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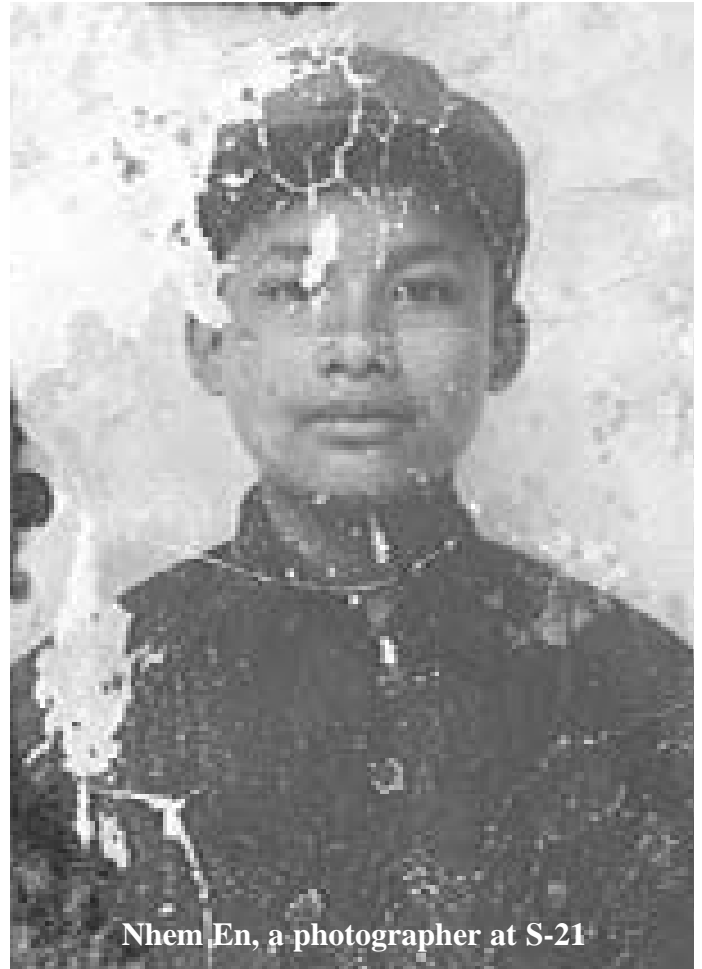
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Nhem En, a photographer at S-21

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Letter :

MEMORY EXPLOITATION

Last week a former low-ranking Khmer Rouge cadre from Anlong Veng came to the Documentation Center of Cambodia. He wanted to sell two albums of photos of Pol Pot and other Khmer Rouge leaders taken after 1979, and a “confidential” videocassette of a meeting between Khmer Rouge leaders (including Ta Mok) and a political party. Each photo was priced at US\$ 1,500, while the videocassette was being offered for US\$ 3,500. This former Khmer Rouge cadre told me that many journalists had already offered more for his wares, but that he would rather they be contributed to the Documentation Center of Cambodia’s cause of searching for the truth and finding justice for the millions of people who had been executed by the Khmer Rouge regime. Thus, he claimed, he wanted me to have them at the very best price.

Since the Documentation Center was formed in 1995, our policy has been never to purchase photographs or films or any other Khmer Rouge-related documents, memorabilia, or artifacts of any kind. This is because the physical manifestations of human memories and what really happened under the Khmer Rouge regime should not become the subjects of trade or barter. While it may be a tribunal’s responsibility to make sure they acquire such objects, they should not be bought and sold.

There is no way in the world to compensate for the lost family members slaughtered under Khmer Rouge regime. The eyes of the former Khmer Rouge cadre revealed no remorse for the more than ten thousand prisoners he took mug shots of before they were taken away to be executed at the “Killing Fields” of Choeung Ek. I think the face of one of my family members may have been among the mug shots taken by him.

As often as not, the Khmer Rouge placed no value on human life, and as a result, millions of people were slaughtered like animals. On the face of it, this former Khmer Rouge cadre is quite enterprising, trading memories of the victims’ agony for dollars. Even the Khmer Rouge in custody are now being urged to enter this business of trading in the memories of lost Cambodian lives. In retrospect, countless members of millions of Cambodian families were politically exploited and exterminated. The Khmer Rouge are going on with their trading over the souls of the dead in exchange for dollars. Perhaps if permitted, they would move on to excavating the victims’ remains for commercial and agricultural purposes in a version of so-called “great leap forward.” The Khmer Rouge do not understand at all that life and memory are priceless.

Youk Chhang





VANN PINY: CHIEF OF OFFICE K-17 IN CHARGE OF FRONT AFFAIRS

From left: Huot Sambath, ambassador to Albania, Romania and Yugoslavia, and Vann Piny, deputy minister of Foreign Affairs of the National United Front of Kampuchea, at the Albanian Ministry of Foreign Affairs

Summarized from File V26 by Kalyan Sann

Vann Piny, whose revolutionarily name was Tit, was born in 1947 in Snay Pol Village, Snay Pol Subdistrict, Peareang District (presently Roka Subdistrict, Preah Sdach District), Prey Veng Province. His father, Peah Sdach district chief Vann Bunthan, died in early 1974. His mother's name was Ros Bopha, and before 1975 she lived in Phnom Penh. Vann Piny was the third son in a family of four girls and four boys. His wife's name was Kuon Vattana, called Chan.

Before Cambodia fell into the hands of the Khmer Rouge, Vann Piny had been secretary to the Embassy of the Kingdom of Cambodia in France. After that, he was transferred to work for the

National United Front of Kampuchea in Beijing. The Khmer Rouge sent him back to Cambodia in September 1975. However, his return home landed him in the Office K-17 "reeducation center," which was located in the present Boeng Trabek high school. He served as chief of Office K-17 from 20 December 1977 until he was arrested and sent to Office S-21.

Vann Piny's handwritten "confession" was 110 pages long, and elaborates several of his purported activities.

Vann Piny started school in 1956 at Sisowath College. In 1961, he was admitted to the Faculty of Law. While there, he spent part of his time teaching

at the Kheerma private school under the directorship of Phok Chhay, and at the Chamroen Vichea school. He also wrote articles for *La Dépêche* newspaper.

In late 1962, two French law professors named Roplo and Cours, and Sarin Chhak successfully convinced Vann Piny to work for the French Secret Service agency SDECE. He was tasked to 1) build up forces among circles of students and intellectuals, 2) make the masses aware of the importance of continued relations with France, and 3) act against the Chamroen [progressive] group (this group was also referred to as the Khmer Rouge forces). They had underground forces throughout the country, particularly in schools, departments and ministries. Vann Piny was given a monthly salary of 6,000 Riels for his work.

In early March 1963, Vann Piny passed the entrance exam for the National School of Public Administration. However, he still worked at the law school where he assigned forces to track down professors with the tendency of “progressivism.” If Piny learned that any professor taught or propagandized outside the study curricula, he would report to the school director that the professor worked for the communists; the professor would then be punished or removed from teaching. Thus, progressive professors were not allowed to carry out political activities at the school. Those Vann Piny considered important members of the progressive group were Hou Yun, Hu Nim, Ouch Ven and Phoak Chhay (Phok Chhay was arrested by Angkar on 30 March 1977. The summary of his confession was printed in Issues 5 and 6 of *Searching for the Truth*). These four men never acted in any way that made Vann Piny notice. As for Piny, his partisans comprised Aing Bun Thai, Hou Bun Lay, Mao Phat and Say Bory.

Vann Piny knew Liev Thean Im and Saom Savy, both of whom were in the Kheemara school’s “People’s Movement” network. Saom Savy was a

Khmer professor at the school; and Lon Nol’s brother Liev Thean Im was a Lon Nol secret agent. The latter convinced Vann Piny to join the People’s Movement, and introduced him to Hang Thun Hak, a professor of national defense, Dok Rasy, the Law School director and later Cambodian Ambassador to England, Oeng Moeng, Chao Ban, Khy Taing Lim and Sok Chan.

In 1965, Vann Piny joined Phok Chhay, Tuon Sokphalla, Chhun Sok Nguon and Pok Kanel in establishing a general Khmer Student Association in Phnom Penh, in which Phok Chhay was elected president and Vann Piny vice president.

In April 1956, Vann Piny graduated from the National School of Public Administration, and was posted to a political affairs-related job within the Ministry of Foreign Affairs. He confessed that he had contacted Sum Manit and joined the CIA through him. His confession states that he was given a monthly salary of 10,000 Riels for his services to the CIA. After that, Vann Piny contacted Thuch Vuthy, secretary of the Embassy of the Kingdom of Cambodia to the United Nations (after the coup d’état in 1970, Thuch Vuthy became Ambassador to South Africa). The first people Vann Piny recruited to the CIA were from the French secret agency SDECE and others from the People’s Movement.

Vann Piny also confessed that the Association gradually made contacts with the Chinese Embassy in Phnom Penh. It received documents and copies of Mao Zedong’s poems from China for use in the Association’s reading room. Among the most active in this matter were Phok Chhay, Tuon Sophalla and Chhon Sok Gnuon. In late 1965, Ong Khuy Kreng shifted to work in France. Then, Vann Piny contacted Iem Kadul (director of the Security Office) and Tit Huon and Vann Sar (Espionage Department).

In October 1966, Phok Chhay, then general director of the Sonaprim Company, asked Vann Piny

Kampuchea) in Beijing. Heng Pich and Y Mong Keat were required to return to the liberated zone back in Kampuchea. Tep Sam-an was relocated to Albania.

In mid-1972, a conflict erupted between king Norodom Sihanouk and the Khmer Rouge. In late 1972, internal resistance leaders wanted to appoint Ieng Sary as deputy prime minister. Then, Sarin Chhak asked Penn Nouth and King Norodom Sihanouk to block this. Ieng Sary's appointment was suspended.

Vann Piny's confession also mentioned that in 1972 a Vietnamese delegation led by Le Duc Tho came to meet king Norodom Sihanouk, Penn Nouth and Ieng Sary for talks on problems of Cambodia and Vietnam.

Vann Piny wrote that in 1973 after returning from a visit to the liberated zone in Cambodia, Sihanouk started to make people in Beijing aware that he had the support of the leaders of the Khmer resistance movement. He did not want to have anybody between himself and the people of Cambodia. Furthermore, he did not want Ieng Sary with him in Beijing. Thus, in 1973, Ieng Sary returned to Cambodia.

In early 1974, several ministers were reshuffled, especially diplomats such as Chan Yourann and Huot Sambath, who returned to Cambodia to work because internal circumstances called for resistance. Keat Chhon brought the request from Cambodia to the king and Penn Nouth in Kwangtong so that the king would issue a decree declaring an official reshuffle in the government. Piny said he asked Pong Peng Cheng to convince the King to defer signing the decree using the pretext that three members of the Khmer Rouge had not yielded their tasks to their replacements yet. This resulted in a serious controversy within the Front, which subsided in April 1974 when Khieu Samphan and Ieng Sary led a delegation to Beijing to reach a

compromise.

In October 1974, Ieng Sary led a delegation of economic and finance ministers to Beijing to seek aid from and trade with China. In the meantime, bank notes were issued for use in the liberated zones. In December of the same year, a joint French-American plan was about to succeed, but was postponed due to the fact that the revolutionary army launched an intense offensive on 1 January 1975. In the wake of 1975, Ieng Sary wanted to lead a delegation to friendly countries to seek financial aid; however, he was ordered to return to the country in March 1975.

Living in Cambodia (1975-1978)

After the Khmer Rouge seized power in Cambodia, Vann Piny decided to return and settle there. He came back in September 1975 together with Sihanouk and Penn Nouth. Others followed suit gradually. Anyone abroad had to return home at the order of the Ministry of Interior. Youk Chantha also had to come back home. In October 1975, all those who arrived from Beijing had to join a study session in which a speech was given by Khieu Samphan.

At the end of the session, participants were sent to the bases in the Northwest Zone. Vann Piny was sent to Thmar Kaol District, working in the Phnom Sampeou State Agricultural Office headed by Chham. In mid-December, he collected harvested rice in Phnom Sampeou and then was sent to build rice embankments in Phnom Sampeou state-run rice fields. In March 1976, Chham sent Vann Piny to build dams in Boeng Trav. On the occasion of Independence Day in March 1976, the zone's Angkar assigned him and former overseas Front members to build dams and dig big canals in Region 5.

In 1976, Vann Piny was ordered to come for a training session at the Ministry of Foreign Affairs in Phnom Penh. After the training, he returned to the Northwest Zone. On 11 August 1976, Angkar issued



orders that the former overseas Front members and diplomats sent to the Northwest Zone were to relocate to Phnom Penh and live in Office M-1 in Chraing Chamreh. There, Vann Piny met his old friends who had worked with him as diplomats such as Say Bori, Siv Saphon, Pen Nhach, Youk Chantha and Phourissara. A number of diplomats' relatives were also sent there.

In February 1977, Angkar again relocated those former overseas Front members and diplomats to Office K-17. Vann Piny was appointed chief of Office K-17, in charge of Front affairs. In his confession he said that he managed to make contact with his old partisans and new persons such as Chem Snguon, Tauch Kham Doeun, Sieng Bo Se, Chao Seng and Hao Nam Hong. He and his old and new partisans used Phourissara's house as a meeting place for discussing plans and activities against the revolution.

After two months working in Office K-17, in April 1977, Angkar transferred Phourissara to a new place. Before long, Mei Phat was also transferred. In November, Chao Seng was also transferred.

On 20 December 1977, Angkar ordered Vann Piny to work in the Ministry of Foreign Affairs, but he was actually being sent to Office S-21 (Tuol Sleng prison). His questioning began on the same day and continued until five rounds of confessions were extracted.

Seemingly shocked at Angkar's deception, Piny's first-round confession mentioned no details of his anti-Khmer Rouge activities. Instead, he expressed his regret for all his wrongdoings and pleaded for mercy and forgiveness from the party:

"Once again I wish to confess that all the acts I have done either in France or China were traitorous and detrimental to the revolutionary movement. This was a big mistake, together with other instances of mistakes reviewed and seen by Angkar, which I accept and take all the responsibility for. With my

strong beliefs in the rightful and brilliant leadership of Angkar and the absolutely loyal standpoint toward the party that I have gradually built following my return to the country, I wish to beg the party to spare my life so I will be able to have a chance to once again serve the party and the people until the end of my life."

