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KHMER ROUGE ARTS

KR POEM: Determine to Turn OurBack Cover



Angkar's Daughter

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Prakas No.0291 P.M99
August 2, 1999.

Photographs by the Documentation Center of
Cambodia and Tuol Sleng Genocide Museum.

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Letter :

THE HISTORIC NATURE OF THE KHMER ROUGE TRIAL LAW

On Friday, August 10, 2001, King Norodom Sihanouk signed a law on the establishment of a Khmer Rouge tribunal. This event represents an historic achievement in three respects.

First, this is the first time that a law has been enacted in Cambodia to prosecute the country's national leaders. The hybrid Cambodian-UN tribunal will serve as a role model for dealing with any future crises that may be caused by national leaders. Second, the right to life, which was so casually violated in the past, will be promoted and protected. It will also mark the end of the culture of impunity that has characterized Cambodia for the past quarter century. Third, the tribunal's legal proceedings will help our country move toward a truly democratic society.

The trial law will also be an intervention. It will help right past wrongs while simultaneously serving to warn against violations, both in the present and the future. And as with all efforts made to build societies, the tribunal will encounter problems that must be worked out.

This, however, should not necessarily be

seen as a bad thing. Rather, it should be viewed as a step on the road to democracy, which, with the cooperation and participation of all segments of society, will lead to a more just future with greater safeguards for the promotion and protection of human rights for all.

Article 1 of the law states: "The purpose of this law is to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979."

Article 3 provides for the punishment of any violation of certain articles. It states: "The penalty for conviction under Articles 209, 500, 506 or 507 of the 1956 Penal Code shall be limited to a maximum of life imprisonment, in accordance with Article 32 of the Constitution of the Kingdom of Cambodia, and as further stipulated in Articles 38 and 39 of this Law."

Youk Chhang



THE STANDING COMMITTEE MEETING, OCTOBER 9, 1975

Sophearith Chuong

The October 9, 1975 “Standing Meeting” of the Communist Party of Kampuchea’s Standing Committee had three items on its agenda: 1) the separation of tasks and procedures, 2) arrangements for communal living (collectivity), and 3) task assignments in the commercial and military sectors.

1. The Separation of Tasks and Procedures

Based on an earlier decision, the Standing Committee assigned tasks to the following individuals: 1) The Committee’s Secretary, Comrade Secretary (Pol Pot), was made responsible for the military and economic sectors. 2) Its Deputy Secretary, Comrade Deputy Secretary (Nuon Chea), was given responsibility for social and cultural affairs, information and education. 3) Comrade Van (Ieng Sary) was made the minister of foreign affairs of Democratic Kampuchea, where he was to be responsible for foreign affairs in the framework of both the party and state. 4) Comrade Hem (Khieu Samphan) was nominated as president of the State Presidium, where he was to be responsible for government fronts and commercial activities in the field of bookkeeping and pricing. 5) Comrade Thuch (Koy Thuon) was made minister commerce, where he would oversee domestic and international commercial activities. 6) Comrade Khieu (Son Sen) was made minister of defense, where he was to be responsible for both staff and security. 7) Comrade Vorn (Vorn Vet) was made minister of industry and fisheries. 8) Comrade Doeun was selected to be chief of the political department of Unit 870. 9) Comrade Phea (Ieng Thirith) was made responsible for the cultural sector, social affairs, and foreign affairs. 10) Comrade At (Yun Yat) was to be responsible for internal and external education campaigns. 11) Comrade Chey was made responsible for the agricultural sector. 12) Comrade Yem was made responsible for the office administration of Unit 870. 13) Comrade Pang was made responsible for governmental departments.

The Standing Committee believed that two main shortcomings needed correction. First, too many tasks fell

on Unit 870 (of the Central Political Body), which was responsible for both internal and international affairs and defense. Second, there were not enough qualified cadres to fill the positions needed. It planned to implement two measures to improve on these shortcomings: try to achieve the correct allocation of labor, and get cadre selection underway.

For the above-mentioned measures, the meeting decided that every sector had to obtain self-mastery in all areas of implementing the party’s guidelines and decisions. All sectors had to take the initiative in working with thoroughness and speed. They also had to know how to use party guidelines and decisions in the most appropriate and creative ways. In addition, a committee was to spread information to members and take initiatives. In proposing a project, all sectors had to ask for permission from the Standing Committee. The Committee then mentioned two points that were to be avoided: 1) If questions are directed only to the Standing [Committee], there would be no Democratic Centralism. If all tasks were concentrated on the Committee, [it] would be too exhausted to handle them. 2) Doing things without the Committee’s approval is unacceptable.

Whether the decisions made by the Committee could be accomplished successfully or not would be characterized by the level of public comprehension. Cadres were not just document compilers; they were also document analysts. But the meeting decided that tasks should be done scientifically in order to upgrade the level of self-mastery.

At the meeting, it was requested that minutes be taken carefully and precisely. Accurate responses were to be made in regards to any prospective questions, including the decisions of the party and date of the meeting. If the minutes were not clear, they would be time-consuming to review. The Standing Committee had two ways of working: communally and separately. During the meeting, the Standing Committee decided that every cadre had to make his/her respective report, unless such

work had been undertaken by comrade Doeun alone. It was decided that from then on, there must be separate responsibility. The work would be done as long as active cadre assistants were recruited. The selection procedures would be carried out following the discussion.

2. Arrangements for Communal Living

Following the meeting's decision, arrangements for communal living were to proceed as of October 15, 1975. Every cadre defined in point number 1 of the meeting would work in his or her respective field. Meals were to be organized in respective places of assigned responsibility.

3. Task Assignments in the Commercial and Military Sectors

It was decided that assignments for the military sector were to be discussed at this meeting, while commercial tasks would be taken into consideration at the next discussion.

The Committee determined that the military sector would be divided into three parts. The first part would be staff arrangements. The second part was the arrangement of forces to be dispatched to Rattanak Kiri and Mondul Kiri, and the third was the Unification of Divisions.

a) Staff Arrangements

It was decided that there would be three tasks for staff arrangement: political, military and logistical. Political affairs would be the responsibility of Comrade Khieu. Military sections would be responsible for the general direction of divisions, new recruits, marine corps, air force and military camps, and combat guidelines. The logistical section was required to have weapons, ammunition, food supplies, clothes, means of transportation and medical supplies.

The staff goals were to open military training courses for the remaining military cadres, take down the histories of soldiers, screen soldiers, assign the party committee and organize military conferences.

b) Arrangement of Forces to be Dispatched to Rattanak Kiri and Mondul Kiri

For the preparation of forces for provinces in the Northeast Zone, the meeting decided to have a division deployed in Stung Treng and Rattanak Kiri provinces. Kratie was also to have a division.

Military positions in Mondul Kiri were targeted for

Mreuch, Koh Mnheul, Oreang and La Pal Khe. If Angkar made any decisions in the coming dry season, military troops would be deployed at the aforementioned locations.

c) Unification of Divisions

To standardize the divisions, the Standing Committee suggested that each division should have three regiments, three 105mm guns, and three 12.7mm guns with 400 male and female military forces. In principle, the meeting decided to visit and examine the locations by the end of October 1975 (about a week after the meeting). New marine corps, air force, artillery and radio personnel would be recruited with a view to having all ready as soon as possible and to dissolving Division 11 and integrating it into other divisions. Logistics forces were to be reinforced for the purpose of preparing supplies of shells, fighter planes, etc. Other work to be done was to prepare sub-machine guns to be stocked in Phnom Penh and rice to be stocked for self-sufficiency. The Committee also wanted to make plans for building an arsenal in Kirirom and a military workshop for creating new model weapons.

In terms of staff arrangements, the meeting also referred to Chinese aid, especially to the marine corps, air force and radio section. The Chinese had gone down to a marine corps position in the port of Chke Prus, where they found certain good points (e.g., good people, fresh water, mountains, national road No. 4). Bad points included curved canals with deepening sandy bottoms and high transportation costs due to the distance from battlefronts. The meeting decided to set up radar positions in Bokor and the islands of Koh Sanloem and Koh Kong.

The air force of Democratic Kampuchea had two divisions: radar and aircraft. The radar division was responsible for following up on situations and making reports. It was decided that the radar positions were to be located in Thmat Pong, Battambang and Phnom Krom (the Chinese wanted to locate radar in the cities of Andong Toek and Trapeang Rong). They examined airbases in the provinces of Kampong Cham, Battambang and Oddar Meanchey. After the examination, 100 aircraft, including T-28s and C-41s, were operable. Three C-47s were standing in Oddar Meanchey. The Chinese proposed to have equipment and fuel documents sent to Office 123, and that arrangements be made for medical checkups for

pilots. They also requested that Pochentong Airport be renovated and flights extended to Siem Reap and Oddar Meanchey.

The walkie-talkie section that was in effect during the war was to be used for spying. The number of military personnel in this section had to be 1500. The Chinese proposal regarding this section was that walkie-talkies should be installed first in Sihanoukville, that coverage be extended later along national road No. 3, and that wire-tapping and wireless networks were required. However, Angkar's aim was to have them installed in around the sea and in Rattanak Kiri.

In addition, Comrade Secretary suggested, "Generally speaking, [we are] in total agreement with the proposal. The issue remaining is guiding procedures, which must be collective, as the new work needs collective concepts." Comrade Secretary pointed out that the military technical field faced serious obstacles and needed the committee's assistance in political, military and logistical terms.

