann, “why do you contact the CIA? For what reason?” Sovann replied, “now I still have the Khmer Rouge label like other people, but my real organization is CIA.” I want to attack Sihanouk in the near future...”

During Khmer New Year in 1965, Phok Chhay was sponsored by Vann Tep Sovann and Ky Sien Ho to become CIA members at the foot of the Phnom Toek Pul Mountain in Battambang Province. The ceremony ended with the drinking of life-and-death oath-taking water (in his third confession, Phok Chhay related that he had joined the CIA in March, 1963). During his stay at the foot of the mountain, Phok Chhay asked Vann Tep Sovann for advice on the issue of association management. Sovann suggested that “we must disguise ourselves as the Khmer Rouge; the association must also be red, because Sihanouk is doing red politics. We must also try to gain his favor while mobilizing forces. Therefore, don’t be afraid of scolding the Americans.”

On August 1, 1965, under the auspices of Chan Seng, director of La Paesse, Phok Chhay was designated by the Sihanouk government to lead a youth delegation to China for a period of two months. After his return from China, Phok Chhay dared not meet with Vann Tep Sovann for discussions in day time for fear of ‘government spies’. In February, 1966 Phok Chhay joined a meeting at the office of the Kampuch Botr Association, participated in by Hou Nim, representing the Khmer-Chinese Friendship Association, Tiv Ol, representing the Chamroen Vichea Association, Ke Kim Huot, representing the Ta Khmao School, Prum Sam A and his wife, representing teachers, Vann Tep Sovann, representing businessmen, a representative of the Land Survey Department, and a representative of the Train Association. The secret meeting was held under the chairmanship of Hou Youn. The meeting was aimed at forming a secret coalition organization with more than ten people under the leadership of Hou Youn and Hou Nim, his deputy. Hou Youn stressed and called the organization Angkar Snaul “Core Organization”. The duty of each associate was to secretly engage the

involvement of the masses to support the organization’s work while keeping it secret.

In January 1966, Phok Chhay was elected president of the Student Association for a second time. In early 1966, there were two contradictory political trends in the association. The first called for expanding the association’s activities and using it to mislead the public in order to recruit students from Chamroen Vichea, Kampuch Botr, and Ta Khmao Schools as core forces. The second called for expansion of the association and its activities in accordance with the law, using the Soviet Technology School as headquarters. Upon the suggestion of Vann Tep Sovann, Phok Chhay chose the first course of action so that he could continue to disguise himself as Khmer Rouge. He arranged a solemn ceremony to welcome guests and showed free films for two days and two nights. The ceremony was participated in by Penn Nouth and Son San. Many students watched a film entitled “Ong Mong War”. The ceremony attracted more and more students. During that time, Norodom Kantol was prime minister (page 48 of the confession).

In July 1966, Chan Seng enabled Phok Chhay to join a delegation to Cuba. At the end of August, 1966 soon after returning from Cuba, Phok Chhay was appointed by the Sihanouk administration as a director general of So Na Prim Company at the request of Chao Seng, the then-minister of economy. The company had a staff of 400. In December 1966, Phok Chhay joined a meeting at a mixed-association organization led by Hou Youn. The meeting elected a new committee of the organization, by changing some members and substituting seventeen people: Hou Youn, president, Hou Nim, vice-president, Tiv Ol, secretary, Ta Mann, representative and deputy secretary of the Kampuch Botr Association, Phok Chhay, representative of the Student Association, Ke Kim Huot, representative of Ta Khmao School, and representatives of Railway Station, Land Survey, Port, State workers, and representatives of private enterprises. There were six aged advisers. Phok Chhay didn’t know their names, except Vann Tep Sovann and Ta Vung. Taking the opportunity, Hou Youn proposed an exhibition and sale of Chinese antiques worth more than two million riels, donated by Chinese embassy to the Khmer-Chinese Friendship Association.

(Continued)

KHUON SON, ALIAS KOEM PHAN, PRISONER OF ANGKAR AND HIS ACTIVITIES AGAINST THE KHMER ROUGE

By Sophearith Choung

(Continued)

In September and October 1975, Shel, Ya, Chhit and Chhem told Koem Phan to notify Suon, Sen, Sat, Vorn, Saman, Saratt, Pin, Sa Kun and Ya of a meeting to be held at Chak. There were sixteen people present at the meeting: Ya, Secretary of Staff; Chhem, Deputy Secretary of staff; Shel, First Member responsible for Political Affairs; Chhit, Second Member responsible for Logistics; Satya, Second Member responsible for Policy; Thoeun, Chief of Yuvakak of Staff Department; Saman, Secretary of Regiment 130, Region 23; Sat, Secretary of Regiment 112, Region 23, Deputy Secretary of Battalion 90; Sen, Secretary of Battalion 75; Suon, Secretary of Artillery Battalion; Pin, Deputy Secretary of Regiment 130, Region 23; Kavan, Deputy Secretary of Regiment 112; Saratt, Deputy Secretary of Battalion 73; Yan, Deputy Secretary of Staff's Investigation Section Kh; and Sakun, Secretary of Staff's Investigation Section Kh. After the meeting, Koem Phan heard Ya mentioning plans to be carried out in Prasot District. The plans were aimed at opposing the process of building the country and organizing forces to be ready for further activities. Sen's forces were to provoke turmoil in the Prasot bases. Then Ya told Koem Phan to call Kim, Heang, Pin, Man, and Sun for instructions to throw grenades into bases at Samraong District. However, the plan was aborted when the four were discovered and fired at. Shel and Koem Phan allowed Vietnamese troops to shell villages, leaving many people dead. Later, Shel asked Koem Phan to bring letters to Sat, Saman, Pin, Sen, Ka Vorn, Suon, Savat and Chea to call a meeting for discussing a plan to allow Vietnamese troops to

carry out their activities in Prey Kaun Ky. Shel and Phan later went to Toeung's place to request that Toeung's forces move into Prasot District, and Prey Chamna where Phan's forces had already stationed themselves. The meeting between Shel and Phan and Toeung, secretary of Vietnamese Division 5, took place in Ampil Village.

After the meeting, Shel asked Koem Phan to call Saman, Pin, Sen, Saratt, Sat, Suon, Ya, Sakun, Ka Vorn and Kim Heang for a meeting to be held at the regional office. The meeting was participated by [extensive list omitted]. During the meeting, Koem Phan was sitting outside and heard the plan being discussed. So said, "We have to carry out the activities in 1976. We have to organize all of our forces in order to throw grenades in the bases and provoke turmoil." After the meeting, Shel was assigned to be responsible for activities in Prasot and Chantrea District. Shel, Koem Phan, Seng, Na reached Chy Phou Village as Vietnamese troops were approaching Mes Thngak, approximately ten kilometers from the Vietnamese border. At that point, Shel ordered Ka Vorn to withdraw his troops. Vietnamese troops took the opportunity to slaughter seventy people, and took sixty others Vietnam. After the attack, Shel, and Koem Phan went to Kavorn's place at Mes Thngak. Shel said, "Your comrades have to work closely with battlefields so that it will be easier for us to continue our activities." Later, Shel told Koem Phan to bring a letter to Thann (Vietnamese soldier). In response to the letter, Thann informed Kom Phan that his "soldiers had not yet mobilized." Koem Phan returned and informed Shel of what he had been told. Then So called their traitors together for a meeting at

Kor Ki Saom, Prasot District.

During this meeting, Koem Phan and Seng heard So saying: “Today I’d like to raise certain plans for December 1977. In the future, Vietnamese troops will enter the whole territory of Svay Rieng Province. As such, your comrades must organize our forces to be ready for making way for Vietnamese troops by; 1) opening Ka-Ei Trail so that the troops can enter from the east, and 2) opening Kroeung Road so that the Vietnamese troops can enter through National Road 13.” After the meeting, Shel assigned Koem Phan to contact Thaing, a Vietnamese soldier, and the secretary of Division 7. Thaing told Koem Phan, “My forces deployed at Ta Kop have already been withdrawn.”

One day in December, 1977, at five in the morning, Vietnamese soldiers started attacking from all directions. As the Vietnamese approached Kor Ki Saom, So ordered his troops to withdraw. At the same time, Shel asked Vietnamese soldiers to take ammunition and a 120 mm gun to solidify the positions at Wat Kdieng Reay and east of Prasot District. Then Shel started carrying out military activities at targets in Romeas Hek District and told Koem Phan to call Saman, Pin, Kavorn, Suon and Sat to join a meeting to be held at Wat Daung Chass. Participants at the meeting were Shel, Chief of Staff; Saman, Secretary of Regiment 130, Region 23; Sat, Secretary of Regiment 112; Pin, Deputy Secretary of Regiment 112; and Suon, Secretary of the Artillery Regiment. The three plans raised in the meeting were 1) to allow Vietnamese troops to enter through Bat Trass and go up to the areas south of Tuol Prasat, 2) allow Vietnamese troops to enter eastward through Wat Ta Ek, and 3) allow the Vietnamese troops to enter through Chek Meas trail.

In February 1978, Shel called together Sean, Seng, Man, Samit and Koem Phan, and instructed them to throw grenades at the Khmer Rouge cadre’s cars and at the revolutionary departments and offices. After being so instructed, Man and Sean tried to throw

two grenades at Pin and Nat’s car, but they failed when the grenades dropped behind the cars at a cross road in Tuol Krauch. Later, Koem Phan heard Shel talking with Chann, Deputy Secretary of Prasot District: “I have contacted you to order forces to enter Prasot District, because comrade Thaing’s forces have already been at Tuol Prasat.” After the meeting with Thaing, Secretary of Division 3, Shel returned to his position.

In March 1978, Shel told Koem Phan to throw grenades at Khmer Rouge cadres Pin and Nat again. During his return with Sat, when he reached a crossroad in Krauch Village, in front of the house of a soldier of Samraong District, Koem Phan left an AK-47 rifle and a suit of clothes there and then walked towards Pin and Nat’s place with the intent of killing them. Pin’s soldiers arrested Koem Phan at 12 am.

The above-summarized document held at the Documentation Center of Cambodia and titled “History of traitorous activities of Koem Phan”, dated March 27, 1978, consists of 29 pages. This “confession” was completed on March 24, 1978 pursuant to the interrogation and torture of comrade Po. The confession document bears a notation by the interrogator stating that “The confession was written by Koem Phan himself”. The document was retyped on March 27, 1978, and includes the names of 45 persons implicated as traitors, including 35 elements who had not yet been arrested. The document also bears a notation of “Duch”, chief of Tuol Sleng prison, directed to higher levels of the regime:

“Dear respected Brother, this contemptible person threw grenades at Brother Pin’s place at 12 am. This had been once reported to Angkar as a minute. His confession this time is not so deep. He confessed only his state of being a messenger for his superiors, both Yuon and Khmer. Two copies of the confession document had already been sent to Brother 89, with respect, Duch, March 27, 1978. Documentation, T-T (received) on March 28, 1978”



Photo: Hong Hun, female combatant arrested October 1976.

Voices from S-21

Chapter One: Discovering S-21

By David Chandler

(Continued)

The microfilmed reels also reproduce a range of nonconfessional materials that were discovered at the prison. These include entry and execution records, typed summaries of confession broken down by region, and military unit and government office and study notebooks that cover such diverse subjects as politics, aircraft identification, mathematics, medicines, artillery, and small arms. The nonconfessional materials also include copies of the CPK's statutes, speeches, and directives from the Party Center and copies of DK's theoretical journals, Revolutionary Flages (Tung Padevat) and Revolutionary Youth,

distributed to Party members. Materials stemming from the prison itself include a report for the first three months of 1977, written notes from interrogators reporting the torture of prisoners, rules for guards, and notes by Duch, the prison director, on a range of issues, including his analysis of the confession texts in a handwritten document probably written in early 1978, titled "The Last Plan." Probably the most revealing nonconfessional text microfilmed by Cornell is a fifty-five-page study note-book compiled by an interrogator, prepared in 1976. This text is discussed in detail in chapter 5.

When the microfilming at S-21 was completed in 1973, it was thought that the reels included all the significant surviving material from the prison. In 1995, however, another S-21 archive, held in the Cambodian Ministry of Interior, was presented to the Documentation Center of Cambodia (DC-Cam), an affiliate of the Cambodian Genocide Program established by Yale University, with a grant from the U.S. Department of State, with a view to gathering documentation of the DK regime. The new material, held by DC-Cam in Phnom Penh, seems to have been drawn from the archives of the DK minister of defense and national security, Son Sen, who also oversaw the operations of the prison. Over fifty confession texts in this collection contain annotations in Son Sen's writing. Many of the confession cover sheets also bear handwritten annotations in Vietnamese, suggesting that they had been reviewed under the Vietnamese protectorate of Cambodia in the 1980s. The newly discovered materials included dozens of confessions that had not survived in the S-21 archive, as well as valuable administrative materials, such as notes from self-critical study sessions held for cadres at the prison and notebooks compiled by senior interrogators. DK materials unrelated to S-21 are also housed in DC-Cam and will undoubtedly be of interest to scholars of the regime.