There is a hand-written note on this confession signed by Chan, chief of S-21 interrogators, which reads, "Nothing concrete has resulted from his confession yet. This contemptible one was beating around the bush. Measures: This evening, Comrade Hor and I will threaten him again. 21 November 1977."

Vann Piny's second-round confession of 22 November was similar to the first-round confession. He again admitted his wrongdoings and begged for forgiveness. The third-round confession of 23 November and the fourth on 5 December did not yet detail all his activities. But, the fifth and final confession, on 17 February 1978, did provide the details his interrogators desired, and even named persons he said were involved in his traitorous activities.

On the "List of names involved in my traitorous activities" were 105 names, mostly former overseas Front members and diplomats. They included: Sarin Chhak, Aing Bun Thai, Oum Mannorine, Pong Peng Cheng, Say Bori, Thean Bun Srun, Liev Thean Im, Saom Sary, Hang Thun Hak, Douc Rasy, Chao Ban, Khi Taing Lim, Sum Manit, Thuch Vuthy, Va King Hong, Pin Ya Thai, Youk Chantha, Roeung Mach, Y Mong Keat, Ker Meas, Tep Sam-an, Phok Chhay, Hu Nim, Hou Yon, Phourissara, Chem Snguon, Tauch Kham Doeun, Hao Nam Hong, Chao Seng, Vann Sar, Chea San, and Iev Banaka. Next to each name was the person's occupation.

According to the list of prisoners killed at S-21, both Vann Piny and his wife Kuon Vatana were executed on 31 March 1978.



stressing that the entire populations of the 13 villages in Svay Teap Subdistrict were also killed in one day.



Ham Kim Sour

Ham Kim Sour, age 59, is currently chief of Vealri Kaet Village. He confirmed that the Khmer Rouge deceived him into bringing people by truck from Thnal Bek Kaet Village to the execution site at the cashew plantation. However,

Ham Kim Sour also stated that after he had brought them halfway, he saw the chiefs of other villages who had come to receive the prisoners and transport them to the plantation.



Chhun La

Chhun La, a Chamkar Leu police officer, mentioned that during the Pol Pot regime he saw the Khmer Rouge tie people up and take them to be killed at the cashew plantation. He said he saw the perpetrators use hatchets with

long blade and short handles for the killings.

Long Sokhai recalled that there were approximately 5,000 to 7,000 victims killed at the farm site. The site contained three large pits, each two meters wide and 30 meters long, with a distance of five meters between the pits. All are located alongside the bamboo hedge on the western side of the farm. The site also contains a number of small pits, each of which was large enough to hold two to five victims.

In addition to these burial pits are three other pits that resulted from bombings. Each is five to six meters in diameter, about two meters deep, and contained over 200 bodies. All of the victims buried in these pits were mobile work brigade members that the Khmer Rouge had brought to the site for execution.

People excavated victims' remains from the pits at the cashew plantation, and placed them in a small hut built nearby the large pits. Today, however, all of the victims' remains are gone as a result of lack of care and protection.

SPEECH BY COMRADE SON SEN

**CANDIDATE MEMBER OF THE STANDING COMMITTEE
OF THE COMMUNIST PARTY OF KAMPUCHEA'S CENTRAL COMMITTEE
DEPUTY PRIME MINISTER IN CHARGE OF DEFENSE
CHAIRMAN OF THE COMMITTEE FOR GENERAL STAFF OF THE
REVOLUTIONARY ARMY OF KAMPUCHEA**

**ON THE OCCASION OF THE WELCOMING PARTY ARRANGED BY COMRADE
SI SIENG SIEN, VICE CHAIRMAN OF THE MILITARY COMMITTEE
OF THE COMMUNIST PARTY OF CHINA'S CENTRAL COMMITTEE,
MEMBER OF THE POLITBURO OF THE COMMUNIST PARTY OF CHINA'S
CENTRAL COMMITTEE, DEPUTY PRIME MINISTER AND INTERIOR MINISTER
OF THE PEOPLE'S REPUBLIC OF CHINA
BEIJING, JULY 1978**

Respected and Beloved Vice [State Presidium]
Deng Xiaoping,

Respected and Beloved Deputy Prime Minister Li
Xianian,

Beloved Leaders and Cadres of the National
Salvation Army of China,

Beloved Comrades Ladies and Gentlemen,

Our military delegation of the Government of
Democratic Kampuchea has the great pleasure to have
arrived in the glorious land of our fraternal country
China. We have also brought along with us the feelings of
revolutionary friendship and the spirit of the most
profound affections of the people, combatants and cadres
of the Revolutionary Army of Kampuchea to the
battalion of the National Salvation Army of China as well
as the Chinese people and combatants.

We are excited to have arrived in Beijing and have
been given a warmest and most sincere welcome in the
sense of being war combatants and brothers by Comrade
Vice [State Presidium] Deng Xiaoping, Comrade Deputy
Prime Minister Si Sieng Sien, the leading cadres of the
National Salvation Army of China, and the Chinese
combatants and people.

Tonight, the Military Committee of the Communist
Party of China's Central Committee and the Council for

State Affairs of the People's Republic of China will
arrange for a very auspicious party welcoming our
delegation. Yesterday, Comrade Deputy Prime Minister
Si Sieng Sien delivered a speech expressing a feeling of
warmest and most profound revolutionary fraternity,
encouraging and supporting the ongoing resistance of the
Revolutionary Army of Kampuchea and of the
Cambodian people under the rightful leadership of the
Communist Party of Kampuchea presided over by
Comrade Secretary Pol Pot.

Given these points, on behalf of the Communist
Party of Kampuchea, the Government of Democratic
Kampuchea, the Revolutionary Army of Kampuchea, and
the Cambodian people, we wish to offer our most
profound appreciation to the Communist Party of China,
the Government and the National Salvation Army of
China, and the Chinese people, under the brilliant
guidance of President Hwa Kwa Hing.

Beloved Comrades and friends,

Our visit at this time coincides with the fifty-first
anniversary of the National Salvation of China. We would
like to take this pleasant opportunity to give best wishes
to all the army and people of China, our most sincere
combatants and friends, for continued greatest successes
in their highly valued revolutionary tasks.



More importantly, the anniversary gives us a chance to remember and learn from the glorious history of the National Salvation Army of China under the great leadership of President Mao Zedong, China's greatest leader for over 51 years now.

The National Salvation Army of China, which was created and nurtured by President Mao personally, has made increasing progress in all the areas, including consciousness, politics, assignment, and military strategy. Furthermore, it has experienced both practical and actual instances of the heated fire of the radiant long-standing revolutionary resistance, and has finally grown to be the most powerful revolutionary armed force, the metal shield that is able to totally protect the sovereignty and national integrity of the People's Republic of China.

The National Salvation Army of China has achieved great accomplishments and shared its most gracious contributions in the successes of the new democratic revolution of China. After the establishment of the People's Republic of China, the National Salvation Army of China has gradually wiped out hostilities and incursions by the expansionists, the imperialists and their allies. In addition, the Army has served as the best and most efficient weapon for the proletariat class, ensuring victory for a continued socialist revolution and the building of socialism.

Various enemies, such as the expansionists, imperialists and their allies who wish to violate or invade the People's Republic of China, will certainly be wiped out. The greedy and the traitors to the revolution who want to overthrow the absolute proletariat class and plunder the army of is power within the party will certainly be defeated and destroyed by the army and the people of China.

Now, under the rightful leadership of the Communist Party of China's Central Committee and the Military Committee of the Communist Party of China's Central Committee, brilliantly guided and commanded by Comrade President Hwa Kwa Hing, the National Salvation Army of China is raising high the great revolutionary flag of Comrade Mao Zedong. It has continued to implement the strategic principle that governing the state and commanding the army shall be

done primarily through class struggle. It shall continue to constantly encourage the masses to learn from Lei Hwoeng's lessons, from Company 6, and from Air Division 1. It shall continue to encourage the objective of revolutionizing and modernizing the army, be ready and equipped for war, and be ready to liberate Taiwan.

Under the brilliant light of the revolutionary line of Comrade Mao, and under the leadership of the Communist Party of China's Central Committee and of Comrade Hwa, the National Salvation Army of China has been taking an active part, together with the entire Chinese people, in making revolution through absolute proletariat class struggle in order to achieve the paramount revolutionary tasks laid down by General Assembly 11 of the Communist Party of China and General Assembly 5 of the People's Representatives of China for the new era of socialist revolution and building of socialism. The great victory of the great first proletariat cultural revolution has been achieved. In a firm absolute proletariat struggle, the base has been built and the headquarters of the capitalists destroyed continuously. More particularly, a group of four people is encouraged to push three revolutionary movements and a movement of the masses to learn from Ta Chay's Agricultural Production Division and from Ta Chhing's Industrial Oil Refining Unit so that further progresses would be made throughout the country.

This improving situation brings us renewed belief that brilliant new victories will be achieved by the army and people of China under the rightful leadership of the Communist Party of China and of Comrade President Hwa Kwa Hing, towards modernizing four factors to transform China into a powerful and advanced socialist country by the end of this century.

We are very delighted to see the rising potential of the People's Republic of China in the international arena. The Communist Party of China and the Government of the People's Republic of China have most carefully and most properly followed the revolutionary line of Comrade President Mao Zedong with regard to international relations, while closely unifying and totally supporting resistance movements by the people and countries that have been suppressed by the Great Powers,

weapon of the Communist Party of Kampuchea and the proletariat class. The military ethics and the resolute combat standpoint, the standpoint of high commitment, and the standpoint of respect for the Party's organizational disciplines unconditionally and with the spirit of high revolutionary self-awareness, have been soaring upward. More especially, for instance, is our counter-attack against violent, fierce invasions by the Vietnamese enemies who want to expand their territory and swallow ours. In the present and future alike, our revolutionary Army of Kampuchea has continued to constantly enhance the spirit of high revolutionary vigilance, further strengthen and sharpen the combating spirit so that we will be able to master in advance all instances and circumstances because enemies of all kinds, especially the Vietnamese, never give up their evil ambition but instead continue to carry out their "Indochina Union Strategy" in their attempt to swallow Cambodia and exterminate the Cambodian race. Always in the stance of readiness, our Revolutionary Army of Kampuchea has mastered ridding and destroying all enemies that dared violate and invade Cambodian sovereignty.

Beloved Comrades and Friends,

We are very much pleased that the great revolutionary friendship and great solidarity between our revolutionary armies and our countries, Cambodia and China, have bloomed under the leadership of both our parties and grown stronger, especially following the official friendship visits led by Comrade Secretary Pol Pot to our fraternal Chinese country during September 1977.

The great friendship and the great solidarity have been strengthened and expanded to such an extent because the armies and peoples of our two countries share the same revolutionary ideology, respect and love each other, and mutually support each other to the depths of their hearts, based on the fairest and purest principles of equality and mutual respect for each other's sovereignty.

On this most auspicious occasion, on behalf of the Communist Party of Kampuchea, the Government of Democratic Kampuchea, the Revolutionary Army of Kampuchea, and the Cambodian people, we once again wish to express our most sincere and profound gratitude to the Communist Party of China, the Government of

China, the National Salvation Army of China, and the Chinese people, who have constantly and properly followed the advice of Comrade President Mao and implemented the recommendations of Comrade Chou Enlai and Comrade Hua Kuofeng, for having provided us with continued unconditional support and assistance of all kinds in the spirit of the international genuine proletariat class and for making us even stronger in terms of self-mastery.

The people of Cambodia, having been through such a great deal of shameless sufferings inflicted upon them by suppressing colonists, imperialists and expansionists of all kinds for quite a long period of time before 17 April 1975, wish to highly value the genuine friendship and solidarity the army and the people of China have given us on the grounds of the fairest principles of equality, respect for mutual independence and sovereignty. We are very delighted with such a friendship and solidarity, and we will work to strengthen them to a much greater and more flourishing extent.

We believe that this visit by our delegation will further strengthen and widen the great revolutionary friendship and the great solidarity between our two parties, armies, and peoples, and that they will prosper and stabilize forever.

Therefore, please everybody raise your glasses to the following blessings:

- ◆ Longevity to the great friendship and the great solidarity between the armies, governments, and peoples under the leadership of the parties of our two countries Cambodia and China!

- ◆ Glorious and new victories to the National Salvation Army and the people of China!

- ◆ Best of health, longest life and greatest success to Comrade President Hwa Kwa Hing, the brilliant guide of the people China!

- ◆ Best of health and longest life to Vice [State Presidium] Deng Xiaoping!

- ◆ Best of health to Comrade Deputy Prime Minister Li Xianian!

- ◆ Best of health to all comrade Chinese people!

- ◆ Best of health to all comrades and friends present here!

from the Northeast, which we supposedly thought was to celebrate the anniversary of the Army. 25 February 1968: the anniversary of the Army coincided with a general riot. [We] have prepared for armed struggle since 1960. Currently, we openly state that 23 March is the anniversary of the Front (DAPLNK). But we will reveal the truth later when we take over power. The power belongs to those with weapons and those with guns. The song entitled “Weapons in hands”: 1967. Liberal soldiers: 1968. Our soldiers stand up and bravely struggle. How is Angkar at present?

Things have developed to their final stage.

We have almost reached the top. We are exhausted and tired, but we are almost there. Speaking historically, we do not count the number of months and years because it has been a very long time since the resistance began. Militarily, we have surrounded the capital city, the leading machine of the state. We are strangling them.

Attacking the City:

1) Soldiers from outside are advancing on the city while people in the city are making war from the inside to seize power. Cases like this are rare. In Beijing, for example, war was not intense, but soldiers surrendered.