The requests of the Comrade Secretary included: 1) Keep certain cadres for the management of "revolutionary outlook on life" and "biographies." 2) Education will be smooth under the management of Comrade Khieu. 3) Political educational sessions will also be made possible by leaders of groups, squads, combatants and the divisional secretary. Comrade Secretary requested, "The training sessions in the party school are nothing but grasping hold of general perspectives. Therefore, the selection of either a battalion or regiment for correct biographies will be enough, meaning they could be integrated into the 'leading office'." Concerning the military and logistics, the Comrade Secretary proposed to have clear biographies so that they could be selected into the committee and that there would be no problem if their assistants were newcomers. During the meeting, Comrade Secretary also noted good and bad points in the units of Comrade Mean, Comrade Phan and Comrade Oeun. He concluded, "In general, we are [required] to follow up with thoroughness and alert minds, in political, ideological and organizational aspects."

Comrade Secretary raised one example, the case of Comrade Mean: "Comrade Mean's squad, generally

speaking, is good. Yet, its education is not so deep, while Comrade Mean is also a tenderfoot and the previous assignments model upon Vietnamese traits...[Based on] his previous history, [he] might have a view of retreat. However, [he] did not side with the enemy, but with Angkar, who then sent him to the base."

He gave another example of Comrade Phan, suggesting, "Secrecy must be kept on the case of Comrade Phan. Any report must be analyzed, as this spy's answers just beat about the bush. We would rather search for histories via our networks than believe in the enemy's networks. Judgment, whether true or false, must be based upon our lines...By our observation, such a matter is satisfactory. However, more follow-ups should be pursued."

As for Comrade Oeun, Comrade Secretary said, "Comrade Oeun's squad just stays still, waiting for other places to be selected."

Comrade Secretary, reflecting on past experience, said, "It is common to have shortcomings. They witness improvement through educational sessions. Therefore, there would be many more possibilities in the future." Based on the request of Comrade Secretary, other divisions were to be grasped hold of. In cases of failure, the individuals responsible have to be transferred to the Staff.

Based upon the stance of independence, Comrade Secretary held a view that assistants were also needed. "It will not be acceptable if [their] arrival affects this stance. The Chinese aid to be offered must be devised according to the revolution's evolution, especially regarding the walkie-talkies to be installed along territorial waters, boundaries and air space, which are facing numerous shortcomings."

The meeting placed emphasis on the three aforementioned points. However, the third point was the most significant, as the Standing Committee perceived that the general line was building and defending the country. Building and defending the country based on the masses was a very important line. Those in attendance also referred to the infantry, which was required to make an arsenal for producing weapons, grenades and mines. Therefore, the Staff decided to give priority to the Ministry of Defense for building and defending the country.

KAMPUCHEAN COMMUNIST YOUTH LEAGUE: THE RIGHT HAND OF THE PARTY

(Excerpted from Revolutionary Youth Magazine, Issue Number 5, May 1977)

In order to encourage the involvement of our youth and motivate them even more in conformity with the real circumstances of the revolutionary struggle, which is boiling, and with the combat stance of our youth, who are increasingly braver and stronger, in 1960 the party decided to establish a Kampuchean youth organization called “Democratic Kampuchea Youth League” (by acronym, Yuvakap League) for the purpose of leading and encouraging the involvement of Kampuchean youth, on the one hand, for a revolutionary struggle against any interference by American imperialists and their lackeys, and on the other hand for attacking and smashing fascist regimes of the reactionary feudal capitalist. Since its establishment, the league have been overcoming all sorts of obstacles and risks, playing an active role among Kampuchean youth, specifically in the circles of workers, laborers, peasants, and school female youth. Under the glittering leadership of the Communist Party of Kampuchea, the Yuvakap League had performed actively in the field of educational campaigns. It conveyed the political lines, principles and decisions taken by the party; and promulgated them among the male and female youth of Kampuchea in the populated areas and among the general population of Kampuchea, which put them on a high alert and they themselves become an extreme revolutionary movement against the poisonous tricks of American imperialists and their lackeys. As a result, in mid-1965 American imperialists were driven out of Kampuchea, while exploitation, robbery, and unjust [commissions] were revealed. Barbarous killings of a fascist nature committed by the power holding classes—feudalists capitalists and reactionaries—were suppressed. Besides, the Yuvakap League organized a struggle movement to work in close cooperation with all kinds of revolutionary movements of the male and female youth to fight against American imperialists and their lackeys and the reactionary power holding classes both in cities and rural areas.

Thus, the Yuvakap League acted as an active, brave,

leading promulgator and practitioner of the political lines, principles and decisions made by the party among Kampuchean circles, especially youth, workers, laborers, peasants and school age youths, as well as the entire population. Therefore, it goes without saying that the Yuvakap League became the right hand of the party. Under the leadership and supplementary education of the party in terms of political, ideological and organizational stances, as well as in terms of training and building up oneself in the revolutionary movement, our Yuvakap League had the nature of a firm revolutionary organization of Kampuchean youth and became an important source of assistance in all tasks of the Communist Party of Kampuchea.

Thus, in January 1971, the party renamed the revolutionary organization of Kampuchean youth as the “Kampuchean Communist Youth League” known by its acronym as “Yuvakak.” This name was invented in conformity with the current activities and nature as well as the roles of the Kampuchean revolutionary youth in the struggle movement of the “People’s War” staged against the cruel war of aggression initiated by American imperialists and their lackeys. Until now, Yuvakak has been acting as a core force leading the movement of Kampuchean youth all around the country—in the battlefield and in the rear, and other departments, ministries, and work sites. Yuvakak is a good and leading role model - brave and active—in all circumstances and characteristics of work: either small or big, heavy or light, difficult or easy as required by the party, including the attack on enemies in the battlefield, transportation, carrying, exposure to rain or sun or heat, not to mention the showers of bullets during military attacks. Moreover, the league becomes involved in digging canals and ponds for irrigation systems. This helps solve water supply problems and allows the people to cultivate their farmland in order to improve the living standards of the base people. It also allows the organizational movement to expand its cooperatives in both in the rear and the departments, work

sites, and ministries. This clearly shows that from the outset, our Yuvakak has been playing an active and most important role within the party and the people of Kampuchea as a whole in gaining great victories in all fields and defeating enemies. This is a great revolutionary pleasure and price of our Kampuchean male and female youth as well as of the revolution and the people. The progressiveness and solidity of our revolutionary organization is indivisible from the activities and stance of the Communist Party of Kampuchea. It is the Party that organized and built up the revolutionary organization of Kampuchean youth. The party had established the organization, provided education, and strengthened the stance and sentiment of the new revolution. Therefore, the Communist Party of Kampuchea has liberated our male and female youth both in ideological and spiritual standpoints, and away from the well of darkness of those who are corrupt and exploiting: The American imperialists and capitalists.

September 30, 1974 is the day marking the 23rd Anniversary of the glorious Communist Party of Kampuchea. To return the gratitude and the hope and trust of the party, revolution, and people of Kampuchea

themselves, the revolutionary male and female youth are committed to building themselves up as the right hand of the party, by promising to be self-indoctrinated about the genuine nature of Yuvakak. In doing so, first, [we] have to endeavor to temper and be self-indoctrinated about the nature of the worker classes and get rid of other non-revolutionary classes from within ourselves or our ranks. Second, undertake to temper and be self-indoctrinated about the leading characteristics of the party—brave, sharp, industrious, and most active in the implementation of political lines, principles and decisions taken by the party in all fields of struggle—military, political, economic, cultural, social, defense, message transmission and other technical aspects. In all battles, both at the front and rear, and both in favorable and harsh circumstances, there must be no hesitation. [We] must follow the standpoint of revolutionary heroism and respect the organizational disciplines with the highest vigilance.

With these two characteristics, our male and female youth would become a catalyst movement of revolutionary struggle as descendents holding the strong revolutionary fate in the future. Therefore, the Kampuchean revolutionary future would be extremely red forever.

STATEMENT OF THE COMMUNIST PARTY OF KAMPUCHEA TO THE COMMUNIST WORKER'S PARTY OF DENMARK, JULY 1978 BY NUON CHEA, DEPUTY SECRETARY, CPK

(Continued from the July 2001 issue)

Question: Is it co-operation between the CIA and KGB or is it rivalry for control of Kampuchea?

Both. On the one hand they co-operate; on the other, they are rivals. For example, Vietnam attacked us last October to December while the US conducted operations near our coastal islands and along the border with Thailand with its CIA agents. They compete for control at the same time. This is an open form of co-operation. As for the secret one, some CIA agents joined up with the Vietnamese in order to come to Kampuchea. Because the US was unable to come into Kampuchea, it had to rely upon Vietnam. The Vietnamese do not discriminate in choosing agents. They accept anybody

who fights the Communist Party of Kampuchea, even CIA agents!

The leadership apparatus must be defended at any price. If we lose members but retain the leadership, we can continue to win victories. Defending the leadership of the party is strategic. As long as the leadership is there, the party will not die. There can be no comparison between losing two to three leading cadres and 200-300 members. Rather the latter than the former. Otherwise the party has no head and cannot lead the struggle. This has been demonstrated by the experience of the Communist Party of Indonesia. Its leadership was 90 percent destroyed. It has taken them a very long time to re-establish themselves. Thirteen years have passed since 1965 and the party is not

yet rebuilt. We do not know how long it will take for them to regain the offensive strength which they had before. To build a good leadership is strategic. It takes 10-20 years to build up a good leading communist. If you lose one, you lose a lot. And party secrecy can be lost.