Several hundred documents from S-21 itself that were not microfilmed have also found their way into the DC-Cam collections since 1997. These included miscellaneous, fragmentary interrogation schedules, lists of prisoners who were ill, documents transmitted with prisoners to S-21, and over two hundred additional study notebooks. Two that are of

special interest were prepared in 1977 and in 1978 by chief interrogator, Mam Nay (alias Chan) and, in a shared notebook, by two senior interrogators known by their pseudonyms Tuy and Pon (hence-forth the Tuy Pon notebook).

Discovering S-21, in other words, is a process that began in January 1979 and is still under way. The mass of material now available seems sufficient to support a detailed study of the prison. The Yugoslav writer Milovan Djilas has observed that “the way prisons are run and their inmates are treated gives a faithful picture of society, especially of the ideas and methods of those who dominate the society”—a remark that seems particularly appropriate to S-21 and Democratic Kampuchea. As we pore through the materials and listen to the voices of so many people living under extremes conditions, we may also learn something about ourselves.

I first visited Tuol Sleng for less than an hour in August 1981. Since 1990, I have returned to the museum many times. In spite or perhaps because of the courtesy and friendliness of the staff, I am always disoriented by the place. On every visit, I’ve been struck by the contrast between the peaceful, sun-soaked compound and horrific exhibits on display, between the whitewashed classrooms with their yellow and white tile floors and the instruments of torture they contain, between the children at play outside the buildings and the mug shots of other children en route to being killed.

In the museum, the eyws of the mounted mug shots, and especially those of the women and children,

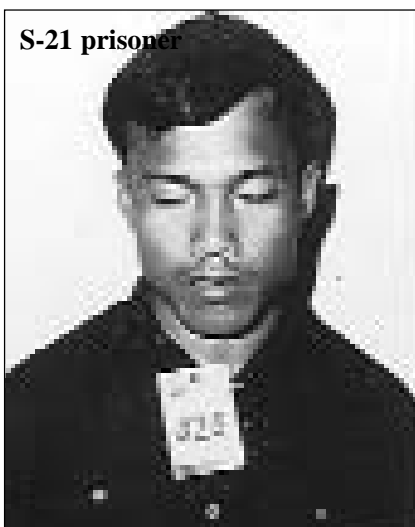
seem to follow me. Knowing as we do, and as they did not, that every one of them was facing death when the photographs were taken gives the photos and unnerving quality that is more affecting, for me at least, than the photographs of dead prisoners or the grisly portrayals of torture painted after 1979 by the S-21 survivor, Vann Nath, that are also included in the display.

On most of my visits mynah birds have hopped along the overgrown paths. Roosters have crowed around the neighborhood, the sound competing with the hum of traffic on Monivong Boulevard to the east or, in the dry season, with music broadcast over loudspeakers from Buddhist wedding celebrations nearby. The noises in the 1970s were different. Almost every night in the pitch-dark, silent city, workers at the prison who were quartered on the boulevard heard the screams of people being tortured. Indeed, all the survivors and people who worked at the prison share the memory of hearing people crying out in pain at night.

Moving through the museum, absorbing its archive and listening to survivors and to people who worked at the prison, we can still hear many of these ghostly voices. They control the narrative that follows.

S-21: A Total Institution

The sociologist Erving Goffman, in his illuminating book *Asylums*, defines a total institution as “a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life.” Goffman goes on to call such institutions—which can



50
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100
100
100

Black
Yellow
Magenta
Cyan

include schools, monasteries, prisons, hospitals, military units and so on—” forcing houses for changing persons; each is a natural experiment on what can be done to the self.”

Under the Communist Party of Kampuchea (CPK), which was itself a total institution par excellence, all of Cambodia soon became what Irving Louis Horowitz has called a “sealed environment,” cut off from the outside world. The country was administered by a handful of politically obsessive men and women, many of them former schoolteachers, who saw it as their long-term duty to oversee, punish, and transform that people under their control. The cadres in charge of S-21, in turn, were under the surveillance of the Party Center (mochhim pak), similarly concealed from view, and as members of an independent regiment, they worked under military discipline. S-21, the Party Center, the CPK, and the state of Democratic Kampuchea (DK), in other words, can be seen as successively more inclusive “forcing houses for changing persons.”

By Goffman’s definition S-21 was an extreme example of a total institution. Its mission was to protect the Party Center. It accomplished this task in part by killing all the prisoners and in part by altering their autobiographies to align them with the requirements and suspicions of the Party. Control over biographies, inmates, and the personnel working at S-21 was absolute and followed a complex “discipline” (viney) that enabled the keepers to dominate the kept and to preside over their refashioning.

S-21 combined incarceration, investigative, judicial, and counterespionage functions. Some documents refer to it as a “ministry” (Krosuong), others as an “office” (munti). Counterparts of santebal in other Communist countries would be the Soviet NKVD, the

East German Stasi, and the Central Case Examination Group in China. Parallels also exist between S-21 and such bodies as the American FBI and the British MI5. In fact, most twentieth-century nations have a national security apparatus. Unlike many of its counterparts, however, S-21 deployed no agents in the countryside or overseas and had no central policymaking office. After mid-1976, its functions were carried out almost entirely at Tuol Sleng. For these reasons I use the names “S-21,” santebal, and Tuol Sleng interchangeably.

Although S-21’s mission and the duties of people working there were not spelled out in law, for DK had no legal code and no judicial system, they resembled those of the Soviet secret police, empowered by the Soviet law of February 1936 “to uncover and combat all tendencies and developments inimical to the state and to take for this end all measures deemed necessary and expedient.”

Strictly speaking, S-21 was an interrogation and torture facility rather than a prison. Although people were confined and punished there, no one was ever released. The facility served primarily as an anteroom to death.

The two men who ran santebal reported directly to collective leadership of DK, known as the Upper Organization (Angkar Loeu), the Organization (Angkar), or the “upper brothers” (bong khang loeu) to outsiders and as the Party Center (mochhim pak) or leading apparatus (kbal masin) to members of the CPK. The Party Center was the never center of the country. Its membership altered over time, but its highest-ranking members, who were also those most directly concerned with the operations of S-21—Pol Pot, Nuon Chea, Ta Mok, Son Sen, and Khieu Samphan—remained members throughout the regime and indeed, into the 1990s. **(Continued)**



THE PERILS OF NEUTRALITY: THE BREAK IN U.S. - CAMBODIAN RELATIONS, 1965

By Kenton J. Clymer

(Continued)

If there was no progress on resolving these matters, there was some movement on Sihanouk's long demand for a Geneva conference on Cambodia. A new call for a conference emerged from the Sihanouk-sponsored Conference of Indochinese Peoples. Having failed in 1964 to get satisfactory pledges from the United States and its Southeast Asian allies to respect Cambodia neutrality and territorial integrity, the prince convened the conference in February 1965. Sihanouk hoped to find a way to limit the fighting in the region and secure long sought guarantees for his own country's neutrality and territorial integrity. The most important conference participants were the Fatherland Front of North Vietnam and the National Liberation Front for South Vietnam. But nearly forty other groups from Cambodia, Laos, and Vietnam- all of them leftist or neutralist-attended.

Since North Vietnam, the NLF, and China were then uninterested in negotiating a settlement in Vietnam short of a total American withdrawal the conference failed to call for a new international conference to settle the war in Vietnam. This was a disappointment to Sihanouk, who, despite his vigorous anti-Americanism, feared the consequences of a total North Vietnamese victory. As far as Cambodia was concerned, Sihanouk said to reporters, North Vietnamese communism was the worst kind, "worse than [the] Chinese or Russian" varieties.

The Americans gloated over the conference's apparent failure. Was this not a "salutary lesson for Sihanouk." Bergesen asked American diplomats gathered in the Philippines. The conference, however, did support another of Sihanouk's goals: the calling of a new Geneva Conference to deal with Cambodia.

The idea of an international conference on Cambodia had lain dormant for a year, and Bergesen's initial response to the renewed call was that it seemed "to have less steam behind it than was the case several times in the past." But on 3 April, in response to

Cambodia's request to the Geneva co-chairs, Great Britain and the USSR, the Soviet Union endorsed the idea. The British soon agreed in principle.

How the United States should respond divided the American diplomatic community. From the American embassies in Saigon and Bangkok came dire warnings that American endorsement of such a conference would be seen as a sign of weakness, and the Saigon government itself was strongly opposed. In Phnom Penh, on the other hand, Bergesen thought that a favorable American response "would probably help" U.S.-Cambodian relations. Canada and France also favored the conference.

Despite the divided opinion, the state Department was inclined to give the conference its blessing. Particularly important in this respect was president Johnson's television address on 7 April at Johns Hopkins University in which he had offered to engage in "unconditional discussions" on Vietnam. Could the United States refuse to discuss the less vexing Cambodian situation? A conference might also give the Communists a face-saving way, "through corridor talks," to respond to Johnson's offer on Vietnam. It also provided a face-saving way of excluding the NLF from the talks, since it had not been a participant at the Geneva Conference of 1954.

Still, the United States was cautious. As in the past, it hoped that agreement on the major issues could be reached informally ahead of time so that the conference itself would do little more than ratify previously reached understandings. As it happened, the British government was then just about to send former foreign secretary Patrick Gordon-Walker to Southeast Asia to explore whether a conference on Cambodia or Laos might be a way to open talks on Vietnam. The United State suggested that his mission be altered to include soundings of interested states to see if understandings could be reached about Cambodia's "Border difficulties."

Even this suggestion elicited criticism from

Ambassador Graham Martin in Bangkok, who found the idea of Gordon-Walker speaking to the Thais about the boundary positively dangerous. In Saigon, Ambassador Maxwell Taylor was unenthusiastic about any movement toward a conference but favored the Gordon-Walker mission because it was in effect a delaying tactic. The next day Rusk and Mc. George Bundy discussed the mission with Prime Minister Harold Wilson and other British officials. Gordon-Walker, they agreed, would explore attitudes in Phnom Penh, Bangkok, and Saigon,” always making it clear that he did not speak for the United States. This meant that a firm American decision on the conference itself would be delayed by at least two weeks, thus allowing time for further reflection and debate.

Despite the fact that Rusk and Bundy had discussed the Gordon-Walker mission with Prime Minister Wilson, the British foreign Office found the American position “disquieting.” Foreign Secretary Michael Stewart immediately understood that the United States was once again stalling and feared that the Soviets might withdraw their proposal. He “stressed that we did not have time in which to play with [the] conference idea,” reported the American minister in London. Stewart was right about he need for haste; an early and positive American response just might have forestalled the demonstration at the American embassy

and the subsequent break in relations.

Meanwhile, Gordon-Walker had begun his mission. In Thailand, Ambassador Martin responded hostilely to the Briton. Gordon-Walker, he concluded, wanted to see a “unified Titoist-type Socialist state” in Vietnam, an outcome that would, in Martin’s view, “be regarded as [a] shattering American defeat,” one that would only encourage wars of national liberation in Africa and Latin America. Gordon-Walker’s suggestion that American military actions in Vietnam, particularly the bombing of North Vietnam, be curtailed also irritated the ambassador. With respect to Cambodia specifically, Martin predicted that if the Thais felt threatened by the proposed conference, they would probably lift their restraints on Khmer Serei activities and work to “bring about a change of regime in Cambodia.”

Rusk himself remained cautious. But the momentum was beginning to shift in favor of a conference. Ambassador to India Chester Bowles cabled that American support of a Cambodian conference might help heal the very tense relations with India. In Burma Ne Win implied that the Chinese saw a Cambodian conference as the first step in settling the Vietnam War. More significantly, James C. Thomson and Chester L. Cooper concluded that “the advantages of acceptance outweigh the disadvantages.” Even Thai

officials indicated that they might agree to a conference, doubtless to Martin’s chagrin.

An added factor favoring American acceptance was that the Johnson administration needed for the probable expansion of the American war in Vietnam. “We would have difficulty in saying ‘no’ to a conference in relation to our own need to mobilize international and domestic support for what seems to be an inevitable increase in our effort in South East Asia” Rusk acknowledged.

(Continued)



Lon Nol's Commando Squad

A SAMPLING OF DOCUMENTARY EVIDENCE LINKING SURVIVING SENIOR LEADERS OF THE COMMUNIST PARTY OF KAMPUCHEA TO CRIMES AGAINST HUMANITY

By Steve Heder

(Continued)

The DC-Cam collection of “confessions” from S-21 marked for copying and transmission to other cadre undermine Nuon Chea’s, Ta Mok’s and Ieng Sary’s claims of innocence and ignorance. They also add to the case against Kae Pok.