2) We are strangling them. One portion of our forces is attacking them at Neak Loeng, while the other portion is attacking at Pochentong. If we are able to strangle them for a dry season and for another rainy season, surely they will be suffocated and fall in the next dry season. There will be no need for soldiers to aid us from behind in the attack. There are ways and tactics in attacking places. Militarily, we have to be very creative.

Theoretically, we have not attained self-mastery. Thus, we walk neither the military path nor the theoretical one, but we opt to do it pragmatically. We take [M.L] as an indicator for monitoring based on the real situation. Economically, we are independent and self-mastering. Our resistance is a real great leap forward, compared with China and Vietnam.

Causes:

1) Our party has a correct guideline and is independent and self-mastering.

2) Experiences from the Vietnamese and Chinese parties.

3) Our combatants are brave, so are our revolutionary farmers, peasants, and intellectuals.

4) We estimate the evolution of Cambodia’s situation: In 1958, the Party said there would be a coup. In 1959, the contemptible Dap Chhuon staged an unsuccessful coup attempt. But, victory did not step back. It moved forward, day by day. Surely, we won.

What Will Happen when the War Draws Almost to an End?

1) Enemy tactics: Our enemies are many and vicious. They try to do all they can as a last resort. But we are determined to smash them all. Military tactics are the most fundamental against our enemies (in reality: the American imperialists and their allies). If we defeat them, they would think of keeping their soldiers.

An example is the Neak Loeng battle, in which we had to smash them. Nowadays, the American imperialists hold fast to the contemptible [Lon] Nol. At the same time, they have managed to create a government, without the seven persons. The King and the Queen, who were in Phnom Penh at that moment, called us to join them in a way like the Laotians did. We said we are always firm in our single principle: we will not join them unless they disarm.

2) Diplomatic means: Make our friendly countries reluctant. Always have the standpoint of high revolutionary vigilance. They certainly will resort to using military and diplomatic means.

3) Peace alliance: They agree to negotiate, but have the intention of attacking our struggling standpoint, intimidating us, and physically damaging us. Children of our poor farmers sacrificed a lot for the sake of the nation. We have survived because they died for us. Always be determined to struggle until the last day.

A problem will occur at the end of the war:

1) Some people will not be able to endure the hardships.

2) It has been said that the present war is not one that will liberate the nation and the people. It is a war of ideology, in that the communists want to take power and keep pushing people to move forwards.

3) The contemptible partisans, Son Ngoc Thanh, Hang Thun Hak, Koam Reth, and Kong Phan, made the war. We shall always adhere to our revolutionary line, that is, the line of the People’s Democratic Revolution (the people’s democracy, not that of the bourgeois).

(Continued in the June 2001 issue)

by the Chinese Embassy. He always acted in the name of the Chinese Embassy during our meetings. He ordered that in the new situation, Saigon-Cholon must act quickly, and make use of any opportunity to incite the Hoa and cause unrest among them, not only in Ho Chi Minh City but also in Dong Nai, Lam Dong, Dac Lac, Quang Nam, Da Nang and other provinces in the South inhabited by Hoa people. Our aim was to counter Vietnam's socialist transformation at all costs, and provoke unrest in Ho Chi Minh City, in coordination with the Kampuchean authorities' military activities.

"Many of the directives and measures in the plan brought by Tran Hoat from the North had been devised on the basis of experience gained during the agitation campaign among the Hoa there. We split into smaller groups to carry out a whispering propaganda campaign, spreading false news in many ways: through advice, enticement, slander and distortion, and even by threat when necessary. We went from house to house and talked to people in ones and twos and threes in order to influence them as much as possible. By thus using one person to incite and persuade the next, we soon succeeded in creating an atmosphere of uneasiness, fear, and then panic among the Hoa population. Those who still wavered or seemed unwilling to return to China had anonymous letters tossed into their homes by our agents for intimidation purposes. We also visited them, and told the head of the family: 'The Chinese Government has many eyes and ears here and it knows who refuses to return. Anyone who refuses to return is a traitor to the motherland and will not be left in peace.' We secretly spread leaflets and pasted up slogans in places with big Hoa populations protesting against Vietnam's 'ostracizing and expelling' Hoa residents. We also printed applications to return to China, copying a form supplied by the Chinese Embassy and brought to Ho Chi Minh City by Tran Hoat. After much deliberation, on 6 March 1978 I wrote to Tran Hoat

and his wife at number 24 Hang Buom Street, Hanoi, and also to On Think Nam and Ly Dao Le in Quang Ninh, urging them to contact each other immediately and quickly organize a liaison line from Ho Chi Minh City to Hanoi and from Hanoi to the border for those who wished to return to China clandestinely. I and the On Think Nams agreed to call this liaison line by the code-name 'guideline of the leading committee.' According to a custom in Cholon, those Hoa who wished to go had to contribute gold and money as travel fees. Part of this gold was used for our own expenses and the rest was sent to the Central Overseas Chinese Commission. Thus, while our people in the North organized the liaison line there, in the South we organized the departures.

"Our foremost targets were the big Hoa capitalists, who were very frightened of losing their fortunes in Vietnam. In order to get them to make up their minds quickly, we used a combination of agitation methods. To increase their confidence in us, we bargained with them very concretely over our fees. Meanwhile, to give the campaign a boost, I arranged for my brothers and sisters in Hanoi to leave for China in a hurry. While making their preparations, such as selling furniture and other belongings, they went from house to house to persuade other Hoa to join them; our intention was to create an atmosphere of real panic among the Hoa. My family in the North already had six members preparing to go to China and they induced a number of other Hoa to go with them.

"This was also intended to make the Hoa believe that Vietnam really was pursuing a policy of ostracism, persecution and expulsion of Chinese residents, as the propaganda theme of the Central Overseas Chinese Commission stated in clear terms in the instructions from the Chinese Embassy."

1978: The "Nanchiao" Campaign

Ly Nghiep Phu: "At about the end of March 1978, when Ho Chi Minh City embarked on a large-scale socialist transformation drive, we received

orders to act without delay. We convened a meeting of Chinese residents who had operated with me in Kampuchea and had been ordered by Peking to Saigon-Cholon in 1975. The meeting was held at 534/48 Nguyen Trai Street, in the 5th District, at the same time that another meeting of a number of big Hoa capitalists discontent with the regime was being held at 338, Block C, Minh Mang housing area.

“At the first meeting, I gave an account of our experiences in launching, and Quang Ninh... during the Vietnamese anti-US resistance, and directed by the Chinese Embassy, all of which had been passed on to me by Tran Truong Giang, Tran Hoat, Vuong Quan Thien, Luu Khac Hien, Haong Duong Thanh and Vuong Nhu.

“I told them that whereas the great proletariat cultural revolution had failed in Vietnam in the past, it might now be done, and with even greater success. I remember that when the Chinese Embassy arranged my trip to China in September 1966 and put me up at the hotel for overseas Chinese in Canton, the representative of the Central Overseas Chinese Commission told me each time I met him: ‘The greatness of the great proletariat cultural revolution lies in the fact that it can be carried out not only in China but also in other parts of the world, especially in Southeast Asia. As the biggest and mightiest country in Asia, China must play a dominant role in Southeast Asia. To this end, it is necessary to promote the great proletariat cultural revolution, publicize Mao Zedong’s thoughts widely and deeply, using the Chinese residents as the core, catalyze the vanguard force of the movement, buy up the indigenous people, and incite the easily-led masses so that the cultural revolution spreads like a prairie fire through the Southeast Asian countries, forcing the governments of these countries to toe China’s line.’

“Peking sent me to Phnom Penh, and my mission was, among other things, to kindle the cultural revolution there. The ideology of the cultural revolution was unable to have any impact in the face

of the strong anti-US sentiment of the Indochinese peoples. But it is different now, because China has Kampuchea firmly in its grip. Methods have also changed, are now more supple, less direct, more discreet, and consequently more efficient.

“During our two meetings with the Hoa capitalist discontents, I dwelt on the content of the instructions of the Chinese Embassy communicated by Tran Hoat. I told them that if China is to play the leading role in Southeast Asia, it must get rid of all influence of the Soviet Union in this region.

“Since China cannot do this heavy work alone, it must cooperate with the United States. Vietnam and Laos are keeping to their independent position and refusing to follow China’s line. So we must use pressure of all kinds to force Vietnam and Laos to toe the line. With regard to Vietnam we must first use the Hoa issue as a catalyst in carrying out our overall national policy.

“China will give all-out assistance to Kampuchea to provoke a border war, not only to stab Vietnam in the back, but also to cause bewilderment and unrest among the Hoa, using the danger of war to encourage them to take their wealth to China, thereby stalling Vietnam’s reconstruction efforts after several decades of war devastation. After having persuaded large numbers of Hoa people to return to China, we would raise a hue and cry over Vietnam’s ‘ostracizing, persecuting and expelling Chinese residents’ in order to create new pressure. If we succeed in forcing Vietnam to completely submit under China’s baton, the other countries in Southeast Asia will then follow suit, since Vietnam is the strongest and also most stiff-necked country in this region. The United States has lost face because of the Vietnam war; if China can bring Vietnam to its knee, this will both be further testimony of our goodwill toward the United States, and show it that China is really strong.

“At this meeting, Tran Hoat briefed us about concrete measures suggested by the campaign

committee, which was headed by Ambassador Chen: concentrate on spreading the fear of war, with the aim of disrupting social life. The committee authorized the spreading of rumors that Chinese troops were driving tanks and Koreans were flying planes to help Kampuchea in its war against Vietnam. At the same time, we were to spread the rumor that Vietnam would confiscate all the gold owned by individuals to buy weapons, ammunition and fuel for the war with Kampuchea. Disturbances were anticipated. And as China would help Kampuchea broaden the war, everybody was encouraged to store food to provide against all eventualities.

“China had become very strong, and this is the reason why Kampuchea, with a population of only eight million, has dared confront Vietnam. At this juncture, the best thing for Chinese residents to do was to return to China. This would earn them the merit of being patriotic, and spare them the danger of war and the inevitable ‘ostracism, persecution and expulsion’ by the Vietnamese authorities.

“When I spoke of China’s policy of cooperation with the United States during our meeting with the big Hoa capitalists, everyone looked very satisfied, even though none of them was eager to return to China.”

And here is another startling revelation:

“Both Tran Hoat and Tran Truong Giang told me that whatever method I might use, I was not to forget the ‘young red guards’ in the schools for Hoa children and concentrations of Hoa students. I was to make the most of the Hoa teachers’ and intellectuals’ ability to influence the students and their parents. Never forget that it was the young red guards who completely changed the situation in China in the early days of the cultural revolution. If we can get our ‘red guards’ into the streets of this city, it will be a great thing.”

Role of the Young Red Guards

On the role of the young red guards as saviors of the Hoa capitalist traders, Ly Van Kien, a

collaborator of Ly Nghiep Phu, made this confession:

“I was director of the Minh Duc School in the 11th District of Ho Chi Minh City. This is a big school with 105 teachers and 4,500 students, mostly of Hoa extraction. We were part of the plan to coordinate social disturbances in order to have an additional pretext for accusing Vietnam of ‘ostracizing, persecuting and expelling Chinese residents,’ and to motivate the Hoa to return to China on orders from the motherland. We recruited a number of Hoa working in Vietnamese offices and factories and Hoa teachers with many grievances against the new regime, thus creating a broad network for our work among the Hoa communities. I would tell recruits: China has agreed with the United States to exert pressure on Vietnam, is supplying arms to Kampuchea, and is sending specialists and advisers to help train the Kampuchean army and broaden the war against Vietnam. This will inevitably lead to a major war between China and Vietnam. When war breaks out the Vietnamese will drown the Hoa in a bloodbath. If we Chinese don’t return to our country, then the Chinese and Kampuchean armies will kill us all in a bloodbath when they arrive. So, the most expedient action for the Hoa at present is to find their way back to the motherland.

“The sooner, the better. Early returnees will have all prerogatives and privileges. Latecomers will not only be refused exit visas to West Germany, Canada, Britain, France, etc., but will also be sent to work on farms. Insist on the charge of ‘ostracism, persecution and expulsion of Chinese residents’ as your reason for demanding repatriation. If asked to go to the new economic zones, refuse categorically. If they persist, you should make a scene and complain that Vietnam is ‘ostracizing and expelling Chinese residents.’

“Teachers in Chinese schools, and college or secondary school students who are over 18 and have to carry identity cards, must refuse to fill in the forms. This will save them from the obligation to

obey Vietnamese laws and will also prove their love for and loyalty to the motherland, as already instructed in clear terms by the Chinese Embassy in Hanoi. Attention must be paid to Hoa families whose sons are serving in the Vietnamese army or have fallen into the recent resistance against U.S. aggression. The Embassy made it clear that any action, large or small, which hampered Vietnam's reconstruction efforts and created social disturbances at this time would be regarded as a patriotic act and a practical deed in support of our Kampuchean friends, who are shedding blood for China in the confrontation with Vietnam. More concretely, we were to oppose military service: this would both please Peking and save our children from the hazards of the battlefield and enable them to continue their easy town life. We had to foment a series of student strikes and get the students into the streets to disrupt public order and provoke the security forces into opening fire, in order to have a pretext to hold demonstrations protesting against Vietnam's 'ostracism, persecution and expulsion of Chinese residents.'

"During school hours the teachers were to try every means to inculcate these points into the students, arouse chauvinistic feelings against large nations, provoke national prejudice and enmity, and build up a strong anti-Vietnam mentality. We chose the most zealous students to write leaflets and slogans and post them in places with large Hoa populations with the aim of distorting Vietnam's policy of transforming capitalist trade and shifting capitalist traders to production, and opposing compulsory military service and the campaign for building new economic zones.