VI. Building and Leading the Revolutionary Movement

As we have said, from 1960 we regarded the worker, peasants, the petty bourgeoisie and progressive patriotic personalities as strategic forces. The working class is the progressive class while the largest class is the peasantry. The others are secondary, allied forces. The national progressive capitalists were secondary, tactical forces mobilized in particular instances. The next step was setting the strategic line. The rural struggle was the fundamental struggle. We divided our cadres between the towns and the countryside, according to their abilities. Before 1960 there was some confusion about this. We did not have a clear party line. We had developed bases in the countryside but the enemy had destroyed up to 90 percent of them. Moreover, we were not strong in the cities. We realized in 1959 that we lacked the strategic forces necessary for advancing the revolution. It was only after 1960 that we could allocate our forces correctly. Most of them went to work among the peasants; slightly fewer worked among the petty bourgeoisie, the students and intellectuals; a very few worked among national capitalists and with high-ranking personalities in the administration. Once we had this line we could very quickly build our forces. In particular, we built up rural base areas. As the mass movement became stronger and stronger, we were able to build up legal and illegal work. We could even mount mass demonstrations. From 1962 to 1963, in particular, our forces grew stronger and stronger.

The best of our cadres are poor peasants building base areas in the most remote regions. They had to transform themselves so as to work among peasants. Initially, there were a lot of problems. Meanwhile in the cities, cadres had to become workers. The conditions in the cities and the countryside were quite different. In rural areas, living conditions were very bad there were few enemies. In the cities, living conditions were better but there were many enemies. Both places had advantages and disadvantages. Cadres had to be selected accordingly. There was a lot of malaria in the countryside. Some cadres refused to work there, but we had work to do and

we had to strengthen their ideological standpoint.

When we look back upon this period, we realize we would not have obtained such a big victory without first overcoming such obstacles. We see two main turning points: if we had not reorganized in 1960, we could not have launched the armed struggle in 1968; if we had not launched the armed struggle in 1968, we would not have been masters of the situation at the time of the 1970 coup d'état. The enemy might otherwise have destroyed our forces. To be master of the situation, to rely upon your own forces, to be sovereign—these words have meaning only if we have the forces of the people in our hands. If we do not, they will fall into the hands of the enemy. The most important thing was to grasp the national forces in our country. This was for us a major lesson.

We seek to stress the right thing in gathering forces. This is important in all periods of the revolution. Today, in the period of socialist revolution, our strength is greater than if was during the national democratic revolution. Take, for example, the petty capitalists who were evacuated from the cities. Initially they had difficulties living in the countryside, but gradually they have become proud of the revolution. They see the prospects for their children, that our revolution is clean and that we are independent and sovereign. They know we can defend ourselves from Vietnam, and they have confidence in us. As for the intellectuals who have remained abroad, some support us. In France, an association has expressed solidarity with us against Vietnam. We are stronger now than in the first revolution: 85 percent of the population belongs to the revolution, as workers and peasants, and 80-90 percent of the intellectuals belong to it. Only ten per cent are different. We try to educate these people so that they will see that revolution is good for them and their children. Thus we grow stronger and stronger.

We have gathered forces from different strata in different periods because everyone recognizes the patriotic spirit of the communists. The feudalists said bad things about Vietnam and the USA without doing anything. They were corrupt and let Vietnam come—100 kilometers, 200 kilometers, half a kilometer—across the border by corrupting the police. The Vietnamese thus crawled into our country by what they term 'legal' means, especially in Takeo and Svay Rieng. But when power

came into the hands of the party, everyone saw that we could hold aloft the banner of independence. They realized communists were clean, that we live as ordinary people live, while in the old days, when people lived in a capitalist way, the society disintegrated. As soon as people understood, they followed the communist way and we could easily mobilize forces.

VII. Forming the National United Front

How did we make Sihanouk join us? We were able to mobilize forces after the coup d'état because we had made preparations for a long time. We were masters of the situation. we had an army; we had some weapons. Thus we were able to form a united front. We even allowed King Sihanouk to become chairman of the front. It meant nothing because we were the masters of the situation. Following the coup, Sihanouk was reduced from everything to nothing while for us it was the opposite, in the cities as well as in the countryside. Forces from the basic levels of society were essential for getting top levels to join us. That is the first lesson. The second lesson and experience concerns front activities. We did not have an easy time of it. The enemy tried to corrupt Sihanouk—the USA, the French, the Soviet revisionists—and to split him away from the front. Sihanouk would have left us had we not done so, especially in 1973 when Vietnam sat at the negotiating table with the USA. Sihanouk was scared to be alone; he kept asking if we were able to continue the struggle. He wanted to negotiate but we told him we would continue the struggle to the end.

Thirdly, we found we had to struggle inside the front with Sihanouk at the same time that we united with him externally. Sihanouk asked for things; we let him have them as long as this did not contradict our strategic policy. We had to be very flexible towards him. The party slogan was “Don't push anybody over to the enemy”.

VIII. The Urban Struggle, 1960-73

Our struggle in the cities had two components: the legal struggle and the secret struggle. The urban struggle was not as important as the struggle in the countryside but its impact was felt all over the country and on an international level. Moreover, the struggle had an important effect on the middle level of the ruling class, in spite of the fact that the city was the headquarters of the ruling class and its apparatus of oppression.

Some of the legal work was undertaken in the

National Assembly. We did not attempt to obtain seats; we used patriotic personalities for making propaganda. These dignitaries did not act in the name of the party, but the party was in essence behind the propaganda. The work was limited. We just let our people use strategic slogans to arouse the people. At the same time, we used newspapers, promoted rumors and asked people to follow the deputies whom we had managed to get into the Assembly. In this way, we worked at the top, making people follow us while at the same time we worked at basic levels.

Although we were able to work legally in the National Assembly, our deputies were sometimes subject to repression. We would then try to sneak our ideas into other deputies by telling them, “If you say this and this, people will follow you and elect you again”. And sometimes they tried it. When our slogans were used before the people, the people applauded. The deputies were pleased. Later they would ask us what to say and we would then sneak more of our slogans into them. Some of our comrades could not understand this and thought that by doing this we might strengthen the influence of the ruling class. But we did not think it did any harm. If we could get some of the essence of our ideas to the people, then we could get some of these people with us. There were difficulties in the struggle with our newspapers.

When the ruling class realized a particular newspaper had been secretly established by the party, it would be closed in less than three months. We would then let comrades write anonymously for newspapers of a more neutral nature. Sometimes the paper would cut out half the words. We did it nonetheless, to get some ideas out. We also let our people respond to reactionary newspapers articles, by writing letters to the editor asking the paper to stop printing reactionary views. In the case of the most reactionary papers, those that could not be restrained in any other way, we called for mass demonstrations at their offices. In the case of Phnom Penh Presse, a CIA newspaper and the most reactionary of them all, we let the people sack the place. Among our other activities in the cities, we promoted artistic performances among the people and arranged travel to rural areas for festivals, ceremonies, and so on. We were thus able to make our forces stronger at all levels of the society. Choosing the right slogan, the slogan that suited the situation—asking not too much, not too little in the

situation—was crucial to our work in the cities. We did not use words like “revolutionary”, “communist”, or “red”, for example. Instead we used words everyone would accept such as “Fight US Imperialism”, “Fight for Sovereignty”, etc.. People were especially scared of words such as “communist” and “revolutionary”. But we made them adopt our party line, in its essence, by putting out the party line. It is this way we could make people adopt the line—people who were otherwise afraid of “revolution” and “communism”—then those people, in spite of their fears, were able to hold aloft our party flag.

We even worked within the movement of Buddhist monks, making them follow us by saying we would defend the country and religion. If the country were to become dominated by foreigners, there would no longer be any religion. So monks, too, held aloft our banner even if they did not like communism. We worked not only among the rank-and-file monks (they were not so reactionary, in any case) but also among high-ranking monks who controlled large parts of the country. We used slogans opposing foreign suppression of the culture of Kampuchea. Monks then became patriotic, supporting us without being aware of it.

We also worked with high personalities such as Penn Nouth. Here, we had to be careful. We had to solicit his ideas, not make propositions, not propagandize. The high-ranking patriotic personalities were not an important force but we were trying to gather all forces in support of the struggle, especially in the cities. We asked, for example, “What would your Excellency think if the USA attacked the country?” He would then think about it and we would sneak in ideas about what had to be done. The dignitaries then listened to us and spoke to others under their influence. Thus Penn Nouth did not know that he propagated for the communists.

These were the different forms of legal struggle in the cities. However, we put most stress upon the secret struggle. Without the secret struggle, the legal struggle would not have succeeded. These two forms of struggle interacted and complemented each other, but the secret work was the most important.

We had to educate our cadres all the time about secret as well as legal work. When the situation was easy, cadres wanted to work legally so as to have the chance to gain a title, money, etc.. And when the situation was

difficult, they preferred instead to work secretly. Consequently they had to be educated continuously, so as to be able to remain firm at their posts even at the risk of their lives. They could not assume new duties on their own, before the party gave authorization. This was ideological work. Anticipating difficulties, we took precautions. We set up bases in the countryside that would receive people engaged in secret work in the cities. Once secrecy was broken, however, those comrades were not allowed into secret work in the countryside. Once out in the open, it was always open work. We had to be careful about where people went so that no one knew in advance. If they did, the enemy could find out

When cadres had trouble, they often asked to be sent to the countryside even when secrecy remained unbroken. Because of this we had to work step-by-step with their ideological standpoint, and we had to keep an eye on those working in the cities—either secretly or legally—observing especially their living conditions and personal circumstances. Those working secretly could not hold jobs as ordinary people did, so we had to assist them in finding jobs to some extent.