The DC-Cam files contain “confession” or similar S-21 documents (e.g., reports on the “biographies” of detained cadre) that are marked for transmission to 20 persons, including S-21 Chairman Duch and the late Son Sen. Among the 18 others, the five who remain alive are Nuon Chea, Ta Mok, Ieng Sary, Kae Pok and Sou Met. Twenty-seven “confessions” are marked specifically for transmission to Nuon Chea, more than any among the 18, including Pol Pot, for whom only one “confession” is marked for transmission by name. Seven are marked for transmission to Ta Mok, two for Ieng Sary, four for Kae Pok and seven for Sou Met. In addition, 33 “confession” are marked for transmission to “the Organization” and another 21 for transmission to “Brother”, which could mean either Pol Pot or Nuon Chea or both. Similarly, nine “confessions” are marked for transmission to the Central Zone without further specification, and these may have been sent to Kae Pok.

DC-Cam’s files thus suggest that Nuon Chea may have played at least as important a role in dealing with “confessions” as Pol Pot, and perhaps a more important role. This appears to corroborate Duch’s remarks to

journalists that “Nuon Chea was the principal man for the killings” at S-21 because he was even more directly involved with most of them than Pol Pot. The pattern of marking of “confessions” for transmission also pointed to an important role for zone secretaries like Ta Mok and Kae Pok in vetting them, and show that Ieng Sary was not uninvolved in such matters.

Ke Pauk





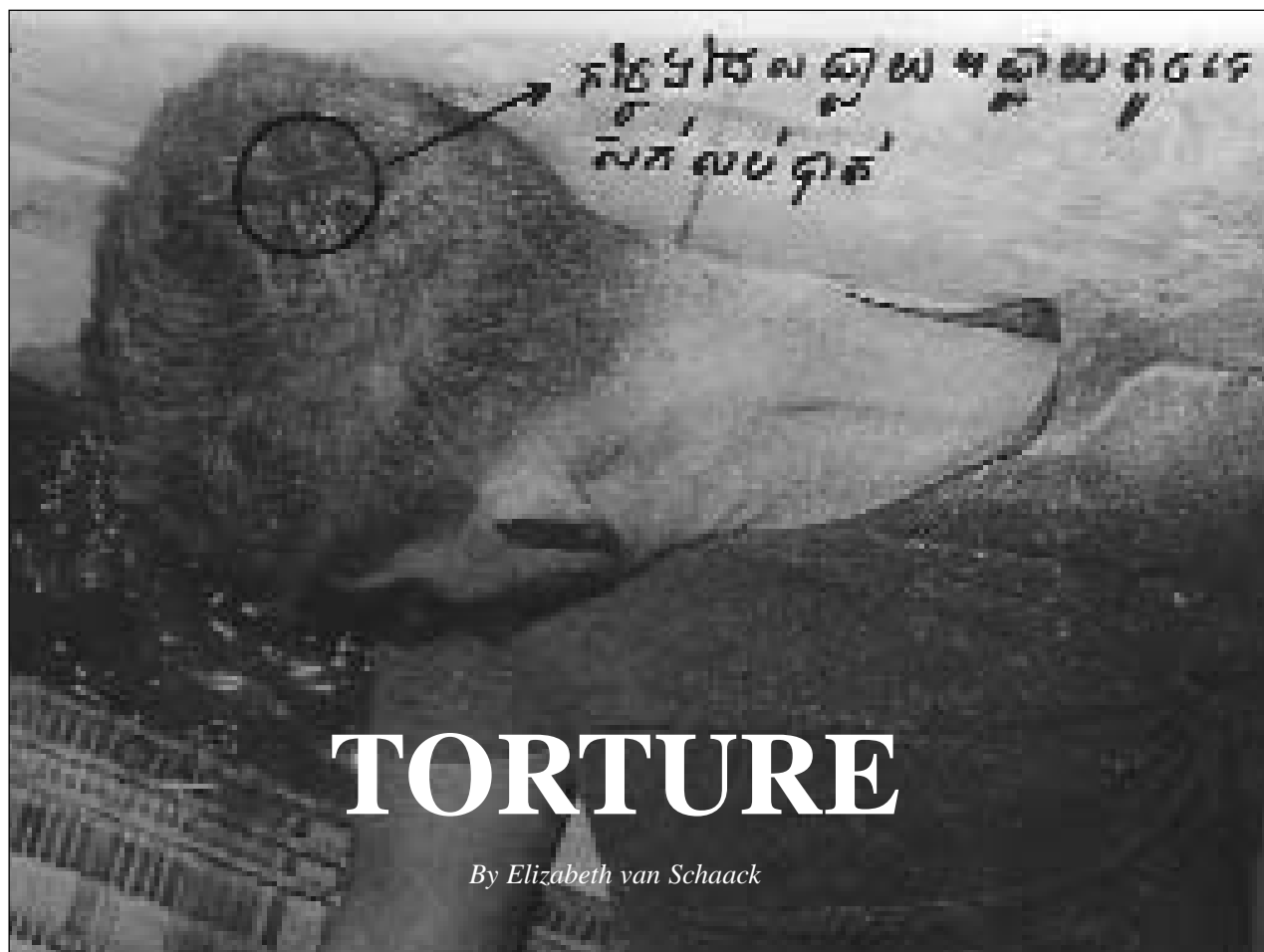
**“CONFESSIONS” AND GUILTY KNOWLEDGE:
NUON CHEA, KAE POK, TA MOK, IENG SARY,
SOU MET**

Of course, given the circumstances of compulsion under which they were produced, nothing in the “confessions” would be admissible in a proper court of law as evidence against those who did the purported “confessing”. As Tittmore has pointed out, “evidence...obtained by methods”, such as torture, which are “inconsistent with international human rights principles” and which “cast substantial doubt” on the evidence’s reliability would be “antithetical to, and would seriously damage, the integrity” of any trial of those who “confessed”. On the other hand, precisely to the extent that the “confessions” bear evidence that they were obtained by methods that constituted violations of international humanitarian law, such as torture, they are at least potential “evidence against individuals who are alleged to be responsible for offenses” that violate that law. Thus, Tittmore concludes, “confessions” should

“at a minimum be considered admissible for the purpose of establishing “that surviving CPK “officials received copies” of them “and possibly as evidence that atrocities were committed in extracting” them. Indeed, some of the documents marked for transmission to surviving senior cadre include cover notes from interrogators explicitly mentioning that torture (tearunakam) was used to compel the prisoner to “confess” (sarapheap).

(Continued)

*Please send letters or articles to
Documentation Center of Cambodia (DC-Cam)
P.O. Box 1110, Phnom Penh, Cambodia
Tel: (855) 23-211-875
Fax: (855) 23-210-358
Email: dccam@bigpond.com.kh
Homepage: <http://welcome.to/dccam>*



TORTURE

By Elizabeth van Schaack

a. General principles of law and Jus Cogens

Torture represents one of the few specific acts which the world community considers a crime against humanity and a principle of customary international law binding upon all states. The United States Court of Appeals recognized this notion in *Filartiga v. Pena-Irela* 630 F.2d 876 (2d Cir. 1980), basing its conclusion on the fact that torture is expressly or implicitly prohibited by the constitutions of over fifty-five nations, the United Nations Charter, subsequent UN Declarations and numerous international treaties and agreements. While torture is clearly recognize as a jus cogens norm, CIDT has yet to reach that international status.

b. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

On December 9, 1975, the United Nations unanimously adopted the Declaration on the Protection of All Persons to be Free From Being Subject to Torture. In 1981, the United National established a Voluntary Fund for victims of Torture. (During 1993,

the Fund received almost \$2,000,000 from 25 states). The Declaration inspired the General Assembly to adopt the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on June 26, 1987. Two of the Convention's optional provisions, Articles 21 and 22, allow parties to recognize the competence of the Committee Against Torture to consider petitions from individuals or nation-states claiming violations by a signatory party under the Torture Convention. Cambodia became a party to the Convention on October 15, 1992, but has not ratified the optional provisions.

The object of the Convention was not to establish a new prohibition against torture, but to strengthen the preexisting ban on torture found in international law. The substantive provisions of the Convention are as follows.

- ◆ Defines torture as: any act by which severe pain or suffering, whether physical or mental,

intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession...when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Article 1 (1).

- ◆ Each state party shall take effective measures to prevent acts of torture in its territory. Article 2.

- ◆ No exceptional circumstances or orders from superior officers may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment. Article 2 (2) and (3).

- ◆ No state party may return a person to a country where there are substantial grounds to believe that s/he would be in danger of torture. Article 3.

- ◆ Each nation shall establish criminal jurisdiction over torture and prosecute tortures found in their territory or extradite them to other countries for prosecution. Articles 4 and 5.

- ◆ Victims of torture shall have the right to have their claims heard before competent authorities and an enforceable right to compensation. Articles 13 and 14.

- ◆ Statement made as a result of torture shall be excluded as evidence in any proceeding (Article 15).

While Cambodia had not signed the Torture Convention prior to the Khmer Rouges accession to power, it has been argued that the Conventions prohibitions are binding upon non-signatories as an elaboration of the jus cogens prohibition against torture.

The term “treatment” may extend the reach of this Convention outside the realm of criminal law and prisons to encompass the conditions of life in other state sponsored facilities, such as hospitals and foster homes. Whereas no state can derogate from the prohibition against torture, under the Convention there is no explicit prohibition against derogation from the ban on cruel, inhuman or degrading treatment, or lesser forms of ill-treatment.

a. The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights entered into force on March 23, 1976. Article 7 of the International Covenant reads: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.” The Covenant protects all individuals within the territory and jurisdiction of the



signatory state. States must “ensure” the rights recognized by the Covenant, suggesting that state have obligations to prevent the violation of these rights by private persons, as well as by state officials. This obligation covers not only affirmative acts by state officials, but also the failure to provide certain minimal living conditions in detention facilities and adequate medical treatment.

Cambodia signed the Covenant on October 17, 1980 and became a party on May 26, 1992. As of 1989, Cambodia had not ratified the Optional Protocol to the International Covenant on Civil and Political Rights, which empowers the Human Rights Committee to receive and consider communications from individuals claiming to be victims of violations of any right enumerated in the Covenant.

The enforcement of the Covenant relies primarily on national institutions. State parties must ensure that anyone in their territory who is a victim of a violation of one of the rights contained within the document has an effective remedy against the violator. Moreover, the Human Rights Committee may entertain complaints from one state party about violations occurring within the territory of another state party, as long as the two parties have accepted the competence of the Committee to hear such complaints. The parties may also accept the optional protocol, which permits individuals to petition the Committee with regard to violations of rights guaranteed by the Covenant. Complaints promulgated under either mechanism may be lodged only when domestic remedies have been exhausted.

b. Other international and regional instruments prohibiting torture

Beyond the Covenant, other international and regional instruments prohibit torture, including the Universal Declaration of Human Rights (Article 5) and the European Convention on Human Rights (Article 3). In addition, the non-binding Standard Minimum Rules for the Treatment of Prisoners reads: “Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman and degrading punishments shall be completely prohibited as punishments for disciplinary offenses.” This standard was

adopted unanimously by the General Assembly.

Finally, the Control Council Law, which established the jurisdiction of the military tribunals at Nuremberg, included torture as a crime against humanity. Common Article 3 of the 1949 Geneva Conventions for the Protection of war Victims prohibits the following offenses in the case of an armed conflict not of an international character occurring in the territory of one of the High Contracting Parties when committed against those taking no part in the hostilities:

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b) taking of hostages
- c) outrages upon personal dignity, in particular, humiliating and degrading treatment; the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized people.

Under the four Geneva Convention, parties are bound to sanction those guilty of grave breaches of the Conventions by extraditing or bringing perpetrators to domestic trial. Grave breaches include the following acts: willful killing, torture or inhumane treatment, including biological experiments, willfully causing great suffering or serious injury to body and health...Grave breaches of the Conventions give rise to universal jurisdiction, so any state has jurisdiction to bring a violator to trial.



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EVIDENCE

By Elizabeth van Schaack

The production of evidence is very important in all criminal proceedings. Any trial of the Domestic Kampuchea regime would seek to establish the criminal responsibility of specific individuals. As a result, it will be necessary to produce sufficient evidence that the defendant committed the offense for which he or she is accused. In order to attach individual blame, it is not enough to show simply that a crime occurred. Evidence must link the crime to an individual “beyond a reasonable doubt.”

Issues of due process in domestic trials typically impose high standard of evidence admissibility and credibility. As a result, high burdens are placed on the prosecution in any criminal proceeding. As future prosecutors, it is vital that you know the elements of the crimes you are attempting to prove. You must also know which types of evidence will be admitted into court and which types of evidence will be excluded. This knowledge will guide your collection and presentation of evidence.