"In the Chinese schools where the medical service conducts blood tests in connection with tuberculosis vaccinations, we were to clamor against Vietnam's 'organizing forcible blood donations for wounded soldiers in the border war with Kampuchea.' The students' parents would flock to the

school gates and demand their children back, provoking an uproar outside the schools. Meanwhile, we would call for secret blood donations among the Hoa to send to our friends in Kampuchea. The students were to get the Hoa ready to leave and tell them that hundreds of Chinese ships would sail up to Saigon port to ship Chinese residents home; the ships would be escorted by warships equipped with ultramodern weapons. Young red guards would pass round 'Red Books of Quotations' from Mao Zedong's thoughts and the taped speeches of Peking leaders, learn Chinese songs and shout Chinese slogans, and be ready to put on a show of force by Chinese residents when the ships arrive."

The Young Red Guards' Oath

Ly Trung Kien continued:

"My Minh Duc School and other schools with large numbers of Chinese students, like Cam Long, Tran Tien, and Hau Giang, have all succeeded to various extents in sparking anti-Vietnam movements as our leading committee, the Chinese Embassy in Hanoi, wished. We panicked the Hoa: they have sold their property and bought gold and diamonds, and are now only longing for the ships to come and take them away. I know that in some Chinese schools elaborate plans have been worked out for teachers and students to go to Hanoi, allegedly on leave to visit relatives or to sightsee in the capital city, where they would contact the Chinese Embassy or proceed to Lao Cai and Mong Cai and cross the border with false permits. "Telling lies is unworthy of teachers and inciting people to crime is both inhumane and counter-revolutionary, but we could not help it: the Embassy gave us orders and the motherland was calling us.

"In the North, there are not as many Hoa schools or schools with large numbers of Hoa students as in Saigon-Cholon. So, the methods used to incite the Hoa students there to leave for China could not be as open as in the South."

(Continued in the June 2001 issue)

(Continued from the April 2001 issue)

In April and May 1977, cadres from the northwest began to be brought into S-21. Some had “intellectual” connections; others were purged for sabotaging the Four-Year Plan. By the end of the year the secretaries and their assistants of all seven sectors in the Northwest Zone had been purged, and tens of thousands of citizens had been killed. Before the year was out several thousand “base people” (those who had not lived under Lon Nol during the civil war) had been brought into the Northwest Zone by train from the southwest. Cadres from the west and southwest followed, and in several north-western districts they purged and replaced “disloyal” officials. In some districts they instituted communal eating, and they set often impossibly high standards for rural work. The purges and the harsh policies of the new arrivals generated hundreds of refugees, who spoke to journalists and diplomats in Thailand.

Throughout 1977 relations between DK and Vietnam had deteriorated as Vietnam refused to negotiate border issues on DK’s terms and DK increased its pressure through anti-Vietnamese propaganda broadcasts and cross-border raids. In September 1977 the Vietnamese ambassador to Cambodia, Phan Van Ba, speaking with Pol Pot, took issue with DK claims that the regime wished to “retake” areas of southern Vietnam known to the Khmers as Kampuchea Krom, or “lower Cambodia.” Pol Pot replied: “That would not be in our real interests. The problem is that we have enemies in our ranks.” His response defies analysis: were the “enemies in our ranks” people who wanted to attack Vietnam, or

those who counseled him against it? And how was the ambassador to discern Cambodia’s “real interests”?

War with Vietnam

On 27 September 1977, in a five-hour speech broadcast on DK’s national radio, Pol Pot announced and celebrated the role of the CPK in Cambodian history. His decision to bring the CPK into the open had probably been forced on him by China, which he was about to visit. The speech was broadcast on 30 September

to coincide with the Party’s “seventeenth” anniversary. By then Pol Pot was already in Beijing. In the speech, he referred to an “infamous handful of reactionary elements” working to undermine DK, but he named no names and struck an optimistic note appropriate to the occasion. In the meantime, Eastern Zone forces had inaugurated a series of unpublicized attacks on Vietnam. In late October, soon after Pol Pot returned from China, Vietnamese forces mounted a serious offensive against Cambodia. They remained on Cambodian soil,



VOICES FROM S-21
Chapter Three: Choosing the Enemies
David Chandler

in the vicinity of Svay Rieng, until the end of the year, and they herded several hundred prisoners (many of whom would probably have fled Cambodia in any case) into Vietnam when their campaign war over. Neither country publicized the conflict, but shortly before the Vietnamese forces withdrew in early January 1978, DK broke off diplomatic relations with Hanoi. Soon afterward the Party Center formally declared victory. Pol Pot visited Sao Phim’s headquarters at Suong to celebrate the event. He called on his listeners to engage in all-out warfare against Vietnam, echoing an inflammatory document titled “Guidance from 870”

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village. Thach and Hon, for example, were orphans. Thach lived with her older brother, Hon, because their parents died during the civil war. Hon was assigned to join the Khmer Rouge armed forces, requiring him to leave his sister alone. After that, they lived separately. While her brother served in the Khmer Rouge armed forces, she worked in the girl's unit [Kang Neary]. Hon died after being sent to serve the Center. The sister of the deceased S-21 cadre recalled,

“Before going to work elsewhere, far from the village, my brother came to see me and told me about his departure from the village to another place. He asked me to look after myself, because he was no longer going to be living in the village. Since Hon said goodbye to me, he has never returned home.”

Military Training

When these child cadres said they were moving from place to place, they were actually referring to S-21 sub-units Boeung Tumpun, Prey Sa, Ta Khmau, and finally S-21 headquarters. At Boeng Tumpun and Prey Sar, both located only minutes from headquarters in downtown Phnom Penh, child cadres did farming, animal husbandry,

dam construction, and night guard duty. Ta Khmau, also minutes from headquarters, was a military training school offering courses on marksmanship, explosives, battlefield techniques, as well as martial arts.

None of the former S-21 young comrades we interviewed spoke of enjoying his experience. One of them is La, a former S-21 animal husbandry worker originally from Lvea village, Anhchanh Raung sub-district, Baribo district. He said “No one was happy during the military training conducted at Ta Khmau because when we were in training, it was the most difficult time for us.” Peou worked in a pig raising unit at Boeng Tumpun for a few months. After that, Poeu and thirty other child cadres were sent to a military training school at Stoeng Prek Tnaot, Ta Khmau district, Kandal province. Peou remembers Ho Wan Hoeng as one of his Chinese trainers. Later a catcher at S-21 and today a farmer, Poeu reflected, “During the military training process, the child cadres there worked very hard, day and night. I spent one year on bayonet drills, marksmanship, demolition and martial arts fighting techniques. Child cadres were trained and worked hard not only in the daytime, but also at night.” Sam

Martial arts training



said that he attended the training all day plus guard duty at night. Talking about food, Phai said he was given only porridge, banana trunks and papaya stalks to eat. He added that in the training school the rations were bad compared to other work places; the cadres were even reduced to eating all the insects they could find. La considered the eating and working conditions in Ta Khmau training school as the worst: “In Ta Khmau, cadres ate even cockroaches to survive.” Cheam, a former animal husbandry worker drafted from Thma Eth village of Kampong Tralach district, also complained about rations at Ta Khmau: “I became thin and weak, and the rations were terrible.

We had only porridge and banana trunks to eat. I worked too hard, training, planting vegetables and guarding every night.” As a result, during his 45th days at Ta Khmau, the malnourished La became ill and all his hair dropped out. He recovered a month later and returned to the training school. In the words of the training school chief Tum Thorn, “I always pushed child cadres at the training school to work on a heavy schedule. I kicked and fought whenever they committed any mistake or did anything wrong. And I provided them only porridge with salt to eat.”

A colleague of Sam, ill from overwork and near starvation, was otherwise considered lazy, the kind of situation that usually invited scolding and punishment, rather than medical treatment. Sam said “He suffered severe punishment and he finally died. I also suffered punishment by my group chief when he came and saw me sleeping during guard duty. I also was about to die of hunger because I was not given rations for a week.” In short, when child cadres were undergoing training at Ta Khmau, they were already becoming victims of the Khmer Rouge regime. Child cadres were forced to train very hard and did not have adequate food to eat. Moreover, they faced illnesses brought on by malnutrition, as well as harsh punishment and even execution.

**FILE NUMBER D01074: REPORT BY
COMRADE HIM HUY, AKA YOU HUY
or HUY TAUCH, CHIEF OF
INTERROGATORS AT OFFICE S-21**



Him Huy, 1976

I would like to report to Brother that regarding the three Vietnamese [suspects] you talked about, I could find only two and there were three Cambodians. I already brought [them all to S-21]. On April 27, 1978, you said

there were six suspects. When I left for Svay Rieng at 12:30 [p.m.] and arrived at 5 [p.m.], I went to the security office where Brother Mon previously used to keep [suspects], and a person named Vuthy told me they had not been brought there yet. Another person, whose name I did not know, said he did not know. The persons [suspects] arrived at 6 [p.m.]. I asked them every hour, but was told the person had not arrived yet. I kept asking until one o'clock at night, yet I was told they still had not arrived.



Him Huy, 1996

Our brothers stayed there waiting until the next morning when a messenger came at 6:30 a.m. informing us that the persons had arrived a long time ago. I even asked Brother Thean, Security Chief, the whole night, but he said he did not know either. At 6:30.a.m. that day, Vuthy handed over to me only one person named Tea Phal, Khmer, of [Office] T-23. April 28, 1978, Huy Tauch.

THAI NATIONALS



those coordinates are then entered into the data set. This means that investigators who come along later can actually verify the original sources of the data, in person, by finding each site and checking it out themselves. This is something new, and rather more scientific, than in previous efforts to get a handle on the Khmer Rouge death toll question. In the Documentation Center data, everything is recorded, and everything — including the names and addresses of all witnesses — is published annually in reports. The GPS data collected on the mapping trips is fed into a Geographical Information System, which subsequently allows the creation of very precise computer-generated maps of all the locations where the data were gathered. Maps exhibiting the data are available on the Cambodian Genocide Program websites at <http://www.yale.edu/cgp> or through <http://welcome.to/dccam>.

A large number of these mass graves have been exhumed over the years by Cambodian government authorities, who tended to be very careful in their work, albeit they did not have access to contemporary forensic sciences. A large number of the mass graves have also been opened by local grave robbers, who tended to exercise not much care at all; the 1999 mapping reports actually include an interview with one such grave robber. Both types of mass grave exhumations have been useful in helping the DC-Cam investigators to establish benchmarks for understanding which kinds of mass graves contain what quantity of bodies, and thus improving the reliability of their analysis when they venture to make an estimate.

Vickery argues that forensic analysis is necessary to confirm the time — and one should add, the cause — of death for victims in mass graves. This would add a very important element of certainty to the mass grave mapping data. In fact, the Documentation Center has been searching since 1996 for funding to do a formal forensic archeology project on a sample set of the mass graves. This has been discussed at some length by Documentation Center officials with specialists at the U.S. military's Central Identification Lab (CIL) in Honolulu, Hawaii, which is the world's

foremost authority on exhuming bodies in Southeast Asia. CIL's skilled teams can determine the time and cause of death, and in some cases, even the actual identity of particular victims, even after all these years.

The Documentation Center still hopes to sponsor such a forensic project in the future, assuming that funding eventually becomes available. If and when such a formal, full-scale forensic project can be carried out, it will add a fourth leg to the three-legged stool of evidence compiled so far, based on eyewitness (victim and perpetrator) testimony, Khmer Rouge secret police documents that reference security centers and sometimes even execution logs in various locations, and the hard physical evidence which the DC-Cam investigators have touched and counted for themselves.

Besides the lack of forensic confirmation of the mass grave mapping work to date, there are other shortcomings in DC-Cam's mass grave data set, some of which echo the criticisms made by Michael Vickery more than fifteen years ago. There remain cases where, as Vickery argued, it seems impossible to precisely apportion the number of deaths from execution versus those from illness and starvation. This difficulty continues to challenge Documentation Center mapping teams, and they do not always manage such difficulties in scientifically defensible ways. For example, in the 1999 mapping data for Banteay Meanchey, several mass graves in the vicinity of the Thmar Puork District Office were said by local witnesses to be filled with victims from co-located Khmer Rouge security centers. However, witnesses also described a nearby Khmer Rouge hospital facility, which was very poorly managed. "Most patients who came to the hospital died," according to one witness who had worked in that hospital. Given that large numbers of bodies were apparently being produced both by a Khmer Rouge hospital and two Khmer Rouge security centers at the same location, it is not at all clear how one can be certain of the origin of the bodies in any mass grave in that general area. This type of uncertainty — even though it seems to be the exception rather than the rule in the overall data set — can raise questions about the validity of the data. Documentation Center researchers

need to exercise more caution in filtering such “noise” from their data.

All in all, however, notwithstanding the obvious limitations of the data and the failure of the Documentation Center to date to secure funding for forensic work, it is apparent that the mass grave mapping data set is the most carefully collected set of information yet assembled in the history of attempts to address the question of the death toll under the Khmer Rouge regime. It is by far the most comprehensive data set that has been produced to date on executions by the Khmer Rouge. The data do not consist of statistical extrapolation from non-random interviews in one or a few locations, as has been the case in most previous attempts to estimate the Khmer Rouge death toll. The Documentation Center mass grave data set is completely empirical, site-specific, nation-wide, reproducible, and publicly available. There is nothing

else like it.

Continuing to Refute the Denial of Genocide

A great deal of work remains to be done before the mapping of Cambodia’s killing fields research is complete. To begin with, Preah Vihear Province has not been examined at all as yet. Mass grave mapping work in Monduliri and Ratanakiri Provinces has only just begun, and much work remains in provinces such as Battambang and Banteay Meanchey. In all, twenty districts in various parts of the country have not yet even been initially surveyed. And in many districts that have already been at least partially surveyed, there remain sub-districts that have not been mapped. In many of those sub-districts, the Documentation Center already has preliminary information about possible mass gravesites, some of which are reported to be quite large.

(Continued in the June 2001 issue)

EVIDENCE IN THE PROSPECTIVE TRIALS OF FORMER KHMER ROUGE OFFICIALS

John Ciociari

(Continued from the April 2001 issue)

1.Genocide

The Genocide Convention, which entered into force in 1951, set forth the basic rules prohibiting genocide. Cambodia has been a signatory without reservation since 1951. As of 1975, the prohibition of genocide was also part of customary international law, though its exact contours are unclear. According to most commentators, genocide was also the subject of a jus cogens norm by 1975.