In accordance with the party’s correct line, we were able to build and to defend our forces. Some were destroyed by the enemy, but for the most part we were able to protect them; especially after the coup in 1970 when we had large liberated areas. The locations of our most important bases were secret. Even US electronics could not discover them. Although US bombings destroyed a lot, they were not very effective because we stuck to our secret line of struggle. Vietnamese forces in Vietnam were less well hidden and less secret than we were and because of that more of them were destroyed. Even the Vietnamese here were hit more often than we were. Our people and soldiers called the B-52s “the blind ones”. When they came, they dropped bombs without looking. They did not care whether they hit anything or not. Our people were not too afraid of the B-52s. We learned that as long as we preserved our secrecy, our struggle could continue as long as necessary. Even US-made artillery was ineffective when it was not known who or where we were. Some of us were hit. But we told our cadres not to be afraid, to keep themselves well hidden, and then we would all be able to throw out the US imperialists.

FIVE YEARS OF THE MAPPING PROJECT

Rasy Pheng Pong

In the course of the first five years of its mapping work, the Documentation Center of Cambodia has been able to document 158 Khmer Rouge prisons and 19,975 mass graves containing the remains of approximately 1,205,662 victims. Geographical data (latitude and longitude) on the locations of prisons and mass graves have been recorded using a Global Positioning System. To date, the Center’s mapping team has also recorded data on the locations of 76 memorials that have been created since the era of the People’s Republic of Kampuchea to preserve the remains of victims.

We have collected reports on the number of people killed from witnesses in the areas surrounding the mass graves. To date, the mapping project has traveled through 129 districts in Cambodia. Until we have visited all potential locations of prisons and mass graves in the country, our data can only provide an indication of the

magnitude of the massacres committed during the Democratic Kampuchea regime.

The computer technology used by our mapping team was created by Yale University in conjunction with the University of New South Wales, and can be accessed through the Internet. Maps of the killing fields in each province have also been published for the purposes of historical research on the genocide in Cambodia. The locations of mass graves and prisons have been marked on the maps; information on the number of victims at each location has been substantiated by eyewitness accounts, documentation, photographs, and the testimonies of victims and lower-level Khmer Rouge cadres.

The Documentation Center of Cambodia worked in cooperation with the Tuol Sleng Genocide Museum to replace the museum’s existing “skull map” with a new map based on the Center’s data.



The research team and witnesses at Thporing district, Kampong Speu province

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Cyan Magenta Yellow Black

MASTER GENOCIDE SITE DATA

MAPPING THE KILLING FIELDS OF CAMBODIA, 1995-2000

No.	Site No.	Site Name	Data of Pits and Victims by SITE FORM		Data of Pits and Victims by FIELD REPORT		YEAR Report Report Set/Year
			Estimated Pits	Estimated Victims	Estimated Pits	Estimated Victims	
1.	030301	Wat Skun	N/A	N/A	N/A	N/A	1995/96
2.	030302	Wat Skun	400	more than 5,000	more than 400	more than 5,000	1995/96
3.	030303	Dei Ta Prang	more than 100	more than 2,000	more than 100	more than 2,000	1995/96
4.	030304	La Thyoung	N/A	N/A	N/A	N/A	1995/96
5.	030305	La Thyoung	more than 200	N/A	more than 400	N/A	1995/96
6.	030601	Wat Norkor	N/A	more than 1,000	N/A	more than 1,000	1995/96
7.	030602	Wat Phnom Pros	47	more than 10,000	47	more than 10,000	1995/96
8.	030701	Wat O Trakuon	467	32,690	467	32,690	1995/96
9.	030702	Wat O Trakuon	N/A	N/A	N/A	N/A	1995/96
10.	030703	Wat O Trakuon	N/A	N/A	N/A	N/A	1995/96
11.	030704	Wat Nikrot	186	11,160	186	11,160	1995/96
12.	030705	Wat Nikrot	N/A	N/A	N/A	N/A	1995/96
13.	030901	Trea 2	N/A	1,000	8	N/A	1995/96
14.	030902	Koh Phal	49	510,000	49	5,000-10,000	1995/96
15.	031501	Wat Sting Trang	27	5,000	more than 27	more than 100 skulls	1995/96
16.	031601	Chamkar Svay	17	more than 1,000	17	N/A	1995/96
17.	031602	Chamkar Svay	N/A	N/A	N/A	N/A	1995/96
18.	031603	Wat Vihear Tunting	N/A	more than 100	N/A	N/A	1995/96
19.	031604	Sala Suong	N/A	N/A	N/A	N/A	1995/96
20.	031605	Chamkar Mnoas	2	more than 1,000	2	N/A	1995/96
21.	031606	Kbal Chroy	more than 50	more than 5,000	N/A	more than 100	1995/96
22.	070101	Munty Ta Man	136 (182)	3,047	136 executes	N/A	1995/96
23.	070301	Wat Sting	N/A	325	325 skulls	N/A	1995/96
24.	070501	Phnom La-ang	N/A	N/A	N/A	N/A	1995/96
25.	070502	Phoum La-ang	more than 100	10,000	more than 100	N/A	1995/96
26.	070701	Wat Chum Kriel	N/A	100	N/A	N/A	1995/96
27.	070702	Wat Kampong Tralach	2	750	2	750	1995/96
28.	070703	Prey Trapeang	11	581	11	508	1995/96



		Sdao					
29.	070704	Sathany Preng Shel	N/A	N/A	N/A	about 40	1995/96
30.	080101	Sala Trapeang Sva	N/A	more than 3,000	more than 95	7,000-10,000	1995/96
31.	080102	Tuol Yeay Bo	more than 100	7,000-10,000	N/A	N/A	1995/96
32.	080103	Tonle Baty	N/A	N/A	N/A	N/A	1995/96
33.	080201	Wat Champuh Ka-ek	85	18,664 (1,500 skulls)	N/A	N/A	1995/96
34.	080202	Wat Champuh Ka-ek	N/A	N/A	N/A	N/A	1995/96
35.	080203	Wat Champuh Ka-ek	N/A	N/A	N/A	N/A	1995/96
36.	080401	Po Tonle	55	35,027	55	35,027	1995/96
37.	080402	Po Tonle	N/A	N/A	N/A	N/A	1995/96
38.	080403	Po Tonle	N/A	N/A	N/A	N/A	1995/96
39.	080501	Wat Prek Dach	N/A	N/A	N/A	N/A	1995/96
40.	080502	Koh Kantheay	200	4,500	N/A	N/A	1995/96
41.	080503	Koh Kantheay	N/A	N/A	N/A	N/A	1995/96
42.	081001	Koh Kor	5 (?)	7,000 (?)	5	5,000-7,000	1995/96
43.	081002	Koh Kor	N/A	N/A	N/A	N/A	1995/96
44.	081003	Koh Kor	N/A	N/A	N/A	N/A	1995/96
45.	081004	Koh Thmei	more than 200	more than 2,000	about 200	about 5,000-7,000	1995/96
46.	081005	Koh Thmei	N/A	N/A	N/A	N/A	1995/96
47.	140101	Phnom Kamphlok	more than 250	more than 17,200	over 250	N/A	1995/96
48.	140201	Ta Sam	2	N/A	2	N/A	1995/96
49.	140202	Ta Sam	N/A	N/A	N/A	N/A	1995/96
50.	140203	Prey Boeng Pruos	62	5,000	62	more than 5,000	1995/96
51.	140204	Prey Boeng Pruos	N/A	2,000	N/A	N/A	1995/96
52.	140205	Wat Ta Keng	15-20	N/A	more than 16	N/A	1995/96
53.	140701	Wat Peam	N/A	N/A	N/A	N/A	1995/96
54.	140702	Wat Chroy	15	N/A	15	N/A	1995/96
55.	140801	Tuol Slang	86	15,000	83	15,000	1995/96
56.	140802	Wat Sla	86	5,250	86	5,250	1995/96

(Continued in the September 2001 issue)

HUOT SAMBATH

Sophearith Chuong

Because these “confessions” were extracted under torture, the truthfulness of the statements contained in them cannot be ascertained.

Huot Sambath was the National United Front’s ambassador to Yugoslavia from 1970 until his return to Cambodia in 1976. He was arrested on September 9, 1976 and interrogated twelve separate times at Office S-21 (Tuol Sleng) between September 10, 1976 and October 1, 1976. Huot Sambath was executed on November 17, 1976.

The following text contains excerpts of Huot Sambath’s confession. It should be noted that the documents inventoried at S-21 do not include the 3rd, 4th, 8th, or 9th confessions.

Brief History before the Coup D’état on March 18, 1970

In 1949, Huot Sambath went to school in France following the death of his elder brother Huot Sovann, which had been caused by French colonialists in 1945. In November, he arrived in France with the aim of driving the French colonialists out of Kampuchea in keeping with his elder brother’s mission. There, he met with Douc Rasy, who used to study with his brother. Rasy took him to meet two strangers: Sam Sary and Mao Say.

They told Huot Sambath, “There is only one way, that is, to join the American imperialists, because only they can get the French to give independence to Cambodia. As for the communists, they could not expel the French.” After that, the three men set themselves against the arrival of communists in Cambodia. In 1958,



Huot Sambath before his arrest

Huot Sambath learned that Sam Sary was a CIA agent when he and Dap Chhuon were accused of betrayal. After the March 18, 1970 coup, he also learned that Mao Say and Douc Rasy were CIA agents.

Huot Sambath also contacted Sakk Duy Klo and Andre Marti, members of the Central Committee of the French Communist Party (Marti was not dismissed from the party until 1950). They asked Huot Sambath to meet with the Vietnamese-led Indochina Communist Party because they wanted to make Cambodia a Vietnamese satellite.

Huot Sambath’s first confession noted, “In France, where I was a student, I had no direct involvement with CIA agents of American nationality. Yet, occasionally, [I] had contact with the above-mentioned individuals.”