Evidentiary Standards in Domestic Law

I. Introduction

The basic principle of evidence in any forum is that the trier of fact (be it a judge or a jury) must decide the case based only upon what is presented in court. The trier of fact cannot rely upon personal knowledge or newspaper report when deciding the case. All information used to decide the case must be legally before the court.

Evidence is used to prove the existence of certain facts. Only relevant evidence will be allowed in court. In general, this requirement for relevancy requires that two links between the evidence and the case be present:

1. there must be a probative relationship between the piece of evidence and the facts to which the evidence is addressed. The evidence will have to either prove or disprove some fact presented by one of the parties. There must be a logical connection between the piece of evidence offered and the point on which it is offered.

2. the evidence must be material. In other words, the evidence must connect the fact to substantive law.

Direct evidence: resolves a factual matter in issue.

Circumstantial evidence: evidence that does not resolve the matter at issue unless additional reasoning it used to reach the proposition to which the evidence is directed.

We will discuss both physical evidence and testimonial evidence.

II. Physical Evidence

Physical evidence is evidence that the court can perceive first-hand. This can be contrasted with testimonial evidence which involves witnesses testifying at trial to certain assertions about the facts. With testimonial evidence, the trier of fact must rely upon the observations, memories and narrations of the witnesses. Two types of physical evidence:

- A. Real evidence: evidence that is a tangible object that played some actual role in the case. E.g. a murder weapon, a photo of the crime in process, or a letter ordering the killing of someone. The object presented in evidence is the one used in the actual crime.

- B. Demonstrative evidence: evidence that merely



illustrates an issue important to the trial, such as maps, models, summaries, etc.

III. Admissibility of evidence:

Not all pieces of evidence will be admitted by a court of law. A certain foundation must be laid before a piece of evidence is admitted into court. In other words, all real and demonstrative evidence must be authenticated before it is admitted into court, such that the admitting party must prove that the item is what it claims it to be. This authentication occurs when a live witness sponsors a piece of evidence.

The other side can challenge the authenticity of the evidence. If the latter prevails, the item will not be admitted into court. These two types of evidence generally have different standards of admissibility.

A. Standards of Admissibility:

1. Real Evidence: For real evidence, the party admitting the evidence must prove that the item was the real item used during the crime. E.g. the prosecution must prove that the gun that it wants to admit into evidence was actually the gun used by the murderer. Witnesses such as the people who saw the murder and the police who found the gun at the scene of the crime will have to be called to provide a foundation for the admission of the gun into evidence. There are two general methods for authenticating real evidence:

a. unique identification- the item is unique in some way so that the sponsoring witness can testify that the item presented as evidence is unique in the same way.

b. chain of custody- every person who handled the piece of evidence since the perpetration of the crime must testify as to what she did with the item. E.g. The police find a murder weapon, they pass it to the investigative unit, who passed it to a forensic specialist, who passes it to a DNA specialist, who gives it to the prosecuting attorney. All these individual will have to testify at court in order to prove that the weapon in court was the weapon found at the scene of the crime. This elaborate system prevents tampering with evidence. This chain of witnesses will have to testify about the following:

- ◆ How and when they came into contact with the item;
- ◆ How they stored the item; and,
- ◆ When and how they disposed of it.

2. Demonstrable Evidence: For demonstrable evidence, the admitting party must show that the item fairly represents or illustrates what it is supposed to present. For example, if no weapon was found, the prosecution can bring in a model of a gun to prove that this was the type of gun used. Witnesses will have to testify that they saw the murderer carrying a gun that resembles the model offered by the prosecution. The admitting party must also show that it is useful for the court to have this item in evidence.

IV. Exclusion of Evidence

Even if evidence is relevant to the facts at hand, a court may decide for other reasons to exclude the evidence. Judges are generally granted great discretion to determine if relevant evidence should be excluded.

1. Unfair prejudice: All evidence which may be like to lead to unfair prejudice to the other side may be excluded from evidence. For example:



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THE [U.S.] CAMBODIAN GENOCIDE JUSTICE ACT

SEC.571.SHORT TITLE.

This part may be cited as the “Cambodian Genocide Justice Act”.

SEC.572.POLICY.

(a) In General.—Consistent with international law, it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979.

(b) Specific Actions Urged.—To that end, the Congress urges the President—

(1) to collect, or assist appropriate organizations and individuals to collect relevant data on crimes of genocide committed in Cambodia;

(2) in circumstances which the President deems appropriate, to encourage the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia; and

(3) as necessary, to provide such national or international tribunal with information collected pursuant to paragraph (1).



Khmer Rouge Soldiers

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SEC.573. ESTABLISHMENT OF STATE DEPARTMENT OFFICE

(a) Establishment.—

(1) None of the funds authorized to be appropriated by this Act for “Diplomatic and Consular Programs” shall be available for obligation or expenditure during fiscal years 1994 and 1995 unless, not later than 90 days after the date of enactment of this Act, the Secretary of State has established within the Department of State under the Assistant Secretary for East Asia and Pacific Affairs (or any successor Assistant Secretary) the Office of Cambodian Genocide Investigation (hereafter in this party referred to as the “Office”).

(2) The Office may carry out its activities inside or outside of Cambodia, except that not less than 75 percent of the funds made available for the Office and its activities shall be used to carry out activities within Cambodia.

(b) Purpose.—The purpose of the Office shall be to support, through organizations and individuals with whom the Secretary of State may contract to carry out the operations of the Office, as appropriate, efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979, including—

(1) to investigate crimes against humanity committed by national Khmer Rouge leaders during that period;

(2) to provide the people of Cambodia with access to documents, records, and other evidence held by the Office as a result of such investigation;

(3) to submit relevant data to a national or international penal tribunal that may be convened to formally hear and judge the genocidal acts committed by the Khmer Rouge; and

(4) to develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of those accused of

genocide in Cambodia.

(c) Contracting Authority.—The Secretary of State shall, subject to the availability of appropriations, contract with appropriate individuals and organizations to carry out the purposes of the Office.

(d) Notification To Congress.—The Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives shall be notified of any exercise of the authority of section 34 of the State Department Basic Authorities Act of 1956 with respect to the Office or any of its programs, projects, or activities at least 15 days in advance in accordance with procedures applicable to notifications under that section.

SEC.574.REPORTING REQUIREMENT.

(a) In General.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees—

(1) that describes that activities of the office, and sets forth new facts learned about past Khmer Rouge practices, during the preceding 6-month period; and

(2) that describes the steps the President has taken during the preceding 6-month period to promote human rights, to support efforts to bring to justice the national political and military leadership of the Khmer Rouge, and to prevent the recurrence of human rights abuses in Cambodia through actions which are not released to United Nations activities in Cambodia.

(b) Definition.—For purposes of this section, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.





AMERICAN EFFORTS FOR KHMER ROUGE TRIAL

By Craig Etcheson

Most people in most countries around the world are far too busy living their lives and raising their families to take their time which would be needed to learn about the laws and political systems of foreign nations. This is as true of people in Cambodia as it is of people anywhere else in the world. But Cambodian people might be very interested to learn something about how law and politics works in some other countries, if only because it offers such an interesting contrast to the way law and politics work in Cambodia. One illustration of this might be found in the United States, and in a particular law there which is very relevant to concerns of Cambodians.

In Cambodia, laws are usually created by the government, with the intention of serving the interests of Cambodia as those interests are defined by the government. In the United States, by contrast, ordinary citizens often become involved in creating laws, with

the purpose of forcing the government to act according to the will of the people. This may seem difficult to believe, but it is true: in the US system, simple people can actively cause the creation of new laws to change government policies with which they do not agree. This is a basic lesson of civics which is taught in US primary and secondary schools, and it actually works. It is not for nothing that one of the slogans of the United State is that the government was created “of, by, and for the people.”

A concrete example of this is provided by a law called the “Cambodian Genocide Act.” In 1989, a group of ordinary US citizens joined together, drawn to one another by the common concern that the US government was not doing enough to help prevent the return of the genocidal Khmer Rouge regime in Cambodia. They formed a private voluntary organization called “The Campaign to Oppose the

Return of the Khmer Rouge.” This organization then worked over the next five years to bring about change in US government policies, eventually persuading the US government to become more active in opposing the plans of the Khmer Rouge to return to power and resume their evil revolution. It is worth noting that Chhang Youk, the Director of the Documentation Center of Cambodia, was one of the original members of this organization. In any case, over time this organization successfully caused the adoption of several laws intended to assist the Cambodian people in defeating the Khmer Rouge. The most important of these new laws came to be known as the “Cambodian Genocide Justice Act.”

The Cambodian Genocide Justice Act was passed by the United States Congress early in 1994, and signed into law by US President Clinton in May 1994. The law states that “it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975 and January 7, 1979.” This law also provides that the President of the United States should “collect, or assist appropriate organizations and individuals to collect data on crimes of genocide committed in Cambodia.” And finally, the Cambodian Genocide Justice Act also directs the President “to encourage the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia.” This law, in fact, was a revolutionary development in the policy of the United States of America not only toward Cambodia, but also to how the US would respond to instances of genocide and crimes against humanity across the world.

Let’s take a look at how the Cambodian Genocide Justice Act worked to change US policy toward Cambodia, eventually leading to important developments within Cambodia and around the world. As direct consequence of the law, in late 1994 the US government provided a substantial grant to Yale University’s Cambodian Genocide Program. Yale University moved quickly, establishing in January of

1995 an office in Cambodia called the Documentation Center of Cambodia, or DC-Cam. DC-Cam functioned through 1995 and 1996 as the Cambodian Genocide Program’s base of operations in Cambodia, supporting documentation, research and training projects relating to accountability for the Khmer Rouge. As the work of DC-Cam researchers proceeded to uncover and publicize new information about the magnitude and scope of the Khmer Rouge genocide, the international media began to pick up reports of these discoveries and spread them around the world. This resulted in a rising international outcry around the world for genocide justice in Cambodia, increasing pressure on the United Nations to consider establishing an international criminal tribunal to judge the crimes of the Khmer Rouge.

In January 1997, the DC-Cam separated from Yale University and became an autonomous Cambodian research institute, and thus as a direct consequence of the Cambodian Genocide Justice Act, an important new Cambodian institution was born. But that was not the only result of the Cambodian Genocide Justice Act. As the work to document the crimes of the Khmer Rouge regime continued at DC-Cam, the US government continued to develop new initiatives to carry out its responsibilities under the Cambodian Genocide Justice Act. In April of 1998, the US government brought a proposal to the United Nations Security Council, calling for the establishment of an international criminal tribunal to judge the Khmer Rouge, similar to the two existing tribunals dealing with international crimes in the former Yugoslavia and Rwanda. However, some members of the Security Council complained that a new tribunal for Cambodia would be too expensive, and the People’s Republic of China argued that the matter of the Khmer Rouge was strictly an internal affair of Cambodia. As a result of these doubts, no action was taken by the Security Council on the US proposal for a Khmer Rouge tribunal.

Meanwhile, the United Nations, responding to rising pressures from many different countries, was proceeding with its own initiative to explore the

possibility of a tribunal. In November 1998, a Group of Experts appointed by the United Nations visited Cambodia to examine the question of whether sufficient evidence existed to warrant the creation of an international criminal tribunal, and they spent days examining the information collected by the DC-Cam. In February, 1999, the Group of Experts reported to the UN Secretary General, saying they had found evidence that the Khmer Rouge committed war crimes, genocide and other crimes against humanity, and recommending the establishment of an international criminal tribunal to judge those crimes. In a surprising change, the Cambodian government—which had for years been calling for just such a tribunal—suddenly announced that

it no longer agreed with this idea, rejecting the proposal.

Since then, the United Nations and the Cambodian government have engaged in periodic negotiations, attempting to find a compromise formula which would permit the establishment of a tribunal for the Khmer Rouge. The United States, following its responsibilities under the Cambodian Genocide Justice Act, has continued to support these efforts in a variety of ways. And the Documentation Center of Cambodia, a direct result of the Cambodian Genocide Justice Act, stands ready to provide evidence about the crimes of the Khmer Rouge should a tribunal eventually be established.

KR telegrams: Khmer Rouge and East Timor (File number D01953)

Democratic Republic of East Timor

*Your Excellency Ieng Sary
Deputy Prime Minister in charge of Foreign Affairs,
Phnom Penh*

Seeing that at the time I had requested to the Democratic Kampuchea Embassy to Beijing in China for an extensive amount of time to stay during my visit to the Democratic Kampuchea, I did not realize that Your Excellency and your various organizations were very occupied with successive visits by the [Democratic] government delegations from other countries to the Democratic Kampuchea;

Seeing that the one-year period of visit and stay of the three of us in the Democratic Kampuchea, together with precious knowledge we [three of us] have gained, renders great significance for the revolutionary resistance in East Timor;

Seeing that after leaving the Democratic Kampuchea, we will have to go and stay in the People's Democratic Republic of Korea for at least six months "confidential"; and

Seeing that I also will have to pay an official visit to the People's Democratic Republic of Laos in the near future;

We would like to request that Your Excellency needs not to consider our previous request in which we wanted to stay in the Democratic Kampuchea until February 4, 1977.