Article II of the Genocide Convention sets forth the basic elements of the crime of genocide: (1) an intent to destroy, in whole or in part, a national, ethnic, racial or religious group; and (2) the commission, during a time of peace or war, of one of the following acts, directed at one of the enumerated types of groups: (a) killing members of the group, (b) causing serious bodily or mental harm to members of the group, (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, (d) imposing

measures to prevent births within the group, or (e) forcibly transferring children of the group to another group.

2.Crimes Against Humanity

Article 6(c) of the Charter of the Nuremberg Tribunal (IMT) included the first definition of crimes against humanity. A variety of less celebrated cases dealt with crimes against humanity, but they did not arrive at a clear legal definition. The International Law Commission (ILC) attempted to draft a convention analogous to the Genocide Convention, but efforts were stalled, and no convention was completed by 1979. Most scholars would agree that some crimes against humanity were part of customary international law by 1975, but the exact scope of coverage of customary law at that time is uncertain. The same difficulty in determining the scope of the applicable rules exists when analyzing crimes against humanity under other sources of international law. The precise elements of crimes against humanity as of 1975 were uncertain. Based upon evidence from the Nuremberg charter, ILC draft conventions and other

sources, the probable elements as of 1975 were as follows: (1) commission, during a time of war or peace, of inhumane acts such as murder, extermination, enslavement, deportation or persecution; (2) against any civilian population on social, political, racial, religious or cultural grounds; and (3) by the authorities of a state or private individuals acting at the instigation or with the toleration of the authorities of the state. It appears that as of 1975, either a large number of victims or a systematic policy was required to meet the element that acts be directed at a civilian population. As indicated in the preceding paragraph, I have assumed that as of 1975 crimes against humanity required no nexus to armed conflict. While it is widely accepted that no such nexus requirement exists today, the status of the law in 1975 was unclear. My assumption is very important with respect to the DK regime, because most of the alleged CPK atrocities were arguably committed in the course of domestic “cleansing” programs, not in the course of armed conflict against Vietnam, Thailand or Eastern Zone insurgents. Although the Khmer Rouge did commit considerable offenses in connection with those conflicts, the requirement of a nexus to armed conflict would significantly affect the criminal cases against many of the former leaders of the CPK.

3. War Crimes

The principal modern instruments of this ancient body of law are the Geneva Conventions of 1949. The four Geneva Conventions relate to the wounded and sick; prisoners of war; the wounded, sick and shipwrecked at sea; and civilians during war. Two protocols, Protocol I and Protocol II, were added to the Geneva Conventions in 1977, though it is unclear whether they are declaratory of pre-existing customary law. It is also unclear whether, after 1977, they were declaratory of existing customary law, though they have had wide adherence. The IMT Charter and other post-World War II tribunals have added to the scope of war crimes that may now, and in some cases as of 1975, be said to be the subject of customary international law.

The Geneva Conventions, the IMT Charter and other sources indicate that, during a time of armed conflict (i.e., de facto hostilities or occupation) involving a foreign nation, any of the following acts meet the *actus reus* requirement for a war crime: (1)(a) willful killing, (b) torture or inhuman treatment, or (c) willful causing of

great suffering or injury to the body or health of the wounded and sick, shipwrecked at sea, prisoners of war or protected persons (generally, civilians); (2) extensive destruction and appropriation of property of the wounded and sick or of protected persons; (3) compelling a prisoner of war or civilian to serve in the hostile power’s forces; (4) willful deprivation of a prisoner of war’s or protected person’s right to a fair and regular trial; (5) unlawful (a) deportation or transfer or (b) confinement of a protected person; (6) taking of hostages; and (7) use of poisonous weapons, wanton destruction or plunder of towns and damage to special buildings or works. The general requirement of *mens rea* applies to war crimes.

4. Slavery and Forced Labor

Slavery was clearly the subject of a *jus cogens* norm by 1975. Many conventions have been signed prohibiting slavery, many of which attach criminal liability for its commission. The 1926 Slavery Convention and 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (to which Cambodia has been a party since 1957) are the most important such conventions.

The prohibition on forced labor is a related norm, established as a matter of customary law by the 1930 Convention Concerning Forced or Compulsory Labor (to which Cambodia has been a party since 1969). The International Covenant on Civil and Political Rights and the 1957 Convention on the Abolition of Forced Labor (to which Cambodia is a party) also ban forced labor, although neither criminalizes the practice and, like the 1930 Convention, both provide for certain exceptions. Therefore, the scope of forced labor activities which were criminal as of 1975 is unclear.

The norm against slavery can be satisfied by any of the following acts: (1) traditional ownership and trading of slaves or trafficking in women or children; or (2) practices substantially similar to slavery, including debt bondage or serfdom. The *actus reus* requirement for forced labor is less certain, because the scope of criminality of forcing a person or persons to labor involuntarily is unclear. It appears that, as of 1975, only forced labor practices analogous to slavery (i.e., carrying with them indicia of ownership or a change in the legal status of the worker) gave rise to international criminal liability. While the general *mens rea* requirements apply

to both the crimes of slavery and forced labor, the intent to punish or oppress a particular group based upon its political, religious, ethnic, racial or national characteristics appears relevant in determining the extent to which a forced labor practice is analogous to slavery.

5. Torture

Like slavery, torture was the subject of a jus cogens norm by 1975. The passage by consensus of the Torture Declaration by the U.N. General Assembly in 1975 indicates that criminal liability for torture was probably part of customary international law by 1975. However, this is not entirely certain, as the Convention Against Torture and the Cruel, Inhuman or Degrading Treatment or Punishment, which definitively attached criminal liability, was not entered into force until 1984.

The elements for the crime of torture are as follows: (1) the intentional infliction on a person of an act causing severe mental or physical pain or suffering; (2) by or at the instigation of a public official; (3) for such purposes as (a) obtaining from him or a third person information or a confession, (b) punishing him for an act he has committed or is suspected to have committed or (c) intimidating him or other persons.

6. Destruction of Cultural Property

Since 1962, Cambodia has been a signatory to the 1954 Hague Convention for the Protection of Cultural Property, which criminalized willful destruction of cultural property and was later embellished by two 1977 Additional Protocols. However, under international law, destruction of cultural property is generally only a punishable offense during armed conflict.

The crime of the destruction of cultural property requires the destruction of cultural property, such as valued works of art or architecture, before or during armed conflict. Normal mens rea principles apply.

7. Crimes against the Peace

Part of the ancient jus ad bellum, the U.N. Charter established the illegality of acts of aggression as a jus cogens norm in international law. Under the Nuremberg Charter, certain acts of aggression gave rise to individual criminal responsibility. However, the criminality of acts of aggression remains somewhat uncertain. The traditional elements of a crime against the peace were set forth in the IMT Charter: (1) planning, preparation, initiation or waging of a war of aggression or war in violation of international treaties, agreements or

assurances; or (2) participation in a common plan or conspiracy for the accomplishment of any of the foregoing. The list of acts which may satisfy the actus reus requirement has broadened since Nuremberg, but the precise status of the law in 1975 is unclear. It is therefore difficult to determine what acts would establish criminal liability during the late 1970s.

8. Racial Discrimination

Racial discrimination is clearly a violation of customary international law and the 1966 International Convention on the Elimination of All Forms of Racial Discrimination. However, the international criminal responsibility of individuals for racial discrimination is unclear. Although apartheid gives rise to criminal responsibility under the 1973 International Convention on the Suppression and Punishment of the Crimes of Apartheid, few nations had signed the convention by 1975, and Cambodia did not sign it until 1981. Scholars have emphasized that the convention represented a progressive step in international law, not a declaration of existing customary law. Therefore, the criminality of apartheid in the 1975-79 period is unclear. Apartheid is the only form of racial discrimination which may have been criminal as of 1975. Its elements are: (1) committing inhuman actions, such as denying the right to life and liberty, imposing living conditions designed to destroy a group, taking legislative or other measures to prevent a group's ability to participate in political life, dividing the population along racial lines, exploiting the labor force of a group or persecuting groups opposing any of the foregoing; (2) for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them. It is unclear whether apartheid gave rise to individual criminal responsibility as of 1975 and how racial groups were defined.

B. General Elements of International Crimes

1. Actus Reus

The requirement of actus reus (or culpable act) is a requirement of participation, whereby the conduct of the accused contributed to the commission of the crime. There must be some deliberate act by the accused that affected the commission of the criminal act. The accused need not be present at the scene of the crime, and the act can take the indirect forms such as incitement, complicity or giving of orders. **(Continued in the June 2001 issue)**

RELATED CRIMES, DEFENSES, AND OTHER BARRIERS TO CRIMINALITY

Elizabeth van Schaak

*(An excerpt from *Striving for Justice: Accountability and the Crimes of the Khmer Rouge* by Jason S. Abrams and Steven R. Ratner. p.141)*

I. Related Crimes

International criminal law, like its domestic counterpart, generally recognizes that persons may be held culpable for various acts associated with a recognized crime, even if they did not directly commit it.

Notions of conspiracy and complicity received a clear endorsement in the Nuremberg Charter, whose Article 6 (a) criminalized both preparing and conducting aggressive war and “a common plan or conspiracy” to do so. The International Military Tribunal interpreted the conspiracy charges strictly, limiting the term to acts most closely involved with the planning of the war and thereby acquitting most of the Nazi leaders charged with them. Control Council Law No. 10 took a broader view, singling out accessories, those who took a consenting part, those connected with plans for the crimes, and members of organizations connected with the crime.

Article III of the Genocide Convention states that conspiracy to commit and complicity in genocide also constitute crimes, yet it provides no definitions for these terms. The ILC’s elaboration of the Nuremberg principles includes complicity in all the three crimes in the IMT Charter (not merely crimes against the peace) as an international crime, and the 1954 Draft Code includes both conspiracy and complicity. The key problem with all these instruments, however, remains the lack of uniformity among legal systems in defining these terms, rendering the tasks of prosecutors and judges faced with respecting the rights of defendants somewhat complex. The Yugoslavia and Rwanda Tribunal Statutes attempt a bit more detail in making culpable those who “planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution” of one of the enumerated crimes.

Despite the ambiguities, it is generally agreed that complicity extends to the concept of command

responsibility. Obviously a commander who orders a subordinate to commit a war crime or crime against humanity is responsible for latter’s acts. But more broadly, a commander is generally responsible for the acts of his subordinates if 1) he knew or had reason to know that the subordinate had committed, or was about to commit, such acts, and 2) he did not take necessary and reasonable measures to prevent those acts or to punish the subordinate. The Yugoslavia and Rwanda Tribunal Statutes have adopted this standard as well.

Apart from the common law notion of conspiracy, attempt remains more ambiguous as a matter of international criminal law. It is only incorporated in the IMT Charter or Control Council Law No. 10 insofar as they include the planning of certain crimes. It does appear as a crime in Article III of the Genocide Convention and the ILC’s 1954 and 1991 Draft Codes. These three documents also criminalize “direct incitement” (with the additional adjective “public” for the Genocide Convention). This term, however, does not typically appear in other international criminal law instruments.

II. Defenses and Other Barriers to Criminality

In addition to the notion of *nullum crimen sine lege* discussed in Chapter II, international criminal law has developed a basis doctrine regarding the most common defenses.

A. Superior Orders, Command of Law, and Ignorance of the Law

Since Nuremberg, an individual is responsible for criminal conduct under international law if he knew or should have known of its illegal nature. The mere fact that a subordinate followed the orders of a superior is not a defense to an international crime.

Nevertheless, if the order was not patently illegal, the defendant may be able to plead some type of ignorance of the law, as principles of *nullum crimen sine lege* offer some defense against unreasonable expectations regarding knowledge of existing law. The issues of patent illegality and the duties of subordinates in ascertaining the legality of orders are, however, complex.

members of the group;

- ◆ deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

- ◆ imposing measures intended to prevent births within the group;

- ◆ forcibly transferring children from one group to another group.

Attempts to commit acts of genocide, conspiracy to commit acts of genocide, and participation in acts of genocide will all be punishable under the draft KR law.

6. Crimes against humanity

Crimes against humanity, which have no statute of limitations, are any acts committed as part of a widespread or systematic attack against any civilian population, on national, political, ethnic, racial or religious grounds, such as:

- ◆ murder;
- ◆ extermination;
- ◆ enslavement;
- ◆ deportation;
- ◆ imprisonment;
- ◆ torture;
- ◆ rape;
- ◆ persecutions on political, racial, or religious grounds; or
- ◆ other inhumane acts.

7. War Crimes

Committing or ordering the commission of grave breaches of the Geneva Convention of 12 August 1949, such as the following acts against persons or property protected under provisions of this Convention:

- ◆ willful killing;
- ◆ torture or inhumane treatment;
- ◆ willfully causing great suffering or serious injury to body or health;
- ◆ destruction and serious damage to property, not justified by military necessity and carried out

unlawfully and wantonly;

- ◆ compelling a prisoner of war or a civilian to serve in the forces of a hostile power;

- ◆ willfully depriving a prisoner of war or civilian the rights of a fair and regular trial;

- ◆ unlawful deportation or transfer or unlawful confinement of a civilian; or

- ◆ taking civilians as hostages.

8. Crimes against Internationally Protected Persons

Crimes against internationally protected persons pursuant to the Vienna Convention of 1961 on Diplomatic Relations.