In 1950, Huot Sambath wrote a letter to U.S. secretary of state Anderson, which was sent through Benjamin Cohen (the deputy secretary general of the United Nations, who came to Paris to attend a special meeting). The letter urged that the people of Cambodia wished to have independence and expel the French colonialists from the country. However, he received no response from Anderson. Since then, Huot Sambath confessed, he had worked for Samdech Penn Nouth, the then-prime minister of the Sangkum Reastr Niyum,



Huot Sambath after his arrest

compiling monthly reports from all of the newspapers published in Paris. Penn Nouth sent him cash each month so he could purchase the newspapers.

Occasionally, Penn Nouth sent 5,000 or 10,000 Francs for Huot Sambath’s personal expenses.



In 1953, Huot Sambath withdrew from the Khmer Association in France, sensing a breakup among the Khmer students and workers in France. In 1954, he was assigned to follow the Geneva Conference via the news. The conference included participants from Cambodia, South Vietnam, Laos, and France. Samdech appointed Huot Sambath as a member of the Khmer Delegation, where he was responsible for contacts with journalists.

Around March 1955, Huot Sambath returned to Cambodia and observed that many people were working for foreign intelligence agencies in Phnom Penh. The American imperialists were convincing Cambodia to join in OTASE (the French acronym for SEATO - the South East Asia Treaty Organization). It was similar to NATO, but ceased to exist in the late 1960s, when it was more or less replaced by ASEAN. The difference between the two was that SEATO was a security/military oriented organization to keep the Chinese communists from expanding their influence, while ASEAN was more economically oriented.

In October and November, King Sihanouk appointed Huot Sambath as Secretary of State for the Ministry of Education and Ministry of Foreign Affairs. At that time Sam Sary was acting as Minister of Education. An American Embassy advisor in Phnom Penh, Mr. Martin Height, contacted Huot Sambath quite often about the political situation in the country. However, after leaving Cambodia, Martin wrote a book criticizing the King. The King was enraged by this. The years 1955 and 1956 were turbulent ones for Phnom Penh. The number of intelligence agencies, especially French and American, increased. At that time, Huot Sambath did not become involved in any agency.

Huot Sambath returned to Cambodia in 1956 as the result of a break between himself and Sam Sary and Mao Say, both of whom he criticized as corrupt. Later, Sam Sary became Cambodian ambassador to the United Kingdom, while Huot Sambath usurped Mao Say from his position as Minister of the Ministry of Planning.

During 1957-1962, Huot Sambath served as a

people's representative in Svay Rieng Province. In 1962-1964, he became Minister of Foreign Affairs, at a time when tensions between Cambodia and the U.S. were growing. The government of Cambodia decided to take its complaints against the governments of the U.S. and Saigon to the United Nations. Huot Sambath was designated to represent the government of Cambodia to the United Nations, with a view to revealing the acts committed by the U.S. and proposing that the Security Council punish them. At the same time, Huot Sambath contacted the secretary-general of Communist Party of Indonesia, Mr. Adit. He stated that he met with Ho Chi Minh and Pham Van Dong in Hanoi in 1963.

From 1965 until the coup of March 18, 1970, when Cambodia-U.S. relations were cut off, he again represented Cambodia at the UN. (Before the diplomatic breakup, U.S. congressman Mike Mansfield met with Huot Sambath to talk about possible solutions to this crisis. But Huot Sambath refused to meet him.) Later, Huot Sambath received orders from Phnom Penh to convince the American people to support Cambodia against U.S. aggression. In 1969, diplomatic relations were reestablished. It was difficult for Huot Sambath to work at the United Nations because his mission was to bring up the unpleasant acts of the U.S.

Purported Activities after the 1970 Coup until April 17, 1975

A few days before the coup, Sihanouk's mother sent a letter through Ker Meas to King Sihanouk in Beijing. Huot Sambath admitted knowing nothing about the essence of the letter. In May 1970, after the establishment of the National United Front of Cambodia and Royal Government of the National Union of Cambodia, Huot Sambath had learned that Sihanouk had appointed Ker Meas as Cambodian ambassador to the People's Republic of China.

Soon after the coup, Huot Sambath was broke; he did not even have enough money to pay for his trip to Beijing. Although his wife sold their personal property, they did not raise enough to pay for air tickets for the 12 members of his family. He then tried

to borrow some money from U Thant, secretary-general of the United Nations, who told him that he would not lend him money because he dared not use UN finances. Huot Sambath was then able to borrow \$4,000 from a Buddhist monk of French nationality, Pierre Fautaing. With this money, the whole family could fly from New York to Moscow. The cost of food and accommodation would be the responsibility of the Chinese government.

In August 1970, Sien An, the Cambodian ambassador to Vietnam, made a phone call to the government in Beijing, saying that the ambassador to Poland, Bav Sovski, wished to meet with King Sihanouk in the People's Republic of China. The King gave an audience to the ambassador. Three days later, when Sovski arrived in Beijing, Samdech Pen Nuth asked Huot Sambath to receive him and accompany him to see Sihanouk at Pe Ta Hae, a seaside resort where Sihanouk and his family were on holiday. Along the way, Sovski told Huot Sambath that there was a group in Phnom Penh that was attempting to create the "Third Force," which, in principle would join neither Lon Nol nor the National United Front. Its creators included Samdech Sang of the Mahayana order of Huot Tat, Son San, Cheng Heng, Norodom Kantol, Ung Hong Sath and approximately 300 other intellectuals. They wanted to put an end to war and reach national reconciliation.

To this end, Sihanouk and Lon Nol were required to leave Cambodia until the Third Force could conduct a public opinion survey under the supervision of an international organization on which leader the people favored: Sihanouk or Lon Nol. If the people chose Sihanouk, then Lon Nol had to leave and vice versa. Huot Sambath listened, but made no response. Bav Sovski also talked about the practice of communism in Poland and Cambodia. However, Huot Sambat still refused to reply. He did ask when the Royal Government of the National Union of Cambodia would be recognized and whether the Polish embassy in Phnom Penh would be closed down. Bav Sovski reacted immediately, saying that he would not return to Phnom Penh. As for the matter of recognition, he

suggested he would report on it to his government.

Huot Sambath met with Sihanouk at the seaside resort and reported all he had discussed with the ambassador of Poland. The King appeared to be satisfied with the idea of creating a "Third Force," although this was not a focus of the meeting between the two men. Upon his return to Beijing, Huot Sambath conveyed this matter to Samdech Pen Nuth. In his confession, Huot Sambath recalled, "Naturally, once one joined the front, he or she had to go to Beijing first for education before departure to foreign countries... to the Office of the National United Front's Mission in Paris." He also noted, "During the five years and one month of war, I went to Beijing only three times."

In 1971, Huot Sambath became a government officer working in Yugoslavia. There, Ovalic, Yugoslavia's deputy minister of foreign affairs, told Huot Sambath that according to a report he had received from the Yugoslav embassy, the French also took part in the coup of March 18, 1970. In the same year, Samdech Pen Nuth asked Sarin Chhak and Chann Yuran to meet with Son San in Paris. Huot Sambath had no idea of why the two individuals, plus another official who was a member of the Political Bureau of the National Liberation Front, had been sent. However, he knew that Son San intended to separate Samdech Pen Nuth from the NLF, which was in congruence with the thinking of the governments of France and the Soviet Union. With the encouragement from Zhou Enlai, Samdech Pen Nuth still worked with the NLF.

Huot Sambath claimed that the "Third Force" was set up by France and the Soviet Union, which had ambitions to take over Cambodia. They knew that Sihanouk would never come to hold power again and that the power would automatically fall into the hands of Cambodian revolutionaries. When the Lon Nol administration was on the brink of collapse in February 1975, Nhoek Chou Long wrote an article in a U.S. newspaper published in Paris in favor of the American and French political decisions on a cease fire in Cambodia. In his tenth confession, Huot



Sambath noted: “In 1971, our comrades in the country sent photographs from liberated areas. The individuals photographed included our three comrades, Khieu Samphan, Hou Nim and Hou Yun.

“All Cambodian embassies were obliged to disseminate the photograph, which showed the progress the Cambodian people were making in their struggle and that it was the army of the revolutionary Angkar who was involved, not the Viet Cong, as claimed by the contemptible Lon Nol.” In 1971, the political situation was rather complicated among the Khmers staying in Beijing: the NUFK broke up and there was much mistrust, leading to controversial accusations. No one listened to the government of Cambodia. Huot Sambath’s confession clarified this: “Because Brother Ieng Sary came out of Cambodia, he reorganized an educational campaign... [and] everything became brighter and progressive.”

In 1972, after the his first visit to friendly countries in Europe, Asia, and Africa, Sihanouk called a meeting of Khmers in Beijing and declared his resignation as head of state because his government appeared to oppose his policies most of the time. On March 23, Huot Sambath arranged for an exhibition of photographs from Cambodia. At the same time, Itgore Kotiyer, an American teacher who used to live in Siem Reap and had contacted Huot Sambath in 1968 at the United Nations, toured Yugoslavia. Itgore Kotiyer was also invited to the exhibition. There, Huot Sambath asked him to make connections with peace-loving people and communities to disseminate the photographs upon their return to the U.S. When it was time for Itgore to return, Huot Sambath gave him \$4,000 to be returned to the French Buddhist monk in the United States who lent him the money in 1970. (During this

period, Samdech Pen Nuth, Bureau Chief of Political Affairs of the NUFK, was kept informed on Huot Sambath’s work with journalists and the U.S. congressmen.)

In 1973, Cambodia was under pressure from world opinion to hold negotiations between the government of Cambodia and the Lon Nol administration. Meanwhile, the presidents of such friendly countries as Mauritania, Algeria, and Romania desired that Sihanouk negotiate with Lon Nol. Sihanouk also wanted to meet with U.S. secretary of state Henry Kissinger. Sensing the Lon Nol government would refuse to negotiate, Huot Sambath asked to resign from the RGNUC and proposed to transfer its power to those inside the country. He knew that the two nations would not enter into negotiations.