We would like to inform Your Excellency that we wish, if possible, to be leaving for the People's Republic of China on December 24, 1977. And we would be very grateful in advance if we could be able to get in touch with the Chinese Embassy here [Democratic Kampuchea] so we can get an [official] access [to China].

*With revolutionary regards, Much cordially,
Phnom Penh, December 21, 1977*

Roserio Lobato

Commander-in-chief of the Revolutionary Army of East Timor

THE 20th OF MAY

By Kosal Phat

A report by the Front Research Committee of Mong Russei District, Battambang Province dated May 20, 1991, concerning crimes committed by the “Pol Pot-Ieng Sary-Khieu Samphan Clique” indicates that the National Assembly of the “People’s Republic of Kampuchea”, at its fifth session, held from August 15 to 18, 1983, marked the 20th of May as the “Day of Vengeance” against the “Pol Pot-Ieng Sary-Khieu Samphan genocidal clique” and that this was the day in 1973 when the killers began their open and brutal genocidal acts against people throughout the country. The report said the People’s Republic of

Kampuchea issued an official nation-wide declaration claiming that the total number of people executed under one of the 20th century’s most barbarous regimes was 3,314,768. The report asserted “the serious crimes and tragedy endured by Cambodians during the genocidal reign of three years, eight months and twenty days is the suffering and hardship of Cambodian people, and no national or international authors could depict their magnitude.”

Ten years before the assembly’s adoption in 1983 of the 20th of May as the “Day of Vengeance”, the Khmer Rouge marked this day as the birthday of



the cooperative system, which was unprecedented in Cambodian society. In a book for second graders first published in 1976 under Democratic Kampuchea, it states: “Our cooperatives were created on the 20th of May, 1973 during which we were in war and gained victory over American imperialists and treacherous elements, and eventually, feudalists, landlords as well as capitalists were uprooted, while the people were liberated on April 17, 1975.”

Between August 1983 and December 1985, 1,166,307 survivors in 15 provinces who managed to escape the killing completed 1,250 petitions mentioning the number of their family members who perished under the Khmer Rouge administration. It is true that the petitions were obviously facilitated by the government of the People’s Republic of Kampuchea, with a view to convincing the United Nations to expel the Democratic Kampuchea government from its seat. However, their significance lies in the fact that more than one million Cambodians petitioned the United Nations to attend to the brutal acts committed by the Khmer Rouge regime against the Cambodian people, and demanded true justice. Unfortunately, not all these petitions were sent to the United Nations, and their request for justice was ignored. Simultaneously, the Khmer Rouge continued to enjoy victory in their campaign to convince the international community to support and legitimize their government as against that established under the Vietnamese occupation.

However, the Cambodian people kept up their demands. As a result, the Paris Peace Accords were signed in October of 1991, in part acknowledging that the Khmer Rouge regime committed some of the most vicious crimes of the 20th century. Cambodians never abandoned their desire to seek justice for their lost family members and relatives, while reminding the people of Cambodia through the celebration of the May 20th Day of Vengeance, of the suffering that they had endured, and urging them to prevent the

return of such regime to Cambodia. Since 1992, the celebration of “Day of Vengeance” has become but a shadow of its former self, confined largely to small gatherings organized by the Cambodian People’s Party. In part this is a result of the Paris Peace Accords having granted the Khmer Rouge a degree of legitimacy as a political party, and in part it is a result of the later collapse of the Khmer Rouge as a cohesive force. However, the claim that the people of Cambodia have forgotten the past suffering and hardship simply because the annual rally is less spectacular is not a reasonable conclusion. Although life has gone on and new families have been raised in the interim, the People of Cambodia have not forgotten the atrocities of the Khmer Rouge regime. The mute physical evidence—prisons, security offices, killing pits, and mass graves—is everywhere to be seen, and has not disappeared from the villages of the victims. The people of Cambodia may lead their lives with an appearance of normality, but their minds and spirits are trapped by the past, and will be for the rest of their lives if true justice is not achieved. The memorials scattered throughout Cambodia speak volumes about the powerful desire of the victims for justice. A number of questions raised by villagers whom I have interviewed prove this point: “When will a Khmer Rouge tribunal be established?”... “I want the Khmer Rouge leaders to testify and give their reasons for the execution of millions of people”... “Why did they kill my husband, my sons?...”

I hope that the 20th of May in the year 2000 will help remind the National Assembly, Senate, Government, and international organizations to work towards the long-awaited goal of justice by prosecuting the crimes committed by Khmer Rouge leadership, thereby achieving reconciliation and justice for the sake of the Cambodian people and people all over the world.

**COMMENTS OF SAMDECH HUN SEN, PRIME MINISTER OF THE ROYAL
CAMBODIAN GOVERNMENT AT THE INAUGURATION CEREMONY OF
THE CONSTRUCTION WORK SITE FOR A TUBERCULOSIS HOSPITAL
FUNDED BY THE JAPANESE GOVERNMENT
ON MAY 3, 2000**

I absolutely will not give any signature before the National Assembly has passed the law [The Khmer Rouge Draft Law]. Why? Because we must respect our National Assembly, the Senate, the Constitutional Council, and His Majesty the King. We cannot make this agreement with international agreements, which have existed hundreds of years. Cambodia signs or accedes itself into various conventions or international agreements and then asks for ratification from the Assembly [the National Assembly]; this is the law newly passed by the Assembly. We cannot come into an agreement with any foreign [entity] and later put pressure on the [National] Assembly, Senate, Constitutional Council and His Majesty the King to accept our idea. I have requested the United Nations Secretary General to consider this recommendation. However, we can still exchange letters and the exchanged letters can elaborate this point or that point but one point must be clear is that [the government] cannot force the Assembly to pass [the law] in compliance with what we have agreed upon via letter exchanges with the United Nations. For this reason, I have explained to the Secretary General Kofi Annan again and again that I cannot do it and please do not be mistaken. This is not an international convention to which Cambodia has agreed and return to ask for consent from the Assembly. On the other hand, this is the law that the National Assembly and Senate must pass [on the draft law]. It is wrong on this point and according to the letter from H.E. Mr. Kofi Annan that was sent to me on April 25, it confirms that it is possible to exchange letters or establish an agreement before the Assembly passes [the law]. But what is important is

that the Assembly passes [the law] in accordance with an agreement between the government and the United Nations. So what does this mean? This is what I have opposed and refuted. If [the UN] continues to refuse me, force me further, I will continue to not do anything at all because I cannot abuse. Should I please Kofi Annan or foreigners or should I please members of the National Assembly, Senate, and Constitutional Council and respect His Majesty the King. This is the problem. They should know the difficulties and legal work procedures. [According to] what they have done to me so far, not only have they shown no respect for the sovereignty of Cambodia but also they did nothing to follow the procedure and legal process of the executive, legislative and judicial organs, which are separate from one another. This is what makes me very disappointed, but I think that those problems that have occurred in the last several days will not be an obstacle against the progress of the process toward bringing the Khmer Rouge leaders to justice. I hope that nothing has occurred in the last several days. What is counted as fruitful is an agreement made between [Senator] John Kerry and I. Now I am waiting to see how far John Kerry has progressed in his work with Kofi Annan. I am waiting for this news because if [the UN] does not agree to respect the sovereignty and work procedures of Cambodia, I will concede to the formula that I have already declared at the Pochentong Airport pertaining to the dispute resolution methods [that will be used] when disputes between co-prosecutors and co-investigating judges arise. I would agree to submit [the law] to the Assembly but I do not have the right to shut the



mouths of any members of the National Assembly and prevent them from raising another new formula or debating like what [H.E. Mr. Kofi Annan] mentioned in their letter [which states] that the Assembly shall pass [the law] in conformity with an agreement between the government and the United Nations. It is this point that I do not concur with. It is what has disappointed me but I would like to reaffirm that my disappointment will not hinder my continued efforts and will not ruin the efforts John Kerry and I have made. However, I am still waiting to hear what John Kerry will have achieved with Kofi Annan. [This is] because [John Kerry] has become a middle bridge between Kofi Annan and I. Functionaries around Kofi Annan may not have understood the difficulties or we can also say that we are too distant from each other, 13 hours difference—While it is day time here, it is night over there. So there can be mutual misunderstanding. We sent a letter from here and they returned the letter. Therefore, [I] have requested that John Kerry take care of this work.

Question from an unknown Journalist: On June 15, if there is no obstacle, will the process reach the final stage?

Samdech Hun Sen: What is June 15th ? I do not understand...But Mr. John Kerry said that on [June] the 15th, there can be an agreement to finalize the negotiations...

Samdech Hun Sen: I would like to say that I do not have an issue on whether to sign or not to sign an agreement. However, I do not want [a final agreement] to wait until June 15th. I have told John Kerry that whenever Kofi Annan has agreed with me but do not force me to sign, tomorrow or the day after tomorrow is fine [with me] depending on how speedy you can do this. ...But John Kerry, he mentioned June 15th or May 15th but I want a [final agreement] far before that date. Tomorrow or the day after tomorrow is fine with me as long as they say a word of OK, and you do not force me to sign. I can change letters but the changed letter does not mean [I can] put pressure

on the two assemblies, the Constitutional Council, and His Majesty the King. So I do not talk about the date. Tomorrow is fine. The day after tomorrow is still fine provided that you do not force me to do what I cannot do, because I do not need to please foreigners. I please my people, the National Assembly and Senate who are representatives of the [Cambodian] people, and His Majesty the King. And those who are responsible for legal work—the Constitutional Council—and His Majesty the King who has royal rights to sign the proposed law.

Question from an unknown reporter: Samdech said that the trial will cover the period between 1970-1999. What do you mean?

Samdech Hun Sen: I would like to affirm to you that the tendency toward a demand for a trial to cover the period of 1970-1999 is becoming a reality and I think that this matter will be raised in the Assembly. To begin with, [the assembly] will debate the title [of the law] as to whether from 1975-79 or 1970-99? This is a big problem. I have told His Excellency Kofi Annan in Bangkok that I was in the progress. There have been many tendencies that I have to deal with to please both the insiders and outsiders. In Havana, I told him that I had many difficulties. The momentum against the presence of foreign prosecutors and judges has increased. In addition, there has emerged a momentum of desire to establish accountability between 1970-1999. I told John Kerry about this point. John Kerry said 1975-79 but I told him that I cannot shut the mouths of the members of the National Assembly or the Senate. Therefore, if we do not take good steps, it will result in the law never being passed, and further more, there becomes a public forum of trial [that will take place] in the assembly floor and are on television. Please do not be mistaken. Numerous crimes have been committed in the Cambodian territory, not only between 1975-79. However, we understand and consider, and we want to limit the period to become small [manageable size] but others refused to understand our difficulties. Therefore, this is making the demand



for a trial to cover the period between 1970-99 become a reality, and I am worried about that. It is not about whether or not I can successfully put off this momentum, because I do not have the rights to shut the mouths of any members of the National Assembly. Wait and see. When the assembly sessions starts, the debate will center on this point and perhaps, this point can never be passed. If they continue to put pressure on Hun Sen further, they must be mistaken. They can put pressure on Hun Sen only but they can not put pressure on 122 members of the National Assembly—which counts as 122 opinions. Therefore, the law debate and passing forum could instead become a public forum of trial—at least they can raise who should be accountable for crimes. They can question to the extent that they have knowledge that the Khmer Rouge ruled from 1975-79 and held a seat in the United Nations. And even after they were aware that the Khmer Rouge committed genocide, they continued to help the Khmer Rouge retain the UN seat from 1979 until 1982. And they continued to help the Khmer Rouge remain part of the Coalition Government, which retained its seat in the United Nations from 1982 until 1991. And they continued to support the Khmer Rouge from when they became part of the Supreme National Council [of Cambodia] then until the time we formed a new government, which the Khmer Rouge boycotted. Yet, we must recall that up to May 1994, there was an arrangement of a negotiation in Pyongyang between the Royal Government of Cambodia at that time and the Khmer Rouge still under the auspices of His Majesty the King and Supreme Patriarchs. So we must clearly understand this; yet they will ask “Why?”. We can also ask that if the Khmer Rouge participated in the 1993 general election and the Khmer Rouge complied with the conditions stipulated in the [Paris Peace] Accord, what would they have done with the Khmer Rouge? If the Khmer Rouge had seats in the National Assembly, legally had a political party, and had transferred their troops and government into the

coalition government according to the Paris Peace Accord, what would they have really done with the Khmer Rouge? Therefore, these problems fall within a package of problems. This can not be a joke. They should not pressure Hun Sen and treat him so badly that Hun Sen does not have time to work. I have numerous things to do. As you can see, the rate of tuberculosis-contracted patients has now reached 64 per cent. How can I only discuss the Khmer Rouge issue? In the past, the Khmer Rouge existed and who supported the Khmer Rouge? These are the subjects that the assembly will question and answer. If [the assembly] asks the [Royal Cambodian] government, the government will refer to the United Nations and I myself will not answer in order to implicate no one else but the three Secretary Generals, Kurt Waldheim, Xavier Perez De Cuellar and Boutros Boutros Ghali. So if a question to the government is raised: “Why were the Khmer Rouge part of the Paris Peace Accord?”, I will refer to the UN Secretary-Generals. If the Secretary Generals answered further that this was because of votes in the UN General Assembly, then [we will] go and see what countries voted to support the Khmer Rouge seat in the UN, we will also go to the countries that provided the Khmer Rouge with weapons, territory, shelter and all the things. It was for these reasons that in the previous talks I limited the period to 1975-79. But when they refused and they treated Hun Sen so badly, the momentum for [a trial to cover] the period 1975-79 has swollen up. That is why I feel regret. I do not know how much further the law will go but I want to reaffirm that I will keep up efforts on what we have agreed with the legal experts from the United Nations, France, India, Russia, and the United States to submit [the draft law] to the Assembly and to protect the position of the Royal Cambodian Government. Nonetheless, the position of the Royal Government shall not be to put pressure on the Assembly on how to pass the law. We will respect the Assembly, nothing beyond this. This is a separation of powers. *Thank you.*