KHMER ROUGE DEFINITION OF WORDS

- ◆ The Khmer Rouge’s definition of the word “Great”: If you have done something great, it means you have done it very well and right in accordance with the Party’s guideline. Therefore, the greatness in something is that you have done it well, fast, in quantity and without any mistake. That means you have not made any mistake concerning the Party’s political line as well as technical work. (Excepted from *Revolutionary Youth*, Issue 2, February 1976)

- ◆ The Khmer Rouge’s definition of the word “Violence”: Use of force by people or a political group to smash their life-and-death enemies. (Excepted from the book: *Geography of Democratic Kampuchea*, for second grade education, printed in 1977)

- ◆ Definition of the word “Violence”: The act of persecuting, avenging, doing bad things to each other. For example, “There should be no violence between people.” (From dictionary printed in 1967)



THE KHMER ROUGE AND THE VIETNAMESE COMMUNISTS: HISTORY OF THEIR RELATIONS AS TOLD IN THE SOVIET ARCHIVES

Dmitry Mosyakov

To this day, the real history of relations between the Khmer communists and their Vietnamese colleagues is enclosed in a veil of secrecy. Despite extensive research on this theme in Russia and abroad, there are still no reliable answers to many key questions. The history of relations between Pol Pot and the Khmer Rouge is construed in Vietnam in a way which sometimes has nothing to do with the story told in the West. Statements of some Khmer Rouge leaders like Khieu Samphan or Ieng Sary, who have recently defected to the governmental camp in Phnom Penh and say what people want to hear, are not to be trusted either. All this supports the assumption that the analysis of relations between Hanoi and the Khmer Rouge is not only a historical problem. There is still a political component, which encumbers its objective study.

The author endeavors to tackle this problem and to present to the reader an objective and impartial picture of what was happening. The research is based on a study of the former USSR's archival materials (diaries of Soviet ambassadors in Vietnam, records of conversations with ranking members of the Vietnamese government, analytical notes, political letters of the Soviet embassy in the SRV, and other documents) deposited in the Russian State Archive of Modern History (RSAMH).

Along with other sources, such as the French colonial archives and interviews with Vietnamese and Cambodian participants (see Ben Kiernan, *How Pol Pot Came to Power: A History of Communism in Kampuchea, 1930-1975*, London, Verso, 1985), this work allows us to give objective and reasonably complete answers to the question at issue.

Relations between Khmer and Vietnamese communists have passed through some major periods of development. In the first period, which can be determined to span from 1930 to 1954, a small Khmer section of the Indochina Communist Party (ICP) was under full ideological and organizational control of the Vietnamese communists. During the years of struggle for liberation from the governance of France (1946-1954), the strength

of this section grew continuously due to ICP recruitment of the most radical participants in the anti-colonial struggle. The Khmer Rouge People's Revolutionary Party (KPRP) was founded in June 1951 on this basis. The leaders of this party, Son Ngoc Minh, Sieu Heng, and Tou Samut, acted hand in hand with the Vietnamese in the anti-colonial war, and were truly valid allies and strict executors of all the plans drafted by the ICP.

The 1954 Geneva Agreements on Indochina drastically changed relations between Khmer and Vietnamese communists. The Vietnamese withdrew their forces from Cambodia in accordance with the Agreements, but as distinct from Laos (where the so-called free zone in the region of Sam Neua was controlled by the communists), Hanoi could not ensure the same conditions for their Khmer allies. The Vietnamese, under pressure from the Sihanouk regime and its Western allies, did not even let the Khmer communists participate in the Geneva negotiations, and by the end of 1954 had withdrawn their combat forces from the regions of Cambodia which were under their control. Hereupon Khmer Royal Forces entered all zones that had been under KPRP authority, which forced the party underground. The consolation offered by Hanoi, granting two thousand of their allies the possibility of taking cover in the territory of North Vietnam (Nayan Chanda, *Brother Enemy*, N.Y., 1986, p. 59), was obviously disproportionate to their contribution to a joint struggle. Therefore among the Khmer communists remaining in Cambodia, the story gained currency that Hanoi had simply betrayed them, used them as hostages for the sake of reaching agreement with the then-leader of Cambodia, Norodom Sihanouk. The evaluation of the Vietnamese operations of those days as an "unrighteous betrayal of the Cambodia revolution" (W. Shawcross, *Sideshow: Kissinger, Nixon and the Destruction of Cambodia*, N.Y., p. 238) was later more than once reproduced in official documents of the Khmer Rouge. Pol Pot himself claimed it many times. Interestingly, Hanoi's decision was remembered in Phnom

Penh even in the eighties, when such a high-ranking official in the Phnom Penh hierarchy as the executive secretary of the pro-Vietnam United Front for National Salvation of Kampuchea, Chan Ven, was of the opinion that in 1953, “the Vietnamese had acted incorrectly by leaving us alone to face the ruling regime” (conversation with Chan Ven, Phnom Penh, July 15, 1984).

The events in Indochina in 1954 marked the beginning of a new period in relations between the Khmer and Vietnamese communists. The close partnership of 1949-1953 promptly came to naught, and the KPRP, which had lost a considerable number of its members, went underground and fell out of the field of vision of Hanoi for many years. The North Vietnamese leaders who were preparing for a renewal of armed struggle in the South, found in Sihanouk, with his anti-imperialist and anti-American rhetoric, a far more important ally than the KPRP. Moreover, Sihanouk had real power. Hanoi placed its bets on the alliance with Sihanouk, who was not only critical of the United States but also granted North Vietnam the possibility to use his territory for creating rear bases on the so-called Ho Chi Minh Trail and even to deliver ammunition and arms for the fighting in the South through the Cambodian port of Sihanoukville. (However, the Khmer retained approximately 10% of all deliveries (see Nayan Chanda, *Brother Enemy*, N.Y., 1986, pp. 61, 420). The Vietnamese did their best to strengthen this regime, and went out of their way to scrap any plans of the local communists to fight Sihanouk. Hanoi believed that “the armed struggle with the government of Sihanouk slackened it and opened a path to the intrigues of American imperialism against Kampuchea” (*On the History of the Vietnamese-Kampuchean Conflict*, Hanoi, 1979, p. 9). The Vietnamese even tried not to allow Khmer communists to leave Hanoi for Cambodia to carry out illegal work in their home country, and tried to have them keep different official positions in Vietnam (RSAMH, Fund 5, Inventory 50, File 721: Document of the USSR Embassy in the DRV, April 1, 1965, p. 142).

As to the communists operating in the territory of Cambodia, their underground organization had broken up into rather isolated fractions under heavy pressure from the authorities, and its illegal leaders wandered through the country from one secret address to another at the end of their tether. Authentic documents of this epoch were not saved. However, according to the evidence of such an

informed person as Tep Khen—a former ambassador of Heng Samrin’s regime in Phnom Penh, all documentation of the party fitted into a schoolbag, which general secretary Tou Samut and his two bodyguards carried while traveling through the country. (Conversation with Tep Khen, Moscow, March 10, 1985.) The treachery of Sieu Heng—the second most important person in the KPRP—dealt a heavy blow against the underground organization. This party leader, who had been in charge of KPRP work among peasants for several years, secretly cooperated with the special services of the ruling regime and during the period from 1955 to 1959 gave away practically all communist activists in the country to the authorities.

The prevailing obvious chaos inside the party and the absence of serious control from the Vietnamese party presented Saloth Sar (later he took the revolutionary pseudonym Pol Pot), who arrived home from France and his radical friends who had studied with him there, with huge possibilities for elevation to the highest positions in a semi-destroyed, isolated organization. The treachery of Sieu Heng did not affect them seriously, because they belonged to an urban wing of the party, headed by Tou Samut. The career growth of Pol Pot was vigorous: in 1953 he was secretary of a regional party cell, while in 1959 he made it to the post of secretary of the Phnom Penh city committee of CPRP (Conversation with Chan Ven, Phnom Penh, July 15, 1984).

When in 1962, the Sihanouk secret police laid its hands on and killed Tou Samut at a secret hide-out in Phnom Penh (four years before—in 1958—another prominent leader of the KPRP, editor of the party newspaper *Nop Bophan* had been shot and killed), Pol Pot and his friends got the unique chance to actually head the party or, more precisely, what was left of it. As early as 1960, Pol Pot had managed to assure that his evaluation of the situation in the country and his views on the tactics and strategy of political struggle were accepted as a basis for drafting a new program of the KPRP. It declared as the main cause of the party the realization of a national-democratic revolution, that is to say the struggle for the overthrow of the regime existing in the country, a policy that went counter to the interests of Hanoi. The congress approved a new Charter and formed a new Central Committee, where Pol Pot assumed the responsibilities of deputy chairman of the party.

The prevalence of new personnel was consolidated

at the next Party congress, which took place in January 1963. It was also held underground at a secret address and according to veteran communists, there were not more than 20 persons at it (conversation with Chan Ven, Phnom Penh, July 14, 1984). During this meeting a new Central Committee, wherein young radicals held one third of all 12 posts, was elected. Pol Pot himself took up the post of the general secretary and Ieng Sary became a member of the permanent bureau (To Kuyen, "The CPRP as avant-garde of the Kampuchean people," *Cong Shang*, 1983, N11-12. Cited from the Russian translation, "Questions of the History of the CPSU," N10, 1984, p. 68). Unexpectedly for the Vietnamese, Pol Pot then renamed the party: from the People's Revolutionary Party to the Communist Party of Kampuchea or CPK (conversation with Tep Khen, Moscow, March 10, 1985). Much later, explaining the reason for changing the name, Pol Pot claimed that "The Communist Party of Indochina and consequently its successor the KPRP was in due course created by the Vietnamese to occupy Cambodian and Lao lands" (Provatesat sangkhep nei pak protiatyun padevoat Kampuchea- *A Brief history of the KPRP- The Vanguard of the Working Class and All the People of Kampuchea*, Phnom Penh, 1984, p. 7).

For a long time the Vietnamese calmly watched the changes in the Khmer communist underground, practically not interfering into its business, unaware of the fact that with their involuntary help an evil, dictatorial bunch led by Pol Pot and Ieng Sary was emerging. In January 1978, the first deputy chief of the external relations department of the Communist Party of Vietnam's Central Committee, Nguyen Thanh Le, told the Soviet ambassador: "There were contradictions between Pol Pot and Ieng Sary before, so in 1963-1964 Ieng Sary left Pol Pot in the underground and went to Phnom Penh. Then Pol Pot persuaded Vietnamese friends to help him to return Ieng Sary" (RSAMH, Fund 5, Inventory 75, File 1061, record of the Soviet ambassador's conversation with the Vietnamese Communist Party Central Committee's first deputy chief of the external relations department, Nguyen Thanh Le, January 14, 1978, p. 6). It is hard to tell if this information provided by Nguyen Thanh Le recalls actual events. Pol Pot always was an "alien" for the Hanoi leaders and it is difficult to imagine that for the sake of repairing his relationship with Ieng Sary, who was no less "alien" to Hanoi, Pol Pot needed Vietnamese assistance.

Most likely, high-ranking Vietnamese officials tried to persuade their Soviet allies that Vietnam had the Khmer communist leaders under firm control.

This neglect of the Khmer communists began to change in the mid-sixties, when Hanoi realized that Sihanouk's support of North-Vietnamese policy was becoming more and more frail. The positions of opponents of friendship with Hanoi, on behalf of the powerful authoritative generals Lon Nol and Sirik Matak, became increasingly strong in Phnom Penh. Under such conditions, the Vietnamese again recalled their natural allies-the Khmer communists. However there they had to confront several of unexpected problems. The main one was that due to obvious oversight there were people in the highest posts of the Khmer Communist Party little-known to the Vietnamese, and inevitably suspect because they were educated in France, instead of in Hanoi. Besides, the majority of them had not participated in the anti-colonial war and were not checked for allegiance "to the elder brother." But the most important reason was that they quite openly criticized North Vietnamese policy towards the Cambodian ruling regime. Pol Pot, unlike his predecessors in the highest party post, rigidly defended the line that Khmer communists should act independently, fulfilling their own purposes and interests first of all, and "should carry out independent, special policy on basic matters of revolutionary struggle, theory and tactics." (Provatesat songkhep nei pak protiatyun padevoat Kampuchea, p. 6). And Hanoi should take into consideration that the young radicals had managed to win certain popularity and support in party circles by their activity and independence. The point of view of the new general secretary that "the political struggle won't bring any results" was regarded with understanding (Provatesat songkhep nei pak protiatyun padevoat Kampuchea, p. 7). That's why the foreground task of the Khmer communists should be the one of capturing power in Cambodia; the interests of "Vietnamese brothers" should not dominate in the determination of CPK policy. Also important was that for the first time since the Geneva agreements, the Khmer communists, despite instructions to support the anti-imperialist policy of Sihanouk received by Pol Pot during his secret stay in Hanoi in the summer of 1965, were prepared to move to real actions (Chanda, *Brother Enemy*, N.Y., 1986, p. 62).

(Continued in the June 2001 issue)

THE END OF THE REVOLUTION

David Ashley

(Continued from the April 2001 issue)

For those used to fighting with B-40s and heavy artillery, the change to crossbows and *punji* stakes signified the lack of progress DK was making. Meanwhile, the lack of ammunition and the need to defend the base areas led to attacks on “big population centres” and a withdrawal of forces from long-troubled interior provinces, such as Kampong Cham and Kampong Thom. Cadres at all levels of the movement could not help but conclude that the armed struggle was getting nowhere.

Second, the gamble of signing the peace agreement backfired. A protracted war against fellow Cambodians would have been bad enough, but for many hitherto loyal Khmer Rouge, after over twenty years of war, after hearing the radio’s continual promises of victory around the corner, after seeing their hopes of peace come and go with UNTAC, it was the final straw. As one former officer from Division 450 put it: “After the elections, the leadership started talking about fighting ‘till the end of the world,’ until the next generations. After the elections, there was no clear idea of how the war would end or what we were fighting for. I remember asking that question...What was the final goal? What was the means of ending the war? - but they couldn’t answer. So Pol Pot and the others were very good at making theory in terms of the 10-point elements, the 8-point this, the 6-point that and all the rest of it, but when it came to the basic question of how to end the war, they didn’t have an answer.”