In August 1975, four months before Huot Sambath arrived in Phnom Penh, Chuon En told him that “The Ministry of Foreign Affairs has invited leaders of both diplomatic and political missions to attend an educational session for a period of ten days.” Chuon En went on, “The CIA has assigned a team of six people to collect intelligence from Cambodia on foreign [countries].”

(Continued in the September 2001 issue)



Huot Sambath

SENTIMENTAL EXPRESSION

Dara P. Vanthan

In Sre Village, Salavisai Subdistrict, Prasat Balang District, Kampong Thom Province, Soeun was enraged and disappointed because her cooperative chief had not allowed her to meet her elder brother Vatt, who had just come from Phnom Penh. In response, she committed suicide by cutting her stomach open with a knife. Soeun had hoped that after the two of them met, she would be able to bring her brother to meet their father. On July 19, 2001, Chhem (Soeun's and Vatt's father) told me, "My daughter had asked for permission from her cooperative chief to see him [Vatt] before he came to meet me. At that time, I was living in Prek Sbauv, Kampong Kor. Without permission from the chief, my son [Vatt] would not be able to see me, as he did not know my whereabouts. Then my daughter [Soeun] was very angry and began to cut open her belly. She died...crying out that her cooperative chief did not allow her to go to..."

This is how the story goes:

Vatt joined the Khmer Rouge revolution when he was young, perhaps twelve years old. He became a driver who transported various types of equipment from China to Cambodia. Since the day he had returned to Cambodia, Vatt had not been to visit his home village because he had been on duty, transporting materials to Preah Vihear Province. In fact, since he had joined the Khmer Rouge, he had not been allowed to visit his home without permission.

Once he reached the village of Sre, Vatt met his sister Soeun and gave her some presents, including a sarong and a box of knife blades. Vatt told Soeun that when he returned from Preah Vihear, he would take her to visit their father. When Vatt reached his former village, he had no idea where his father had been relocated (Chhem had



been removed to Prek Sbauv Village, far away from their home village).

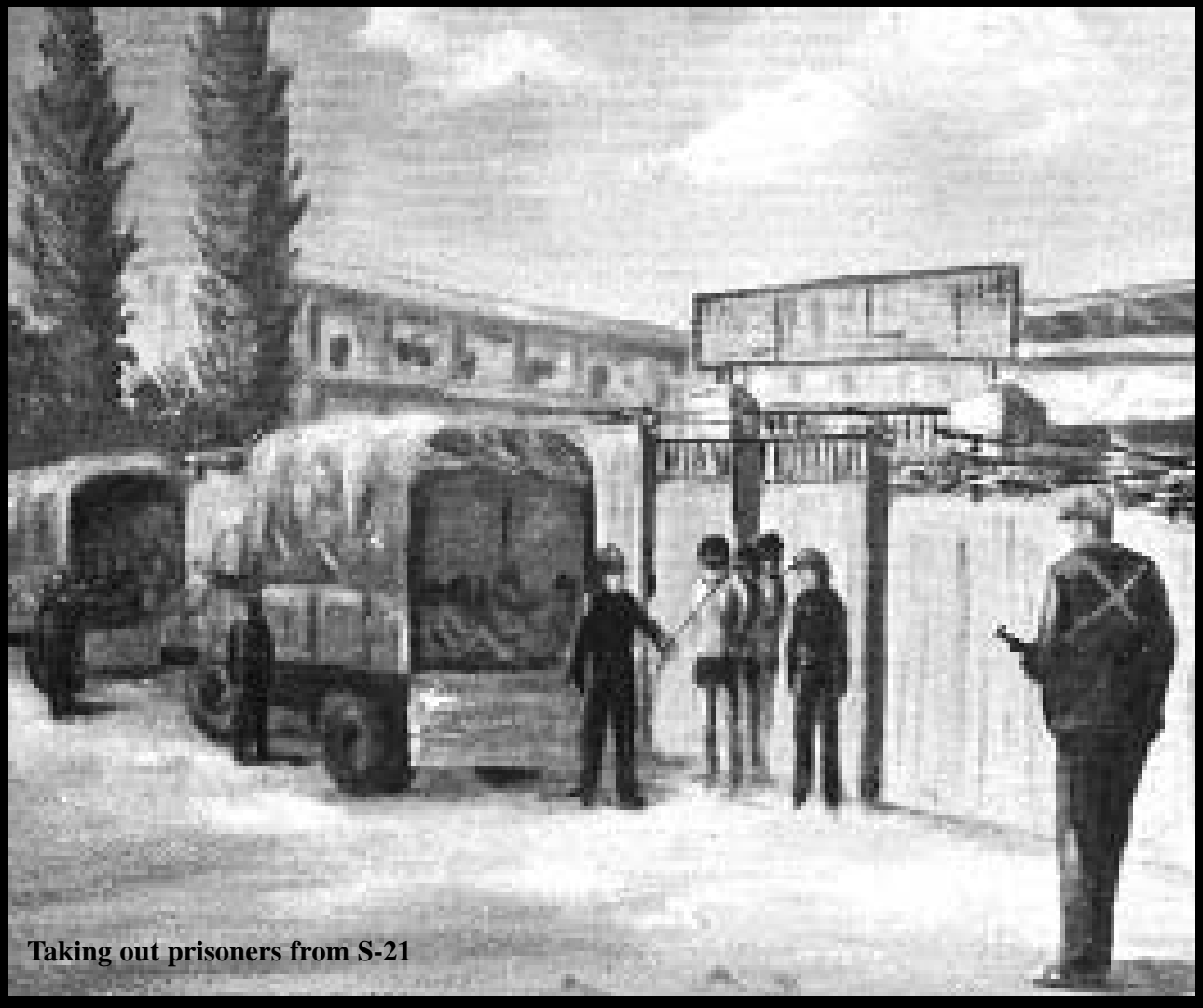
Chhem recalled how his daughter died: "[She] wanted her brother to see me. I lived in Prek Sbauv Village. He asked his sister if she could get permission for the two of them to meet their father. He stopped the truck for a while. Once he learned that permission had not been given, Vatt went on with his transportation work. But as for his sister, she began cutting open her belly.... At the hospital, she said she did not want to live any longer; she would rather die than live without seeing her brother and father..." Chhem was not able to see his son, as his son did not know his whereabouts. Instead, he moved on to Phnom Penh. Vatt also did not know exactly what happened to his sister.

Soeun would rather die than live without having an opportunity to see her parents and other relatives. After the incident, Soeun, who had already been provided first-aid, was brought to a hospital in Salavisai Subdistrict. Her father was informed of her suicide attempt at midnight. When Chhem reached the hospital, his daughter was still alive.

Chhem remembered the last words whispered by his daughter, "I don't want to live without seeing brother and daddy. I'd rather die. Brother wants to see you daddy." Unfortunately, due to the seriousness of her wounds, which required 30 stitches to her bladder, the doctors could not save her life. Soeun passed away a day and a half day after being hospitalized. The strength of family sentiment in the Khmer Rouge era could lead to suicide. One may ask whether the Khmer Rouge actually believed that holding to such strict rules would bring success to the revolution. Such strict discipline was the way the Khmer Rouge used to build its brand of socialism.

Tuol Sleng S-21

Painter: Vann Nath
Former prisoner of S-21



Taking out prisoners from S-21

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(Continued from the July 2001 issue)

Moreover, no interrogators have been interviewed so far, and none of the survivors of S-21 was interrogated for very long, whereas we know that some senior figures were questioned at S-21 on dozens of occasions over several months. Over this length of time, relationships between interrogators and prisoners and patterns of questioning were bound to develop, as a few key confessions, like New Saran’s make clear, but these relationships are missing from the archive. An exception proving the rule is the confession of Thong Vann, a Party member arrested in September 1977. Describing his interrogation, Thong wrote:

“When I first arrived [at S-21] a representative of the security office came and questioned me. He accused me of being CIA on the basis of the accusations of others who had said that I was CIA. At that point I lost mastery completely and said, ‘Negative.’ He said, ‘If [you say] negative [there would be] a beating [that] would lead to our getting clear information.’ To start off with, I wrote a detailed summary of my revolutionary activities to date. When I had written it, the representative of the security office said, ‘How come I don’t see any treacherous story [here]?’ ‘Because I’ve done no activities,’ I replied.

“And the representative said, ‘If your answer is negative, you will be beaten.’ I asked if I could write the truth. ‘If you write about treacherous activities, that would be good.’ I knew that I could not withstand torture, so I decided to write a made-up story of my treasonous activities. I wrote that I had been a traitor since 1970 and about my connection with Non Suon when we were together in...Oural.

“I listed all the comrades who had carried out revolutionary activities with me in 1976. After I did this

the security representative asked me to clarify my story: ‘What about treasonous activities when you were in the city?’ he said. I answered, ‘[There were] none.’

The security representative said, ‘If you say none you get beaten with an electric cord.’ When I heard about torture, my body began to shake. I began to write a made-up story.”

Several months earlier, Siet Chhe (alias Tum) wrote a memorandum to *santebal* that offers another glimpse of a prisoner’s psychology in the early stages of interrogation

and torture. Siet Chhe believed that he had been falsely accused and that Duch should allow him to communicate directly with the “upper brothers”—a proposal that Duch repeatedly brushed aside. His memorandum of 8 May revealed his oscillating, unsteady state of mind.