TEMPORAL JURISDICTION “1970-1979” TO BE SOLVED

By Elizabeth van Schaack

It was with dismay that I first heard of efforts by some within the Cambodian Government to expand the jurisdiction of the proposed Draft Law, which is to establish the future hybrid criminal tribunal, to include crimes committed outside of the Khmer Rouge (or “Democratic Kampuchea”) period of 1975-1979. I am writing in the hope that the National Assembly will consider restriction the temporal jurisdiction of that law so as not detract the future tribunal from the all important goal of prosecuting the key leaders of the Khmer Rouge.

To be sure, no one will argue that the regimes that preceded and postdated the Khmer Rouge period are not worthy of international opprobrium. The Lon Nol government was a corrupt regime that, some have said, prioritized its position as lackey to foreign powers at the expense of the needs of the Cambodian people.

Likewise, while Vietnam is to be credited with unseating the Khmer Rouge and ending the slaughter in Cambodia, there are some that hypothesize that Vietnam’s motivation for invading Cambodia in 1979 run more toward self-interest than humanitarianism. Undoubtedly, the government installed by Vietnam, the People’s Republic of Kampuchea, violated international protected human rights such as the right to liberty, freedom of speech and association. Further, Cambodia’s modern history is characterized by interventions by foreign powers in Cambodian affairs. Most saliently, the United States is credited with dropping many thousands of bombs on Cambodia, in violation of its own internal law, during the Vietnam War. And, after Vietnam’s 1979 invasion, Members of the international community continued to treat the ousted Khmer Rouge regime as the “legitimate

At the Pochentong Airport (1975-1979)



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government” of Cambodia. According to this appalling fiction, the Khmer Rouge “government in exile” was allowed to retain its seat at the United Nations, even as the evidence of the extreme brutality of that regime mounted.

Despite these unfortunate realities of Cambodian history, it cannot be disputed that the human rights violations that occurred during these periods paled in comparison with the abuses that took place during the Khmer Rouge era. During this era, almost a fifth of the population of Cambodia was either executed or worked to death. Former military officers and their families were brutally and systematically executed. Other social groups that were targeted immediately include those affiliated with the Lon Nol regime, the Western-educated, and large and small landowners. The radical societal transformation envisioned by the Khmer Rouge also required the elimination of all ethnic minorities, such as ethnic Vietnamese, Cham, and indigenous hill communities. Eventually, the Khmer Rouge exhausted “the other” and turned upon itself. An alleged coup attempt in 1976 prompted full scale purges aimed at party leaders, local officials, and members of the military. Archives from Tuol Sleng, the apex of the torture and extermination system, indicate that 20,000 people lost their lives there, the majority of which were themselves Khmer Rouge cadre.

During the Khmer Rouge period, the people of Cambodia suffered the most serious violations of international law—genocide, torture, war crimes and crimes against humanity. These human rights violations are considered so serious that they rise to the level of international crimes for which international law provides individual criminal accountability. Indeed,

these violations are subject to the principle of universal jurisdiction, which states that any nation can prosecute offenders of these norms, regardless of the nationality of the victim, the perpetrator, or the place of commission. The proceedings commenced by Spain against members of the Argentinean and Chilean military (of which Pinochet is now the most notorious) provide contemporary examples of this jurisdictional principle. It is because these crimes offend all of humanity that the international community seeks to play a role in their prosecution in places such as Yugoslavia, Rwanda and now Cambodia.

The proposed hybrid tribunal will be an ad hoc tribunal, which is to say it will not be a standing body with unlimited jurisdiction. For example, the temporal jurisdiction of the International Criminal Tribunal for Rwanda is limited to 1993, the year of the most intense genocide in that country. Undoubtedly, many crimes occurred before and after that period; however, the United Nations decided to limit that tribunal’s jurisdiction to the most serious crimes under international law, the majority of which were



committed in 1993. Until there is a permanent international criminal tribunal, a goal contemplated since the World War II period but only now coming to fruition, ad hoc tribunals will by necessity and by design manifest a limited jurisdiction.

The United Nations has indicated quite bluntly that it will only assist in the work of a tribunal that focuses its energies on the Khmer Rouge era for the reasons outlined above. The Draft Law should be drafted in such a way as to enable the international community’s involvement in the work of the tribunal, because Cambodia stands to benefit greatly from the



establishment of a hybrid tribunal with domestic and international elements. The Cambodian legal system is still in a developmental phase, and with the United Nation's participation in the tribunal, Cambodia will receive significant assistance in the areas of legal technology, infrastructure, and material. A genuinely hybrid tribunal will also offer Cambodian jurists and attorneys the opportunity to work in partnership with some of the best attorneys and judges in the world. Given the activities of the other two ad hoc tribunals for Yugoslavia and Rwanda, members of the international community have developed significant expertise in prosecuting war crimes and crimes against humanity. The Cambodian tribunal should benefit from the experience of these two other tribunals, rather than

having to start from scratch. For these reasons, the Draft Law should not be drafted in such a way that would prevent United Nations involvement.

In summary, I would urge the Government of Cambodia to draft a law empowering the future tribunal to prosecute only those individuals accused of committing the most serious violations of international law during the Khmer Rouge period. In this way, the Tribunal would focus its energies of providing an accounting for this terrible period of Cambodian and world history. Further, the tribunal and Cambodia would benefit from international involvement. The victims of the atrocities of the Khmer Rouge period deserve nothing less than a strong and effective tribunal.

(Continued from page 7) Over the past 5 years I would like to present my activities, concepts, and standpoints toward certain issue as follows:

◆ Party tasks: I came to Beijing to implement the party's advice. Because I could not come to Beijing immediately due to certain reasons I mentioned above, I and our comrades in France decided to first send Comrade Thiounn Mom, my brother. Upon my arrival in Beijing, my primary target was to contact the party and to present my report to the party and to implement the party's advice. It was only in February 1971 that I had a chance to meet the party in Hanoi. In the early stage, due to the fact that I was for a long time disconnected from the party and deeply influenced by the French capitalist, my revolutionary standpoint was still weak. That was why I found it very difficult to implement the party line. Thanks to all constant advisory assistance from the party, I had successively renounced individual and personal ownership and I attached myself to the party and the revolution again. Subsequently, the party trusted me. It was all these factors that motivated me to successfully fulfil the tasks entrusted by the party. In addition, I had grasped hold of and understood the element of communism and built myself up to a greater extent. It was only after my involvement in the revolution that my life was meaningful and bright again.

◆ Front tasks: Just after my arrival in Beijing, Pen Nut and Sihanouk made me Minister responsible for internal correspondence. At the same time

Comrade Keat Chhon was made Minister and Prime Minister's Assistant. I did not ask for this post; nor had I proposed I be placed in this place. Sihanouk and Pen Nut treated us this way because they wanted to gain more force. Besides, they did not investigate the internal correspondence of our party and they were not sure about my background. They just knew that I possessed the same position they did. At that time, I was not interested in high position. My biggest goal then was to get salary to support my family. Rank and reputation were not important to me at all.

The top Front members were not happy with this assignment. They accused me of being an enemy betraying their class, being against their class, blocking their process to grasp full power and preventing them from politically negotiating with the imperialist. They said I was French because my spouse was French. They accused me because I did not allow them to steal money. They said I was a revisionist, Yuon (Vietnamese) etc.

Besides, I also had some weak points:

1. I could not understand clearly about the political line of the Front and the activities of the party.

2. I still had a French attitude. I am not gentle. I sent my family money. All of these due to my ex-class, as oppressor. In fact, the class struggle in the high rank Front is very strict. The oppressors attacked the party through me because while I had the internal contact I was always afraid that people would not like me or would know about my weak points. **(Continued)**

TWENTY FIVE YEARS LATER, FROM THE SHADOWS OF TRUTH: KHMER ROUGE TRIALS IN AN INTERNATIONAL CONTEXT

By Michael E. Shipler

(Continued) Any one of these circumstances has the potential to undermine an attempt to prosecute violators of crimes against humanity. This pattern has given rise to two other options: international tribunals and truth commissions. Because it is evident that many justice systems and governments are not equipped to prosecute human rights criminals, the international community has begun to seek justice internationally. The premise is that there are some crimes which are so severe that those who commit them cannot be protected by international borders or sovereignty.

The recent arrest and attempted extradition of General Pinochet for his role in the torture and disappearance of thousands in Chile has brought widespread attention to a movement to create a world human rights court. To move toward this end, two international tribunals have been created to prosecute war criminals from Rwanda and the former Yugoslavia. Although prosecuting criminals internationally would make them pay for their crimes, it removes the process from the country itself therefore minimizing the impact on the society.

Another option that has been chosen by dozens of countries is to establish official truth commissions. These are bodies, often set up by the government and occasionally with international support to investigate and report on past human rights abuses and the legacies of those violations. They have taken a variety of forms holding different levels of judicial power and giving a voice to the victims as part of the process.

In South Africa, the Truth and Reconciliation Commission held quasi-judicial authority to grant and deny amnesty applications from past human rights violators on all sides of the conflict. For an offender to be granted amnesty, he was required to publicly disclose his role in human rights violations and to provide all the information that he knew. This process was done on television and led numerous people to discover the fates about their family members and

friends. Occasionally, the commission ordered offenders to return to communities where they had committed crimes to apologize and seek some kind of reconciliation.

The most famous case was of Brian Mitchell who was requested by the commission to return to the community of Trust Feed to apologize in a town meeting for leading a massacre of eleven people. The apology led to an ongoing relationship between Mitchell and the community. He was invited back to participate in some community celebrations. Although this case was not typical, it has become quite famous in South Africa as part of the national mythology of reconciliation. It opens a space in society and in communities for interactions like this to continue to happen. It provides a model for others who wish to seek out reconciliation in their own communities.

But the South African commission was most famous for giving voice to the victims of human rights violations. Each person who was a victim was given the right to give her testimony and many were selected to do so publicly. Weeks of testimony to the commission were broadcast across South Africa leaving few people unaffected. People could no longer deny the ruthless nature of the apartheid regime. South Africa has emerged as a benchmark for truth commissions, but most commissions do not have the resources or mandate to do such a complete job. In Guatemala, for example, the commission's authority to name the individuals who were responsible for human rights violations was limited and all deeds remained anonymous. The investigation process was done in strict confidentiality and therefore the country did not accompany the truth commission on its journey to truly discover what had happened.

Thus, Cambodia has found itself at the cutting edge of an international movement to deal with history and memory as part of a transition to democracy. The scope of the crimes against humanity which were

committed by the Khmer Rouge are tremendous and have, in themselves, given great importance to the decisions that Cambodia faces. From the week that Ieng Sary, Khieu Samphan and Nuon Chea emerged from the tattered ruins of the Khmer Rouge movement in 1998, the country has found itself engaged in the debate which has taken place across the world. At the outset, Prime Minister Hun Sen was quoted in the New York Times as saying that “we should dig a hole and bury the past and look ahead to the 21st century with a clean slate,” adding, “if a wound does not hurt, you should not poke at it to make it bleed.”