Third, the temporary embrace of political and economic liberalization after 1991 severely undermined the Khmer Rouge. In spite of Pol Pot’s delusions to the contrary, the DK was far less capable than the other factions of taking advantage of political openings. Its structure, thinking and leadership were out-dated and inflexible. Its appeal had deliberately focused on an anti-Vietnamese message whose

potency steadily declined after the Vietnamese troop withdrawal in 1989. Its ideological and organizational coherence had been based on a paranoid isolation of its troops and population base from the outside world. The end to Chinese financial aid and the consequent need to let military units and individuals make a living themselves naturally led to people thinking about making money and developing contacts with people outside the movement; it also led to economic disparities within the liberated zones. The exposure to the new freedoms of trade, movement, religion, property and - not least - to peace and contemporary normality sapped the will to fight among the vast majority of the Khmer Rouge.

1994-96: Back to the Future

Faced with this situation, and as part of reorienting the movement towards a long-term struggle against the “two headed government” - the new combined enemy of communists and capitalists, foreign puppets and class enemies - Pol Pot withdrew all the post-1991 freedoms as well as the moderate “united front” policies in place since 1979. Since the West and the bourgeois forces were against the movement anyway, there was no longer any need to play by its rules. Instead, Pol Pot reintroduced the fierce class-struggle rhetoric, discipline and tactics that the movement had, supposedly, definitively renounced.

The new policy, internally referred to as “the line of peasant dictatorship” but widely considered to be no different from the communism practiced in the 1970s, applied to both the military struggle and management of “liberated” zones. Where the “weapon of the mouth” had been tried and failed, Pol Pot now reverted to his old methods. Local officials who had failed to stop working for the government could now be killed. After a decade of telling his men to avoid anything that harms the people, the new orders mandated burning villagers’ houses in order, among

other objectives, to create refugees and thus increase the burden on the government.

Internally, the aim was to reintroduce past discipline and reinvigorate the struggle. To prevent the infiltration of government spies, the leadership ended freedom of movement, and thus trade, between their zones and government areas, and dealt ruthlessly with any villagers entering DK areas without permission. To re-focus people on the struggle, it was decided that “cars, motorcycles, consumers goods are unnecessary for the liberated zones.” Markets and temples were closed down for the same reason and plans were reportedly even drawn up to confiscate televisions, ox-carts, and jewelry, and forbid anyone from having more than 1.5 rai of farmland. Those who protested were accused of being enemies - known in the rich DK vocabulary as “rotten flesh,” “bloated flesh,” “seven-type interminglers” or “spying moles” —and dealt with accordingly.

The change of policy was felt to be necessary not only for the DK to survive but also to ensure that what survived was a purer, more reliable, more “absolute” movement. Where Pol Pot had previously promoted liberalization as part of his economic and political strategy for peace, he now believed it had led to his army being seriously infected by “pacifism” and “enemy agents.” Indeed, he blamed this for the army’s failure to achieve his own extravagant expectations. In rhetoric strikingly similar to Pol Pot’s warnings that preceded the bloody purges of 1976-77, a late 1994 document claimed that the army was riddled with enemy elements: “in some of our units enemy elements comprise 50-60% of the unit in terms of organization and almost 90% in terms of views, politics, livelihood, economics, ethics and so on.” The document set out a markedly more brutal policy towards local officials and determined its implementation to be a crucial test of loyalty: “anyone who implements it is one of us, anyone who doesn’t implement it is one of ‘them’ or the enemy.” As in 1976, Pol Pot had evidently decided it was necessary to radicalize the movement in order to find out who was with him and who was against him.

The trouble was, like twenty years previously, his test showed virtually everyone to be against him. And this time Pol Pot had no security ministry with which to purge the “traitors” and no frontier forces to prevent them fleeing to the “enemy.”

The unsurprising effect of the new policy was to lead to defections every time it was employed: most notably in Ta Mok’s areas in Siem Reap-Oddor Meanchey in late 1994, in Son Sen’s areas in the West in mid-1996 and, in late 1997, when Mok reimposed the policy on Anlong Veng. Not only did the post-1994 changes remove any economic benefit of remaining in the movement - indeed, they made the movement economically unsustainable - but they also removed any incentive to fight for victory. As one cadre in Phnom Malai put it: “Pol Pot had always said that with one more effort the other side would collapse and we’d win but now people saw that if we won we’d return to the ‘three years’ period” [i.e., 1975-78].

The Government Factor

Resentment at the unending war and the return to the “policies and practices of the recent past” was common throughout the movement. But developments in Phnom Penh also meant that individual Khmer Rouge soldiers, units and, subsequently, entire regions, not only had the motive but also the means to “defect.” After 1993, the DK had lost not only its international friends but also its domestic allies; former battlefield comrades were now battlefield foes. This affected morale and directly weakened the DK’s military and political prospects. More important, it gave many in the movement the confidence and the contacts to negotiate their own defections. Beginning in 1993 and continuing throughout the following five years, a steady stream of defectors made use of either their historical contacts with FUNCINPEC military officers or of their economic ties to CPP army commanders, forged in the 1991-94 years when trade was official DK policy. Over time, everyone in the movement had colleagues and relatives on the government side whom it was possible to contact and arrange a move.

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that because some of the Khmer Rouge leaders had doctorates, their policies were necessarily well-conceived and legitimate.

Predictions of famine by Western intelligence sources for 1977, the year following the publication of *Cambodia: Starvation and Revolution*, are dismissed by P-H in light of FUNK broadcasts that claimed superb rice harvests due to superior two-cycle rice farming under Khmer Rouge leadership. They write:

“Tiev Chin Leng, former director of the port of Sihanoukville and a member of the NUFK [FUNK] residing in Paris, stated that the 1975 crop amounted to 3.25 million tons of paddy, or about 2.2 million tons of rice. For the Cambodian people this bumper harvest represents 250 grams of rice per meal per adult, and 350 grams per meal to workers on the production force.... In addition meat eating has increased; in the past, under the influence of Buddhist tradition, the peasants took little part in the slaughtering of animals, and ate very little meat.” Both points (including the statistics) reappear Malcolm Caldwell’s posthumously published monograph *Kampuchea: Rationale for a Rural Policy* (1979). Caldwell, who was one of the Khmer Rouge’s most ardent supporters, was mysteriously killed in Phnom Penh on the eve of the Vietnamese invasion. The gullibility of P-H seems, in retrospect, mind-boggling. However, that was not the end of it. For instance, P-H believed that forcing monks to work was not an act that could “fairly be represented as religious persecution,” because everyone else, old and young, was forced to work too.

Although *Cambodia: Starvation and Revolution* is about Cambodia, a good portion of it is devoted to blaming America for any alleged starvation that might be pinned on the Khmer Rouge. According to P-H, if there was any starvation at all, it was tempered by the Khmer Rouge’s liberation of Phnom Penh and the evacuation that ensued. P-H leave no stone unturned in their critique of U.S. intervention and its destruction of Cambodia. They describe a scissors-like extraction mechanism curiously like the Soviet law of primitive socialist accumulation, when they explain that modern industry would be fueled by “capital raised by the

expansion of agricultural production.” Their conclusion makes Cambodia the victim not of the Khmer Rouge, but of America and the half-decade of underdevelopment and destruction caused by U.S. bombs. In addition, they claim that the U.S. media was a co-conspirator in this cover-up, because the media failed to do justice to Cambodia. P-H conclude that:

“Cambodia is only the latest victim of the enforcement of an ideology that demands that social revolutions be portrayed as negatively as possible, rather than as responses to real human needs which the existing social and economic structure was incapable of meeting. In Cambodia - as in Vietnam and Laos - the systematic process of mythmaking must be seen as an attempt to justify the massive death machine which was turned against a defenseless population in a vain effort to crush their revolution.”

As P-H romanticize the politically correct “social revolutions,” they reveal their true motive: defending revolution by any means necessary. Far from being scholarly or objective, they make evident their biases by citing, without so much as a reservation or qualification, the propaganda which forms their defense of the Khmer Revolution and, by extension, the Khmer Rouge themselves. In retrospect, what they achieved was temporary obfuscation of the events unfolding in Democratic Kampuchea following April 1975. From an entire world away and perched on their academic highchairs, Gareth Parter and George C. Hildebrand, two politically correct academics (among many), played an important role in romanticizing the Khmer Rouge revolution and legitimizing the Khmer Rouge for the next three years.

Please send letters or articles to
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THIS LAW WAS ADOPTED BY THE NATIONAL ASSEMBLY OF THE KINGDOM OF CAMBODIA ON 02 JANUARY 2001, DURING THE 5TH ORDINARY SESSION OF ITS 2ND LEGISLATURE

**PHNOM PENH, ON JANUARY 2, 2001
THE PRESIDENT OF THE NATIONAL ASSEMBLY**

**DOCUMENTATION CENTER OF CAMBODIA
Phnom Penh, Cambodia**

**MINUTES ON THE SESSION OF THE NATIONAL ASSEMBLY OF
THE KINGDOM OF CAMBODIA**

**A DRAFT LAW ON THE ESTABLISHMENT OF EXTRA-ORDINARY CHAMBERS
IN THE COURTS OF CAMBODIA FOR PROSECUTING CRIMES COMMITTED
DURING THE PERIOD OF DEMOCRATIC KAMPUCHEA**

(Continued from the April 2001 issue)

Samdech Heng Samrin:

After the approval of Chapter IX. Please, Chairman of the Commission, read Chapter X.

His Excellency Mr. Maoh Sophan:

CHAPTER X: TRIAL PROCEEDINGS OF THE EXTRA-ORDINARY CHAMBERS

Article 33

The Extra-Ordinary Chambers of the trial court shall ensure that trials are fair and expeditious and are conducted in accordance with existing procedures in force, with full respect for the rights of the accused and for the protection of victims and witnesses. If necessary, and if there are lacunae in these existing procedures, guidance may be sought in procedural rules established at the international level. Suspects who have been indicated and arrested shall be brought to the trial court according to existing procedures in force. The Royal Government of Cambodia shall guarantee the security of the suspects who appear voluntarily before the court and its responsibilities in taking measures for the arrest of the Suspects prosecuted under this law. Justice police shall be assisted by other law enforcement elements of the Royal Government of Cambodia, including its armed forces, in order to ensure that accused persons are brought into custody immediately. Conditions for the arrest and the custody of the accused shall conform to existing law in force. The Court shall provide for the protection victims and witnesses. Such protection measures shall include, but shall be not limited to, the conduct of in camera proceedings and the protection of the victims' identity.

Article 34

Trials shall be public unless in exceptional circumstances the Extra-Ordinary Chambers decide to close the proceedings for good cause in accordance with existing procedures in force.

Article 35

The accused shall be presumed innocent until proven guilty. In determining charges against the accused, the accused shall be entitled to the following minimum guarantees, in equal fashion:

- a) To be informed promptly and in detail in a language that they understand of the nature and cause of charge against them;
- b) To have adequate time to be prepared and contact their counsel;
- c) To be tried without delay;
- d) To defend themselves or with the assistance of their counsel;
- e) To examine evidence against them and obtain the attendance and examination of



evidence on their behalf under the same conditions as evidence against them; f) To have the free assistance of an interpreter if the accused cannot understand or does not speak the language used in the court; and g) Not to be compelled to testify against themselves or to confess guilt.

Article 36

The Extra-Ordinary Chambers of the appeals court shall decide the appeals from the accused persons, the victims, or by the Co-prosecutors on the following grounds:

- an error of fact
- an error of law.

The Extra-Ordinary Chambers of the appeals court shall review the decision of the Extra-Ordinary Chambers of the trial court and may affirm, reverse or modify the decision. In this case, the Extra-Ordinary Chambers of the appeals court may apply existing procedures in force. If necessary, and if there are lacunae in these existing prosecutors, guidance may be sought in procedural rules established at the international level.

Article 37

The Extra-Ordinary Chambers of the Supreme Court shall decide appeals made by the accused, the victims, or the Co-prosecutors against the decision of the Extra-Ordinary Chambers of the appeals court. In this case, the Supreme Court shall make final decisions on both issues of law and fact, and shall not return the case to the Extra-Ordinary Chambers of the appeals court. I would like to present Chapter X to the Floor to debate and vote. Thank you.

Samdech Heng Samrin:

Please, the Floor, debate on Chapter X. Please, Excellency Sam Rainsy.

His Excellency Mr. Sam Rainsy:

Thank you, Samdech President, the Floor, again, the Government Representative. I am happy to see that the last paragraph of Article 33 says that the Chambers shall provide protection to victims and witnesses. This is important not only for the defendants but also the suspects. We must consider their safety, interests, and rights. We also have to consider the safety and interests of victims and witnesses who are brave enough to volunteer as witnesses and describe what they suffered or what they saw. Some may be too scared to testify. And I believe that all of the people of Cambodia are also scared that after the trial, pressure will be put on the victims or they will be persecuted for telling the truth in front of the court. So, I would like the government representative to comment a little bit on this. What measures will be taken to guarantee the protection of victims and witnesses after they have testified before the court? Thank you.

Samdech Heng Samrin:

Please, Senior Minister.

His Excellency Mr. Sok An:

Again, Samdech President, on Article 33, yes, on the proceedings of the Extra-Ordinary Chambers. The main point of Article 33 is the implementation of existing legal procedures in effect where we follow a principle of existing structure. The last paragraph also stresses the points on suspects, victims and witnesses. So, it is important that victims and witnesses provide a lot of information so that the trial has the legal basis and legal arguments to be effective. Thus, it is important to encourage victims and prospective witnesses, if they dare to talk, to contribute to the value of this task. The last paragraph is short but clear. The first point on protection is like that of confidential trial [testimony]: no names. Generally, trials should be open and public. But in the case where judges see that there is a need to protect witnesses or victims, they can proceed to impose confidentially. It is not only one measure, it is more than this. Yes, the spirit of the last paragraph is more than this. We cannot foresee of the measures needed to protect many different sources. For example, judges will consider measures to provide for the safety of victims and witnesses who dare to participate. And it is at this point that we talk about the protection of identity. There can be other measures that the trial will consider appropriate to each case. So, we can't foresee all the measures that are appropriate for each situation. That is, only when the case arises and based on this law (based on the spirit of Article 33, especially its last paragraph) will the Extra-Ordinary Chambers decide what measures to take. That is all.

Samdech Heng Samrin:

If there are no more opinions, please vote on Chapter X.