“On the evening of 7-8 May 1977 [i.e., tonight] my state of mind has been unstable in a way I cannot describe. I can’t see any road to the future. I beg the Party to show pity on its child at this time. [These are] developments in my state of mind: Stage 1. The period after the Organization first arrested me until 4 May 77 was none of report writing on every point that the Organization

wanted explained. Using those reports, I hoped that the Organization would inquire and investigate at the bases where I had been involved and would [thereby] verify my statements. I had hoped that the *santebal* ministry, as the responsible ministry, would follow up and validate these documents and submit summaries of them to the Organization. Make a foundation for any of my large and small mistakes and care for me.

“Stage 2. From the evening of 4 May until [today] I underwent all kinds of torture according to *santebal*’s procedures. Santebal’s perception [so far] has been that I am a 100 percent traitor and that there is no way at all that I am not a traitor.



VOICES FROM S-21
Chapter Four: Framing the Questions
David Chandler



“So, given their stance, the level of torture has gradually been increased so that as I face this situation my feelings are as follows:

“1. If I admitted to being a traitor when I was not, I would not know how to report any [genuine] activities with collaborators in a reasonable, continuous way. This is one thing. Moreover if I did that, considering my stance toward the Party since 26 May 59 and toward Brother Number 1 [Pol Pot], who brought me up all along, and wrote according to torture, well, I could not do that!

“2. Weighing this back and forth, I see the best way out as death...sudden death to escape the pain...and be with the Party until the end. But there is no possibility of sudden death. Again, no way out...I fear torture and death. If I was connected with any traitors, I would immediately tell the Organization and I would be free from this torture immediately.

“3. After considering this back and forth, and finding no way out, this morning I struggle to write to let the Organization know about the development of my feelings and pity me. This last request is to ask the Organization to kindly delay my torture and to reconsider the three traitors’ testimony that accused me. These enemies made this up. I know there must be contradiction in some important points.”

Prisoners were encouraged to corroborate previous confessions and to incriminate people who had already been arrested and killed, and it is possible that higher-ranking prisoners were given other confessions to read. In other words, if prisoner A confessed to taking part in a conspiracy, his confession seemed to ring truer if he admitted conspiring in the past with C, P, and G, who had been arrested and executed months before. Thus Baen Chhae, interrogated in the Eastern Zone in June 1977 before being brought to S-21, was encouraged to name “anyone the Organization has [already] arrested.” The interrogators, he continued, “further said that anyone I could think of who had been arrested in any sector or zone I should say that they were all my connections.”

“Doing politics” was always more difficult for workers at S-21 than beating up the prisoners. For one thing, the “upper brothers” to whom the confessions were routed were impossible to consult. Moreover, the interrogators were poorly trained and poorly informed.

The prisoners were always frightened but seldom helpful. Indeed, an entry in Tuy and Pon’s notebook suggests that the relations between prisoners and interrogators often came to an ominous, unpromising halt when violence was called for. “In the matter of questioning enemies their strong point is that we don’t know their story, so they can say anything they want,” the entry read, adding: “Their weak point is that they are in our hands.”

Everyone at the prison was also handicapped by the volatility of the Party’s stance toward “enemies.” As the 1976 study notebook declared:

“The Party changes frequently. The Party changes the prisoners to be interrogated in no fixed pattern. The Party goes from one group to another and sometimes changes our duties. The Party also changes its methods for making documents, for interrogation, for doing politics, for propaganda, for torture. We must adjust ourselves to the situation, leaping along with the movement of three tones [of rice] per hectare [a slogan from DK’s Utopian Four-Year Plan].”

Interrogators at S-21 were often whipsawed by instructions of this kind. How could any of them feel sage or competent when they were told to “[leap] along with the movement of three tones per hectare”? Sau Kang, the former secretary of Sector 37 in the Western Zone, put the point succinctly in his confession when he complained that “if the higher-ups keep modifying things back and forth suddenly like this, those lower down will be unable to keep up.”

The Party’s insistence that practice overshadowed theory had the effect of ignoring inconvenient precedents and legitimizing anything that the Party Center did or had in mind. Only the leaders were free from blame and free to change direction. As a Khmer Rouge cadre interviewed on the Thai border in 1980, told Steve Heder:

“[The cadres] blame everything on others. They say everything depends on the concrete situation, but they’re the ones who conclude what the concrete situation is and even sometimes create the concrete situation.”

In a similar fashion, the 1976 study notebook told interrogators to “root out the stance” of believing or disbelieving what enemies confessed, but to continued believing completely in the Party as far as enemies...are concerned—an impossible proposition, when the Party

Center's position "as far as enemies are concerned" was normally concealed. Interrogators were also told to approach what the prisoners said "from a progressive standpoint and from a nonprogressive one, from a revolutionary standpoint and from one that is not revolutionary at all"—a rat's nest of positions that left the interrogators' superiors free to maneuver and the interrogators open to rebuke. They were urged to use torture and propaganda in "proper" proportions that were not made clear.

On some occasions even Son Sen and Duch were uncertain how to proceed. Writing to Duch in October 1977, for example, Son Sen suggested that prisoners left to their own devices might "implicate all kinds of people." He added: "In any case, each and every response must be carefully reviewed, because some [of the prisoners] attack us (i.e., high-ranking functionaries). Some of them attack consciously. Some are frightened and merely talk.

To make things worse for the interrogators, a study notebook from S-21 compiled in 1978 suggested that a large number of enemies were embedded inside the facility itself:

"The task of searching out and purging (*sumrit somrang*) enemies inside Office S-21 has not been resolved among either combatants or cadres. Our soldiers study the teachings of the Party, but when they emerge from studies, nothing has changed in their outlooks. They are still subservient to their elders [*bong*]. When they are frightened they stop being relaxed and they stop smiling. Although there are enemies all around them they do nothing to seek them out."

The menacing contradictions in this passage must have unsettle anyone who read or overheard it. How could the workers at S-21 be independent, insubordinate, or suspicious, after all, while cleaving unquestioningly to their superiors' commands? What would happen to them if they "relaxed" or "smiled"? Were attacks on Duch, Pon, and Chan really to be the order of the day? Where precisely were the ubiquitous enemies to be found?

Workers at S-21 were thrown off balance by documents like this and by the uncertainty of daily life, encapsulated by the disappearance, from time to time, of friends, relatives, and coworkers. As Kok Sros told Douglas Niven:

"I was losing some of the people who were working with me. One day we were working together and then they were taken away. And they were killed. I felt anxious. I thought: 'Today it's their turn. I don't know what will happen tomorrow.'"

Everyone at S-21 was encouraged to be suspicious; as Him Huy told Peter Maguire, "We were all spying on each other." Everyone was looking over everyone else's shoulder and also looking in all directions. Family members were far away. Friendship provided little or no security, and patronage could be withdrawn at any moment. Every act could be construed as political. The nation was at war with its external enemies, society was at war with itself, the Party was at war with "hidden enemies," and people were at war with their shortcomings. The Organization's authority and legitimacy were unquestioned, but its principal message was that there were people concealed inside the Organization seeking to destroy it. By definition, these "enemies" were simultaneously known and unknown, visible and unseen, outside and inside S-21. To cap things off, everyone might well be lying. A former DK cadre told Steve Heder in 1980, putting the situation rather mildly: "People were insecure psychologically [in the DK period]. People feared being wrong unconsciously or being fingered, [we] just kept smiling but [we] were tense inside."

The confessions that survive from S-21 vary in length, completeness, and interest. Roughly 4 percent of the microfilmed ones and an even smaller percentage of those in the DC-Cam archive are less than three pages long. Most of these were composed soon after the prisoners arrival, before any interrogation had taken place. They usually contain skeletal biographical data and mention no offenses. In several cases, the data sheets are annotated: "Of no interest. Discard" (*boh chaul*). Since the documents have survived, the "discard" orders may have referred to the prisoners themselves; "discard" was one of the euphemisms used at S-21 for "kill."

While 2,013 of the microfilmed confessions, or roughly half the total of those in the microfilmed archive, were obtained after a single interrogation session, the remainder were composed in successive versions, those of cadres sometimes stretching over weeks or months. Most of the confessions in the microfilmed archive and at



DC-Cam run between ten and forty pages. The prisoners I categorize as “cadres”—those who were over thirty years old and had revolutionary pseudonyms—often wrote confessions of several hundred pages.

Over time, the format and style of the confession documents changed. Some of them were written by the prisoners themselves, and a few early ones were composed by prisoners and interrogators on alternating pages, but most of the handwritten confessions appear to have been transcribed by interrogators or document workers from tape recordings or notes. None of the tapes, which probably included questions as well as answers, has survived. Some confessions are obviously first drafts, with excisions and corrections by the prisoners, document workers, or senior cadres. In a few cases the drafts have survived alongside subsequent, typed versions, while other confessions, annotated “Don’t use” or “Don’t summarize,” exist in draft form and presumably never left the prison. Several confession texts from 1976 include questions written in an interrogator’s hand—even, on two occasions, Duch’s—followed by answers written by the prisoner. In nearly all cases, however, the questions and suggestions have disappeared.

By 1978 most confessions were typed. A number were prepared in multiple copies and stapled into booklets. We know from the Tuy-Pon notebook that by 1978 six copies of important confessions were normally prepared. Two of these were sent to “the Organization,” and the remaining copies were sent to the prisoner’s former work unit, the security office in the prisoner’s sector, and its counterpart in the relevant zone. The sixth copy was retained for the S-21 archive.