Reactions from both the Cambodian and the international community have pushed Hun Sen to back down, agreeing to pursue prosecutions in a joint effort with the United Nations. Negotiations continued through March of this year as both parties worked on creating a tribunal. Debate continues about how the prosecutions should take place and who should be

charged. Questions are asked about whether low level soldiers in the Khmer Rouge army should be held accountable for their actions or if only the leaders should be charged. Additionally, the negotiations have engaged issues as to the role Cambodians in the prosecution process.

The distrust of the justice system as much as the reluctance of the Prime Minister to commit to trials is what has pushed the international community to get involved. “One legacy of the Khmer Rouge - along with poverty, violence, broken lives and madness-is what Mr. Hammarberg, the United Nations official, calls a “culture of impunity,” writes Seth Mydans in a 1998 article for the New York Times.

There is no doubt, as the twenty fifth anniversary of the fall of Phnom Penh passed, that Cambodia, as a country and a people, has to delve into the shadows of history that draw across the nation the present. The world has turned its eyes toward Cambodia, waiting for its decisions and its actions, whether it will prosecute the leaders or all members of the Khmer Rouge. As the country faces its options it is burdened by a global responsibility; although the movement to establish international tribunals of human rights does not rest in Cambodia’s hands, the events of the next months and years will surely have an impact on its development. The country is also confronting its past in other ways. Although there has been no official truth commission, NGOs and communities throughout the country have sought to document and memorialize the past. The Documentation Center of Cambodia has worked to gather documents on the Khmer Rouge and map the sites of the killing fields. Communities throughout the country have built stupas to commemorate the victims and preserve their remains. The history of the Khmer Rouge is a part of life in Cambodia argues Seth Mydans. He writes, “people here say that with the changing of the seasons, the great brown Tonle Sap, which flows through Phnom Penh, reverses its flow. To Cambodians the river is a symbol of their nation. The waters are never fresh and the past does not remain in the past; it washes back again and again with all its accumulated debris.”



Destruction of Buddhism

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must have been foreigners, understand? If they were Khmer, how could they kill their own people? For whom would the land be reserved? I don't understand. It is common to kill politicians, but why were those who were not involved in politics also killed? The Khmer Rouge assigned ignorant people to control us. Some didn't know how to write Khmer, but they were very familiar with the expression, *keu tha daembei*. Then they took people away to be killed. Doesn't the world require educated people? Why did they slaughter people?

Question: Do you want Khmer Rouge to answer these questions?

Answer: Who are they? Why did they kill people. For whom did they intend to reserve the land? They were all Khmer. They should not kill their own people. A few days ago I went to Kampong Cham Province in search of bones of my younger siblings and aunts who were believed to have been killed in the Phnom Pros and Phnom Srei Mountains. I asked local villagers where people had been taken to be killed in the Pol Pot time. They told me that the killings pits were in two lines around a pond. Each of the pits was fifty square meters and five or ten meters wide. The local villagers told me that at one time there had been children crying and laughing under the trees, but in the evening, those sounds were not heard anymore. I was told there was a deep well full of corpses.

Question: What is it called? In which part of the mountains is the well located?

Answer: Phnom Pros, Phnom Srei. I just returned from the site last week. Along the way, there was a path leading to Phnom Srei. At the execution site, there is a stupa in which skulls are displayed. The skulls on display had not been taken from the pits, but had been collected from places where dogs had unearthed them. The rest remain buried. It will be not be so hard to show the international community. We need only bring a tractor to excavate the killing pits, then the evidence will be uncovered. Bones will be piled up like a mountain. The villagers told me that when the corpses were swelling, they were riddled with worms.

Question: How many of your relatives were killed?

Answer: Three of four of my siblings were killed, to say nothing about my other relatives.

Question: Do you remember the names of some Khmer

Rouge leaders?

Answer: I can only remember...comrade Nem, the district chief.

Question: Any superiors of higher rank?

Answer: No.

Question: At that time, did you ever hear of Ieng Sary, Nuon Chea or Ke Pauk?

Answer: I only heard. I never saw their faces. I dared not look at the contemptible Sangkat chief, village chief, and other chiefs. I just speeded up our work, carrying earth. One day, I was out replanting rice seedlings in the rice fields close to their detention center. Some teachers, both male and female, were tied up and walking. When they saw crabs or frogs, they put them into their mouths like witches. They had not enough to eat. People were forced to work until they were sick. When they were sick, they hung onto other people's shoulders in order to continue working. I witnessed this with my own eyes. When there was a bell at the end of the working hour, they [the Khmer Rouge] took long-handled knives to beat the heads of victims like coconuts. No one dared cry out, but smiled. "Don't cry, or you will be killed," the Khmer Rouge warned. The victims were heavily beaten until they bled, and were asked whether they hurt or not. It didn't matter what the answer was, the Khmer Rouge would add more and more blows. When I was replanting rice seedlings, I saw two security guards carrying a body without clothes. The corpse was emaciated and was folded in rubber and zinc sheets. The guards buried the corpse on a hill called Tuol Krasaing, where many other bodies were buried. When the rains came, we watched the worms appear, and the water turned blue and shiny with human grease. During transplantation, I always trembled for fear of the worms. I would only glance at the site, where about six or seven people were killed every day.

Question: Sorry for interrupting you. I just want to turn back to the Tiv Mei case. What time was he taken away?

Answer: It might have been after lunch. It was in the dry season, when people usually dry their palm leaves. After lunch we prepared the leaves and put them into a cart. We had just finished half of our work.

Question: Did you know the reason for his arrest?

Answer: It was normal to take people away under the

KOH KHSACH CHUNLEA: AN ISLAND OF WIDOWS

By Kalyanee Mam



(Continued)

Koh Khsach Tonlea wa an island 6 km in length and 2 km in width and was divided into six mess halls. Three mess halls formed a row on the western side of the island, while another three formed a row on the eastern side. Homes were built surrounding the mess halls. “Base people” who were native to the island and widows who were re-married by Angkar, lived on the western side in mess halls #1, # 2, while the widows without husbands, lived on the eastern side. “They wanted to distinguish between the ‘old’ and the ‘new’ people,” explained Bopha, “They ‘new people’, whose husbands they had taken away, they put in one place. They didn’t want us to remain mixed with the ‘base people’. They did this to make it easier to supervise (kapear) us. If we commit a crime, they are able to take us away quickly.” The Khmer Rouge was a paranoid and systematic lot. Classification gave them the ability

to manage their ‘enemies’ and away to keep their revolution pure from contamination. Although the widows committed no crimes, they were still guilty by association. Davy was a ‘base person’ entitled to rights and privileges, but she was eventually sent to Koh Khsach Tunlea for her guilty connections, “I’m also a base person, why wasn’t my life good?” she asked. “What is the reason? It’s because I have guilty connections, guilty connections with my husband who was taken away. So they also grouped me with the 17 April people.”

On this island, the Khmer Rouge created a new society, a brave new world that consisted only of women. In this world, there was no concept of privacy and ownership, there was no concept of family, and there was no concept of community. Each person’s actions were dictated by an absolute fear of Angkar, a fear that they too, would be taken away and killed.

At the outset, the Khmer Rouge sought to destroy any representations of uniqueness and independence, any symbol that could distract the women from their work and from their uncompromising loyalty to Angkar. These representations consisted of physical ties to property, emotional ties to family, and intellectual ties to ideas and freedom. As Davy appropriately recalled, “They didn’t let me have anything, not even a word.” When Theeda first arrived on the island, they discarded everything personal to her. “From here on, they removed all the dishes and pots from us. Even our clothes were removed from us. They would not let us take them with us. They only allowed us to take one bundle. There was nothing in that bundle. We had just one pair of pans and a skirt we wore there. We had nothing.”

The women did not even have the right to express their uniqueness from others in their appearance. Their clothes were piled away and they were forced to wear black clothing and cut their hair short, up to their necks, Korean style. If they did not have black clothing, many would soak their clothes in mud to dull the colors or in a dye called makkloeu. It was important that the clothes did not distract attention and did not look better than the clothes of the “base people” who had clean back shirts, rubber-sole sandals, and red kramar to wrap around their necks. Any attempt to look different from others on the island was met with punishment. “Everyone had to wear black.” said Chantou, “No one had color. If we wear color they’ll harass us and they’ll call us to be educated. If they call us once or twice, we don’t listen, and we continue to wear this kind of clothing, they’ll take us to be killed. We could not do this. We had to soak it in mud until it was black and dirty.”

Not only were the women deprived of their own self-concept, they were also robbed of their traditional, nuclear concept of family. When the women made the trip from their native village to Koh Khsach Tunlea, they were allowed to bring their children with them. Their workdays were so long and regimented, however, that the women rarely saw their children. When Dvay arrived on the island, her youngest daughter was only five months old and still required breast-feeding. At

four o’clock in the early morning Davy would leave her children with the old grandmothers in the children’s unit and ferry a boat across the river to work. She worked in Prek Raing planting rice seedlings in front of Phnom Tun Mun. After her afternoon meal with the other workers, Dvay would row the boat back across the river, and feed her five-month-old baby then take leave again. “All day, I never get to stay, “ said Davy. She could only return in the late evening. Davy would finish her evening meal first before picking up her children to return home. “At night when we return from work, the grandmothers would give each of us our children and we would return to our respective homes. They let us live in a house and in that one house there were four or five families. There were large houses and small houses. The large houses had ten families. They just laid our rugs and let us sleep with our children.”

Chantou also arrived on the island soon after she gave birth. Her baby was only one month old. Instead of forcing her to work in the fields immediately, Chantou had to serve as a wet-nurse for seven to eight months. Within that period, she watched and breast-fed ten children in her group. There were many other women, in many other groups. Chantou did not have a lot of breast milk, but she continued to watch the children. She watched them from six in the morning to six in the evening. The mothers would drop off their children in the early morning and then leave for work. Sometimes, like Davy, if they could break from their work, the mothers would come to check up on their children. “Some people see their children and they cry. They embrace their children and cry. They feel sorry for their children because they’ve been away for so long. Some hug their children and cry because they have nothing to eat.” When asked how she felt about having to look after other people’s children, Chantou said she did not really think about it. She just kept doing her job. “ Angkar had already assigned a job for me to watch [after the children]. If I don’t follow they will kill me. If I argue they will kill me. And if I don’t look after the children carefully, that will also not do.” During the Pol Pot regime, the personal and private duties of motherhood were reduced to a collective and

impersonal event. In traditional Cambodian families, mothers watched after their own children, especially during the initial stages following birth. During this period of collectivization and no-privatization, mothers could no longer care for their own children but had to depend on others to look after them. Certain mothers, like Chantou, were even forced to serve as a “collective mother” for other people’s children. Her personal duties as a mother were transformed into a public good for Angkar.

Sopheap, who gave birth soon after she arrived on the island, only served as a wet-nurse for a short while. Her baby died one month after she gave birth and immediately they placed her in a special unit and sent her away to work in Prek Raing and Prasat. Most of the women were sent to Prek Raing, a village across the river and on the western side of Koh Khsach Tonlea, to work. They woke up early in the morning to cross the river. There, they transplanted rice seedlings, cut down forest, pulled grass, planted corn, and harvested rice. They women there even plowed the land, a job traditionally reserved for men. After a long day at work, the women did not return until late evening. They took their meal in a collective mess hall before returning to their sleeping quarters late at night.

Although the Khmer Rouge sought to destroy traditional notions of family, they still wanted widows on the island to remarry. Many of the married ‘base’ women on the island viewed the single “new” widows as a threat to their own marriages and hoped to alleviate any problems by marrying them off. According to Davy, “Sometimes they would bring soldiers and those who were handicapped to marry.” The marriages took place at a temple at the end of the island and couples were lined up row by row. Women stood on one side while men stood on the other. Women on the island were rarely threatened or torture into marriage. Most of the time, the unit leaders came to ask the woman personally



Kalyanee Mam

if she was willing to remarry or not. Most of the women, however, agreed to marry for fear of their lives. According to Bopha, “Even if they weren’t forced [to marry], it was as if they were forced. They were afraid they would die. During that time, if you did anything to offend them, you were afraid you would die. So those who had children, just endured it. They went along with it because their husbands were already taken away. If they tried to resist and they also died, they would leave their children. So they just endured it.” Although Sopheap managed to resist remarriage, she wondered why marriages were arranged if families continued to be separated from each other: “Why should I take [another husband]. I already had children and they were not yet even fully-grown and they forced me to work myself to death. My children are not yet fully-grown and they separated them [from me]. They did not get to live with me. Why should I give birth? I give birth and they take them all away and use them and starve them.” When asked whether the life of those with spouses were much easier than the life of those unmarried, Davy answered, “The lives of those with spouses do not seem to be much easier than the lives of those who were unmarried. Sometimes, after they married them, if they did anything wrong, they would take them away.” It remains a mystery why the Khmer Rouge felt it necessary to force couples into marriage only to break

them apart again.