Secretary of the Parliamentary Session:

Samdech President Excellency Vice President, the Floor, the vote in support of Chapter X of this draft law is 92 of 92. Thank you.

Samdech Heng Samrin:

After the approval of chapter X, please, Chairman of the Commission, read Chapter XI.

His Excellency Mr. Maoh Sophan:

I would like to read Chapter XI.

CHAPTER XI: PENALTIES

Article 38

All penalties shall be limited to imprisonment.

Article 39

Those who have committed crimes as provided in Articles 3, 4, 5, 6, 7, and 8 shall be sentenced to a prison term of from five years to life imprisonment. In addition to imprisonment, the Extra-Ordinary Chambers of the trial court may order the confiscation of personal property, money, and real property acquired unlawfully or by criminal conduct. The confiscated property shall be returned to the State. I would like to present to the floor Chapter XI for debate and vote. Thank you.

Samdech Heng Samrin:

The Floor, please, debate Chapter XI. If the Floor concurs on this chapter, please do so by a show of hands.

Secretary of the Parliamentary Session:

Samdech President, Excellency Vice President, the Floor, the vote in support of Chapter XI of this draft law is 91 out of 92. Thank you.

Samdech Heng Samrin:

After the approval of Chapter XI, please, Chairman of the Commission, read Chapter XII.

His Excellency Mr. Maoh Sophan:

CHAPTER XII: AMNESTY AND PARDONS

Article 40

The Royal Government of Cambodia shall not request an amnesty or pardon for any persons who may be investigated for or convicted of crimes referred to in Articles 3, 4, 5, 6, 7, and 8 of this law.

I would like to present to the Floor Chapter XII for debate and vote. Thank you.

Samdech Heng Samrin:

Please, Excellency Cheam Yiep.

His Excellency Mr. Cheam Yiep:

Samdech President of the National Assembly, the Floor, I think Chapter XII of this draft law on amnesty and pardons is important; so I would like to ask Excellency Representative of government about the reasons the government wrote Article 40, and how. Considering the Constitution of 1983 and the amendment of 1999, we see that Chapter II, Article 27 provides for amnesty. New Article 90 of Chapter VII of the constitution provides in paragraph 4 that the National Assembly adopted laws on general amnesty. So, according to the constitution, there are only two [who can grant amnesty]: the King and the National Assembly. So this article says that the government cannot request [amnesty]. I wonder why do we need that article? My research says that the King has the royal rights to provide amnesty, in French,, that is, the King can order a release, but if the court can decide whether it will require that compensation be paid for damages, that property be confiscated, or that the person be released. This is no problem. But if the National Assembly adopted a law on general amnesty, that means no guilt, no court decision. Meaning no need for a court decision. That is, if the National Assembly decides to release someone, the release will take place without any compensation, nothing. So, I would like the government representative to elaborate on the reasons. I do agree with this, but I have doubts. The constitution has two articles, Chapter II, article 27, and Chapter VII, article 90, one applying to the King, and the other to the National Assembly. So, why has the government included this article? I would only like to have a clarification. That is all. Thank you.

Samdech Heng Samrin:



Please representative of the government.

His Excellency Mr. Sok An:

Samdech President again. Excellency Cheam Yiep has noticed an important point. I have earlier mentioned about the four steps of compromise between the government and Excellency Secretary General of the UN. This is Article 40. I did not mention this in the four steps, but this point is within the scope of the four steps. The four points determined in the four steps are those I mentioned the other day. But actually, this has also been the focus of long and deep discussions.

The UN Secretary General requested that Article 40 be written not to provide amnesty. That is, there will be no amnesty after a conviction by the tribunal. The government replied that Article 40 could not be promulgated as they wanted because it is contrary to the spirit of the 1993 constitution of the Kingdom of Cambodia, which provides royal rights to the King for providing amnesty and the right of the National Assembly to also provide amnesty. So, we could not write Article 40 to conform to the original idea of the UN Secretary General.

Thus, we had to seek a common formula. The Government thought that it would promise that it will not ask for amnesty. This point was discussed for a long time. I recalled that the UN agreed with us on this point. They agreed with our explanation that for all previous important amnesty requests, the King examined the request by the government and National Assembly. Considering this point, we finally came to a compromise saying only that the government will not request amnesty. So, I think Article 40 conforms to the spirit of our constitution, and it takes into consideration the work done so far. They agreed and asked me to write to them about the process that has existed in the past. In the letter, we did not mention any principles or ideas that differ from Article 40. I only informed them that we had done this and that before. I replied that they saw the process was what we explained to them at the negotiation table, so they agreed with us. This is in answer to Cheam Yiep who has asked why Article 40 provides for no amnesty. That is all.

Samdech Heng Samrin:

I would like the Floor to vote on Chapter XII.

Secretary of the Parliamentary Session:

Samdech President, Excellency Vice President, and the Floor, the support for Chapter XII of this draft law is 92 out of 92. Thank you.

Samdech Heng Samrin:

After the approval of Chapter XII, please, Chairman of the Commission, read Chapter XIII.

His Excellency Mr. Maoh Sophan:

CHAPTER XIII: STATUS, RIGHTS, PRIVILEGES AND IMMUNITIES

Article 41

The foreign judges, the foreign Co-Investigating Judge, the foreign Co-Prosecutor and the Deputy Director of the Office of Administration, together with their families forming part of their household, shall enjoy all of the privileges and immunities, exemptions and facilities accorded to diplomatic agents in accordance with the 1961 Vienna Convention on Diplomatic Relations. Such officials shall enjoy exemption from taxation in Cambodia on their salaries, emoluments and allowances.

Article 42

1. Cambodian personnel shall be accorded immunity from the legal process in respect of words spoken or written and all acts performed by them in their official capacity.

2. Foreign personnel shall be accorded, in addition:

a. immunity from the legal process in respect of words spoken or written and all acts performed by them in their official capacity.

b. immunity from taxation on salaries, allowances and emoluments paid to them by contributing States of the United Nations Trust Fund;

c. immunity from immigration restrictions;

d. the right to import free of duties and taxes, except for payment for services, their furniture and effects at the time of first taking up their official duties in Cambodia. **(Continued in the June 2001 issue)**

THE KHMER ROUGE: AN OLD STORY TO MOST, BUT A NEW ONE TO ME

Sopheak Sim

I was not born when the historical events of 17 April 1975 occurred. Because I was not to be born for another five years, I could have had very little knowledge - almost nothing, in fact - about what really happened at that time. However, through my work at the Documentation Center of Cambodia (DC-Cam) as computer graphics designer for DC-Cam's Searching for the Truth magazine, and also through my parents telling me about the events of that day, I have been able to understand that 17 April 1975 was the day on which the Khmer Rouge liberated and took control of the city of Phnom Penh.

My parents told me that all the people of Cambodia were very happy that day, smiling and celebrating the victory. Unfortunately, 17 April was also a threshold, marking the point where their gladness became the greatest sadness of their lives. As I was told, at about eleven o'clock on that day, Khmer Rouge soldiers ordered people to pack up their things and leave the city within the next three days so they could build a new city. Because no one knew the real intent of the evacuation plan, they followed the Khmer Rouge's orders with doubt and fear in their minds. Some managed to take clothes and jewelry along with them, while others had almost no time to pack. They took only clothes because the Khmer Rouge soldiers told them that there was no need for them to take more belongings, as Angkar would allow them to return home in the next three days. The

streets were filled with crowds of people, many trekking, some pedaling, and others traveling by ox cart, depending on what they could afford. Sounds of sporadic gunfire were heard as people left the city.

My parents and my siblings traveled on foot through the huge mobs of people. My family members walked hand in hand so that no one would become lost or separated. To their shock, they saw the bodies of people who had died on the streets for no apparent reason. My parents said they saw three to four Khmer Rouge soldiers, all in black pajamas, with guns in hand, walk some five or six shirtless Lon Nol soldiers to an unknown destination. As my parents walked, they also saw patients who were forced out of a hospital and onto the streets.

On that day, the Khmer Rouge sought to evacuate city dwellers from the cities to the provinces and provincial residents from the provinces to far-off places in the countryside. All that happened during the Khmer Rouge period was an old story, but it is a brand new one to me. At school, almost all of my classmates were not taught the history of the Khmer Rouge at all. It would be the saddest thing, and a source of great risk, if such a regime were ever allowed to take power

again. I have found no satisfying reasons as to why the Khmer Rouge - who like me are of Khmer blood - inflicted such acts of cruelty and inhumanity on their own race. I just want to know who the masterminds of the killing field regime really were.



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THE FACTS

Paris, 24 January 2001

Dear Director and Staff of the Documentation Center of Cambodia:

My name is Pao Pich (Ms.). I was born in 1951 and currently live at 14 Avenue de la Commune de Paris 9440, Vitry sur Seine, France. I was also one of the victims of the Khmer Rouge genocidal regime. I fled my homeland on 14 July 1978 during the reign of Democratic Kampuchea, and arrived in Thailand on 20 July 1978. Then, I went to France and have lived there ever since.

Through my reading of *Searching for the Truth* magazine of the Documentation Center of Cambodia, and my knowledge and experience from living through the regime, I have been able to understand the facts of what happened during the Khmer Rouge regime to a greater extent. I read the magazine again and again with growing impressions. I sincerely feel that I want to share my contributions too, and of course attach myself to the importance of preserving history and finding justice for the crimes of the Khmer Rouge through an international tribunal.

Of course, it is quite a great challenge with a lot of difficulties since we will have to deal with a number of ruling political leaders who used to aid and abet in [the Khmer Rouge killing fields] and who are now working very hard to put themselves in the clear and enjoy their impunity. In doing so, they are propagandizing through their different political parties to gain the people's support in the following ways:

- 1) It is a waste of time trying to prosecute the Khmer Rouge when Cambodia's greatest priorities at the moment are to address poverty rather than a Khmer Rouge trial.
- 2) It is a past history almost forgotten by all the people, and digging it up may stir up psychological war in Cambodian society.
- 3) It is because the invading American imperialists are backing the genocide researchers.
- 4) Often, when I find myself in a meeting with many Cambodian people, they seem to have clashing views; for example, if anyone among them recalls their sufferings during the Khmer Rouge rule, another one will rise up and strongly oppose the former, saying he/she is in favor of the policy of the invading Vietnamese who want to swallow Cambodia's territory.

Such accusations, degradations and bans on speaking the truth for political reasons are a major issue we shall focus on and further analyze in light of such propaganda to ensure the standard of justice and fairness. It will provide us with heightened knowledge in response to all kinds of ill-intended propaganda.

You and your staff are the genuine representatives of the Cambodian people with no less great knowledge than those of other races, whose names were celebrated during the Angkorian time, who had fought for the cause of strengthening and constructing our nation and race. I especially wish you and your staff the best of health, longest age, increased knowledge, bravery, and success in facing every obstacle.

KHMER ROUGE SONG:

LIGHT OF THE NEW CAMBODIA BRIGHTLY SHINES UPON OUR NEW RICE PADDIES

Compiled by Sayana Ser

Look at those checker-board patterned lines of rice embankments beautifully built by all the farmers, peasants and combatants of our collective!

The main dams near that stream are running parallel, like rows of straight lines into the distance. They really are no different from straight lines. They bring a big smile to our country and enable self-sufficiency.

Lines of streamlets intersect which run along the embankments of the near and far rice fields. The streams, small and big, bring abundant water from the main waterway near our village.

Look at those beautiful and green rice seedlings! Look South! You will see the water flowing. Look North! You will see the high mountains. Our huge paddies really stand out with the beautiful dams.

How beautiful and new our embankments are! It is by the hands of our people, the fresh and genuine farmers of Kampuchea, and with the support of our Angkar, that they were built.

We farmers are so delighted, it is as if we were born anew into a bright era, one that is marvelous, glorious and prosperous under the leadership of our Angkar.

The wonders of Angkor are such an admiration, but what really is better, like a real diamond, is our paddies of millions of hectares throughout the country that bring about abundant harvests.

The rice embankments have turned out to be great. They are such a giant garden of millions of hectares of grains, bringing about power, prosperity and happiness to our wonderful motherland.

Oh! The greatness of Angkar! We have such a great guideline molded by the wisdom of our great leaders that enables us to triumph in a great victory historically marked on 17 April 1975.

The guideline to build our motherland is so brilliant and brings us such great accomplishments. We farmers pledge to be united as one core force to increase productivity for our nation.

We make every effort to build dams and lengthen canals. It is our pleasure to address the challenges facing us. We have achieved self-mastery in terms of water supply. That will enable us to move ahead at a great leap forward with our rice farming. That will enrich our rice productivity and we will have abundant harvests.

With the merits of Angkar we turn our tasks into a great movement, a great leap forward to build our country for a great prosperity.

In so doing, we will have a widespread reputation and glory. Under the brilliant leadership of our Angkar, our people will enjoy happiness forever.

**ដើម្បីទប់ទល់ការបោះពុម្ពនិងចែកចាយដោយឥតគិតថ្លៃដល់មន្ទីរស្រុកនិងឃុំនៅទូទាំងព្រះរាជាណាចក្រកម្ពុជា
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មជ្ឈមណ្ឌលឯកសារកម្ពុជាអំពីព្រឹត្តិការណ៍កម្ពុជា មូលនិធិព្រឹត្តិការណ៍ និងសាធារណជនគ្រប់រូប សូមជួយទប់ទល់ការបោះពុម្ពផ្សាយទស្សនាវដ្តីនេះទៅតាមលទ្ធភាពដែលអាចធ្វើបាន។ ព័ត៌មានបន្ថែមចំពោះការបោះពុម្ពផ្សាយទស្សនាវដ្តីស្វែងរកការពិត សូមមេត្តាទាក់ទងមកតាមមជ្ឈមណ្ឌលឯកសារកម្ពុជាតាមទូរស័ព្ទលេខ (៨៥៥) ២៣ ២១១ ៨៧៥។ សូមអរគុណ!

The 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 By Email: dccam@bigpond.com.kh. Thank you.

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