The women from the island described Koh Khsach Tunlea as a prison surrounded by water and enveloped by fear. Although women were not physically tortured on the island, they were tormented by the loss of their husbands. “They did not torture me or put me in prison with chains and shackles,” said Bopha, “but [when they took my husband away] it is also like putting me in prison.” With the loss of their husbands, the women also dreaded the loss of their own lives and the possibility of leaving their children behind. Bopha explained, “If I don’t work hard, I am afraid they will take me away and I will leave my children. So I tried to work hard.” Not only were the women forced to strain themselves in labor, they were also compelled to restrain themselves in speech. The women became mute figures deprived of the freedom to express themselves or even to relate to each other. Militiamen (chlop) and young children would sneak up underneath the house to make certain nothing inappropriate was being said about Angkar. It was safer not to speak at all. Chantou remembered, “During the Pol Pot regime, every night, people would just enter their mosquito net. No one joked around or laughed, because we were afraid we would say something wrong.” The fear on the island was so pervasive, that every night for Theeda, became a night of judgement: “In one day, if I can sleep one night, I say that I am alive. If I sleep one night and I wake up the next morning to see the light of the sun, I say that I am alive. One night I die, one night I live. When it is night, I know I am dead. I don’t know if they are coming to get me, because I keep seeing them come to get people.”

Although people were not being killed on the island, many women disappeared from the island. The Khmer Rouge set up an intricate system of informants. Besides the numerous militiamen posted throughout the island, there were unit leaders responsible for ten people within their group. The unit leaders were familiar with each member of their group. When a problem arose with one member, they would inform the group leader and the group leader would inform the higher officials. The member would then be taken away.

Chantou remembers one woman who was taken away to be killed. They were shelling corn together and while they were shelling, they called out to her and told her they wanted her to return to her district. When she heard this, the corn fell from her hands and the women urinated in her pants. Two or three days later, Chantou saw her body floating down the water. This woman was probably taken to Koh Kor, the largest prison and execution site in Sa-Ang. According to the five women, Koh Khsach Tunlea was the island for re-education, while Koh Kor was the island for execution. “They would put them in a rowboat and cross them over to Koh Kor...Koh Kor is full of dead people.” During the flooding season, the women would see dead bodies floating in the water from the direction of Koh Kor.

Although executions accounted for many deaths, most of the women and children on the island suffered or died from disease and starvation. Instead of the Cambodian staple diet of rice, the women were only fed lotus stem soup, somla machoo thacuan, wood potato, and small cobs of corn. Many of the women had to look for other foods to supplement their diet. Chantou remembers the first few months while she was there: “When we arrived there in the beginning, they starved us. We did not have any rice to eat for months. We had no rice to eat. We ate only leaves, like potato leaves, any leaves. Whatever leaves as long as we could eat it and not get poisoned.” The health of the women on the island quickly deteriorated from lack of food and adequate nutrients. The women failed to menstruate and mothers barely had enough breast milk for their children. Many of the women became sick with swelling because they lacked salt in their bodies. According to Theeda “I was so skinny, you could see my bones. I was really skinny, everyone was. In Koh Khsach Tunlea, people were mostly sick with swelling. They would swell up and die, swell and then die, because there was not enough to eat.” The people on the island suffered especially during the wet season when much of the island fell victim to heavy flooding. Chantou, who was a wet-nurse on the island, noticed that many of the children died during this time. “So many people died on this island,” she says, “especially

the young children because they did not have anything to eat. So many kids died, none of them remained. Some developed bruises, some developed....I don't know what it is, but they would sleep on banana leaves. Some developed large sores this big and they would lay on banana leaves...and die. Many children died...When [people] returned their hands were empty. When they went hey had their children, but when they returned each person lost their children.”

With numerous executions and with the threat of disease and starvation, the island population was in constant flux. Although most of the women estimated that there were thousands of women living on Koh Khsach Tunlea (Theeda and Chantou asserts there were tens of thousands), it is difficult to asses how many women and children were still alive after the Vietnamese invasion and liberation of Cambodia in 1979. Theeda claimed that, “Close to 1979, close to the time of liberation, they really killed a lot of people. There were very few when we returned from Koh Khsach Tunlea.” At the same time, Theeda also recognized the chaos of that period: “There was too much confusion. They sent some over here and some

over there; so how are were supposed to know? We didn't know. They would say, ‘Okay, we need people to work over there.’ The fill up two or there cars and go...When we were being sent over [to Koh Khsach Tunlea] there were a lot of people...At the end, in 1979, there were very little people left. We don't know where they put them. We were all separated.” With the slow encroachment of the Vietnamese on Cambodia, the Khmer Rouge panicked and evacuated many women from the island, forcing them to travel west.

From an island of widows, Cambodia became a country of widows. Currently, 20 percent of the female population in Cambodia is widowed, according to the UNDP's statistics. The stories of the five women in Kandal Province speak volumes of the suffering that occurred during this brutal period, but yet, they represent only a fraction of the suffering endured by women during this time. What of the other widows and how will their suffering be remembered? At the end of her interview, Bopha pointedly answered, “I wanted the organization to seek justice for widows. The name Pol Pot—he is the one who killed the husbands of widows.”

THE TRAGEDY OF THE PEOPLE OF CAMBODIA UNDER THE REGIME OF KILLING FIELDS

The first category people were those who lived rough life for so long in the bases before April. They became full-right members after Angkar's thorough examination, chairmanship and management.

The second category people were those who lived in liberated areas of the old societies and then volunteered to serve as candidate party members. Petty bourgeoisie namely barbers, glass fixers or vendors in local villages had to close their shops in preparation for farming. They were students, Buddhist monks,

workers, Achar, rural teachers and those who used to exploit others.

The third category people had a short and unstable life under the assignment of old regimes, specifically those who used to berate the revolution. They included civil servants of previous regimes and retired government workers. They were transferred from the urban to rural areas, while being registered. Being labeled as parasite people, they had limited area to move within their cooperative from the beginning to the end of their village. Movement from one village to another was prohibited by Angkar. If any one broke the rule, she or he had to be re-educated.

Squads of cooperative chiefs had the right to order the death penalty and torture without judicial procedures. Still worse, militiamen or chiefs of mobile work brigades also had the right to execute people with hoes or bamboo stems. *Uch Sun Lay*



LETTER FROM PURSAT PROVINCE

Dear Excellency Ung Sami,

TO YOUR EXCELLENCY CHHANG YOUK, DIRECTOR OF
THE DOCUMENTATION CENTER OF CAMBODIA

Respected Excellency, I received copies of “Searching for The Truth” (issue 2) of the Documentation Center of Cambodia at 10am, May 03, 2000 in my office. I have read and reread, over and over again, all the contents of your magazine. I was both amazed and frightened, and felt as though the events happened only a short time ago.

I would like to praise you with all my heart for the conscience and idealism you exhibit by which you prioritize the interests of the nation and the people. I would also like to praise you for having compiled such a historical record for the younger generations of Cambodia to learn and judge from.

I wish you and your colleagues at the Documentation Center of Cambodia safety, happiness, cleverness, and success with one hundred percent of what you do.

Ung Sami
Governor

I would like to express my deep gratitude for your supportive letter in favor of our work at the Documentation Center of Cambodia. I would also like to convey my special thanks to the people of Pursat Province for their helpfulness in assisting my research team in the gathering of information.

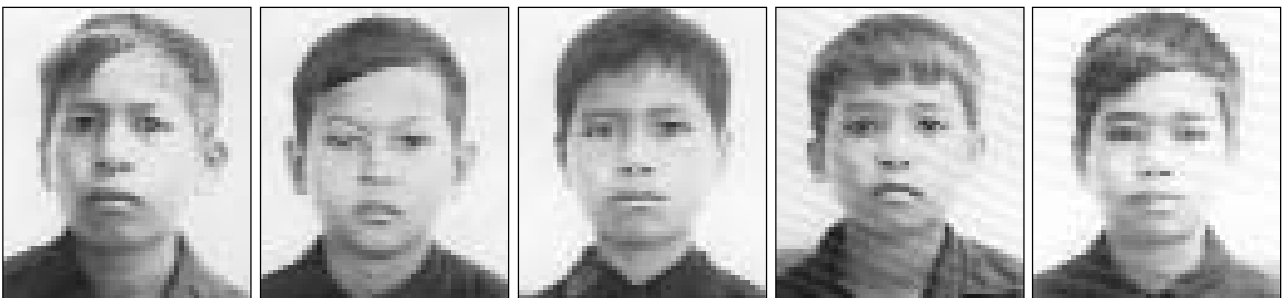
So far, my research team has managed to map nineteen execution sites within the provincial territory. The crimes committed in the province are recorded in history for the younger generations of Cambodia to learn from, and to help them prevent a return of such a barbarous regime.

Pursat is a most charming province with a beautiful landscape. May the grace of God bring about the development of a prosperous Pursat soon.

Sincerely,
Youk Chhang

ABOUT THE PHOTOGRAPHS

Some of the photographs published in the magazine are associated with biographies, while others, especially those of victims, bear no identification and are unrelated to any specific article. We will appreciate any relevant information, such as age, place of birth, and whereabouts of the individuals whose photographs appear in our pages, so that we may further improve our data concerning the Democratic Kampuchea regime. The Documentation Center of Cambodia would like to thank you in advance for any additional information the reader may be able to provide relating to unidentified photos. Our sincere thanks.



A POEM BY CHUM NGOEUN:

THE 20th OF MAY

Compiled by Sayana Ser

(A kind of Cambodian traditional poem having a meter, which consists of four feet per stanza and seven syllables per foot)

20th May is the day of history to be remembered by the Khmer people. We are eternally angry and we want to let the world know.

This horrific genocidal tragedy killed Khmer people both young and old.

More than three million innocent people were killed by the beastly Pol Potists. Bones were piled up like mountains while the blood of the victims flowed as a river does.

Therefore, Khmers have to remember the events that happened within those three years, eight months and twenty days. The stories of that time must be remembered and we have to rage against the acts forever.

[We] must rage eternally against the traitorous elements. [We] must not forgive them. [We] must try our best to get rid of those elements, as we have heard their voice and recognized their face.

We must not let ourselves be deluded. They are trying to console us so that we will release our pain. We have already tasted their natural flavor. All Khmers please always remember.

As 20th May is an appropriate time to observe these things, please be loyal and make commemoration as a dedication to the three million dead victims. The survivors must remember.

Fight against the beastly Pol Potists who intended to hand over this land to China while slaughtering their own nationals.

Their acts were so evil. We, the survivors, should not forget. National achievement will be gained as long as the great anger is raged constantly.

We wish the 20th of May to become a meaningful phrase through which Khmers throughout the country prepare themselves and remain ready for an everlasting fight

**ដើម្បីទប់ស្កាត់ការបោះពុម្ពនិងចែកចាយដោយឥតគិតថ្លៃ ដល់មន្ទីរស្រុក និងឃុំ នៅទូទាំងព្រះរាជាណាចក្រកម្ពុជា
ទស្សនាវដ្តីចំនួន១០០០ក្បាលជារៀងរាល់លេខ និងដាក់លក់តាមបណ្តាទីរួមខេត្តនិងក្រុង មួយច្បាប់ក្នុងគំរូថ្ងៃ ៧០០០រៀល**

ថវិកានៃការបោះពុម្ពផ្សាយទប់ស្កាត់ដោយឥតគិតថ្លៃនៃស្នូលនិងជំនួយមនុស្សធម៌នៃក្រសួងការបរទេសនៃរាជរដ្ឋាភិបាលនៃកម្ពុជា មជ្ឈមណ្ឌលឯកសារកម្ពុជាអំពីព្រះរាជាណាចក្រកម្ពុជា មូលនិធិពិភពលោក និង សាធារណជនគ្រប់រូប សូមជួយទប់ស្កាត់ការបោះពុម្ពផ្សាយទស្សនាវដ្តីនេះទៅតាមលទ្ធភាពដែលអាចធ្វើបាន ។ ព័ត៌មានបន្ថែមចំពោះការបោះពុម្ពផ្សាយទស្សនាវដ្តីស្នូលនៃការពិភាក្សាសូមមេត្តាទាក់ទងមកនាយកមជ្ឈមណ្ឌលឯកសារកម្ពុជាតាមទូរស័ព្ទលេខ (៨៥៥) ២៣ ២១១ ៨៧៥ ឬ (៨៥៥) ១២ ៩០៥ ៥៥៥ ។ សូមអរគុណ ។

Documentation Center of Cambodia would like to appeal to governments, foundations and individuals for support of the publication of *Searching for the truth*. For contribution, please contact (855) 23 211 875 or (855) 12 90 55 95. Thank you.

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