Many of the early confessions at S-21 resemble prerevolutionary Cambodian police reports. Drawing on the French police tradition of the *proce’s verbale*, they

recorded a prisoner’s initial, often self-incriminating declaration. Many of them include such colonial-era idiosyncrasies as spelling out dates, calling the prisoner “the named,” and so on. Most confessions at S-21 were authenticated by being signed or thumbprinted and dated by the prisoner on each page, another carryover from pre-Revolutionary police practice. When an interrogator wrote out the confession, it was usually authenticated by the prisoner and countersigned by a document worker present at the interrogation. The elaborate format of the confessions and the files of which they formed a part suggest that Duch and his colleagues were proud of their thoroughness, modernity, and sophistication. They wanted S-21 to be considered a model interrogation center and saw themselves as professional security experts.

We know very little about the way prisoners were processed for interrogation when they arrived or how interrogators were briefed from one day to the next, but forms relating to nineteen prisoners under interrogation in August, September, and December 1976, the only ones of their kind to come to light, provide a glimpse of these procedures. The headings on the forms asked for the prisoner’s name, pseudonym, work unit, and “strings” (*khsae*), the word used for patronage networks. Handwritten comments then set out the questions that had been asked on that day and suggested a line of



Transforming S-21 to a genocide museum in 1979

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questions for the next interrogation session. For several prisoners, forms survive from as many as six successive interrogation sessions. Interrogators recorded the prisoners' health (five were listed as "weak" and three as "normal"), indicated whether torture had been used (in these cases it had not), and noted the condition of each prisoner's shackles and the key needed to open them. In one case, the interrogator observed that the prisoner had written ten pages of his confession the preceding day.

By the end of 1976, most confession texts at S-21 were in a four-part format that endured with few alterations until the collapse of the regime. In the first part, prisoners provided their "life stories," named their relatives and associates, and listed their work units. These curricula vitae were normally followed by a section titled "history of [my] treasonous activities" or "my political biography," with data arranged in chronological order. A third section, called "plans," described what the prisoners would have done had they not been arrested. Most confessions closed with lists of a prisoner's associates, or "strings of traitors," with indications of their whereabouts. In some cases, the "strings" included everyone, even dead people, who had been named in the confession.

The autobiographies were inspired by a peculiarly Communist genre of writing, the self-critical life story or *pravatt'rup*. Before 1975, autobiographical narratives had been rare in Cambodia, and the biographical genre itself enjoyed no particular status. In DK, on the other hand, as in other Communist countries, self-critical autobiographical narratives of Party members were repeatedly solicited, compared, and kept on file. The practice of writing autobiographies and their occasional use as heuristic texts seems to have been more important in the Chinese and Vietnamese Communist parties than elsewhere. The practice was widely used by the Chinese in the 1940s. David Apter and Tony Saich, writing about the phenomenon at that time, suggest that goal was "exegetical bonding."

In Cambodia, self-critical autographies were featured in the regular "livelihood" meetings. Many non-Communists encountered the genre for the first time when they were evacuated from the towns and cities in April 1975 and asked at roadblocks to compose them. When the procedure became a national routine in 1976,

people were periodically asked to name their family members and associates, to describe their class origins, to list their political activities, and to set out their strengths and weaknesses. Finally, participants were made to suggest ways in which they might improve their own and others' attitudes and behavior.

The process of self-exposure, attested in many secret societies, was intended to purify the participants, reinforce the solidarity of the group, and display the Organization's empathy and vigilance. For Party members, of course, the Party replaced the Organization. As Apter and Saich describe the experience of self-criticism in Maoist China, "One begins with sin and blemish, the purging removal of which is essential for enlightenment, not only for the self but for the collectivity, lest others become contaminated and polluted. Indeed, the notions of pollution and purification are endemic in rectification." The biographies thus induced could also be used as incriminating evidence or to justify promotion. Everyone in DK was constantly on trial. A person's trustworthiness could evaporate if information in a *pravatt'rup* was found to be incomplete, misleading, "complicated" (*smok smanh*), or incorrect. Conversely, a "good" biography that included a "good" class background and praiseworthy activities could lead to Party membership, better work assignments, and enhanced personal security. Kok Sros has said that he owed his own rise within the Party (he became a "full-rights" member in 1978) to his hard work and his "good biography." Nhem En, the S-21 photographer, has made a similar assertion.

The autobiographies were measured against the Party's requirements of the moment, which is to say against the Party's history up to the time when they were written and against the ever-altering tactical requirements of the revolution. Study sessions in DK repeatedly stressed the importance of preparing "clean" biographical statements, and in early 1976 readers of *Tung Pedevat* were warned against people with "systematically complicated biographies." On the occasion later in the same year when he described the Party's internal enemies as "germs," Pol Pot told his subordinates that "life stories must be good and must conform to our requirements."

Senior cadres solicited biographies from their



subordinates. In his confession, Non Suon dutifully regretted his incompetence in this respect:

My shortcomings included the fact that I did not follow up the biographical records of Party and core members in detail and then take measures to purge the Party. All I could see was the appearance of their actions. I was unable to grasp each of their essential origins, I failed to delve deeply into family roots. This provided the enemy with easy opportunities to penetrate and undermine the Party from within.

By 1977, hundreds of thousands of ordinary Cambodians as well as Party members had written *pravatt'rup*. Thousands had written more than one. Over two hundred autobiographies prepared by S-21 personnel, for example, have survived in a booklet form that was apparently used throughout the country. These autobiographical booklets consist of questionnaires whose format so closely resembles that of the biographical sections of the confessions as to suggest that the questions in the booklets formed the basis of many interrogations.

The questionnaires open by asking about the subject's name, revolutionary pseudonym if any, date and place of birth, sex, nationality or ethnic group, and marital status. The next item, "means of livelihood before entering the revolution," was used to determine a person's class status (*vannakpheap*). Most urban inhabitants of prerevolutionary Cambodia, known as "new people" after 1975, were lumped together as "royalists," "capitalists," or "petit bourgeois." The class categories for rural inhabitants, on the other hand, took account of their material wealth, which was calculated on the basis of the dimensions of the land they owned, the materials of which the family house was constructed, the number of people in the family, and the quantity of livestock, ox carts, and farm equipment the family possessed.

Suos Thi, the head of the documentation unit at S-21, for example, called himself a "middle-level middle peasant," and Him Huy defined himself as a "lower-middle peasant." In the confessions, references to a prisoner's class origins are almost always missing, presumably because a "good" class background had been blacked out or a "bad" one confirmed by the prisoner's treacherous actions.

Before 1975, few if any Cambodians outside the

clandestine Communist movement had engaged in class analysis. Instead, most of them distinguished broadly among the "haves" (*neak mean*), those with "enough" (*neak kuosom*), and the "poor" (*neak kroo*), groups roughly consonant with people who commanded (*neak prao*), "free people" (*neakchea*), and those who received commands (*neak bomrao*).

The revolutionary potential and intrinsic worth of Cambodians after 1975, it was thought, reflected their class origins. Those with the fewest resources had the best "life stories" and supposedly the highest status. Conversely, those with too many relationships or possessions had "complicated" biographies and constituted potential enemies. The class origins of the "upper brothers" were prudently concealed. Most of them—Ta Mok being the most important exception—sprang from Cambodia's minute bourgeoisie. They had prepared self-critical biographies about themselves, but by leading the country to victory in 1975, they had clearly already overcome the stigma of their past. In their life-long search for enlightenment, as it were, they had reached the outskirts of nirvana, the highest level of Buddhist consciousness (a connection they would have scoffed at). Like those embodiments of the Buddha known as bodhisattva, they were uniquely equipped to assist others toward enlightenment. In this context, it is of interest that Ho Chi Minh chose his pseudonym ("Ho the enlightened one") in 1943 before taking command of the "liberation" of Vietnam.

The next question asked respondents to list membership in "nonrevolutionary political organizations." S-21 personnel whose questionnaires I have examined wrote "none." Prisoners, on the other hand, were often nudged at this point to admit connections with the Lon Nol regime, with fictional or defunct political parties, and with foreign intelligence agencies.

The questionnaire then asked when the respondent had "entered the revolution" (*choul padevat*). This event had presumably consisted of swearing allegiance to the Organization and expressing a willingness to bear arms. In most of the questionnaires and the majority of confessions, joining the revolution coincided with joining the Khmer Rouge army between 1970 and 1975.

(Continued in the September 2001 issue)

BEGRUDGEMENT, RECONCILIATION, AND THE KHMER ROUGE

Alex Hinton

“When anger controls us, we harm ourselves and the people around us. Anger burns the mind and body. The face becomes flushed, the heart weakens, and the hands tremble.” Maha Ghosananda, *Step by Step*.

“To outsiders, and often to ourselves, Cambodia looked peaceful enough. Farmers bound to their planting cycles. Fisherman living on their boats... The wide boulevards and the flowering trees of our national capital, Phnom Penh. All that beauty and serenity was visible to the eye. But inside, hidden from sight the entire time, was *kum*. *Kum* is a Cambodian word for a particularly Cambodian mentality of revenge - to be precise, a long standing grudge leading to revenge much more damaging than the original injury. If I hit you with my fist and you wait five years and then shoot me in the back one dark night, that is *kum*... Cambodians know all about *kum*. It is the infection that grows on our national soul.” Haing Ngor, *A Cambodian Odyssey*.

A 1976 September-October special issue of *Revolutionary Flag* warned, “The state power of the worker-peasant class was won by shedding blood over a long period. And the oppressing classes both outside and inside the country are holding anger against us (*châng kamhoeung*); they are holding grudges (*kumnum*) and will try to take back state power.” A few sentences later, the tract calls for “organizational” measures (*kar chat tang*) that would “purify out the enemy among the people to be clean, to be good, to be tough, to be strong.”

Clearly, the Khmer Rouge recognized that, because of their genocidal policies against certain groups, ranging from “new people” to rich peasants to Chams who were to be “purified,” these victims would become tied in anger and hold a grudge against them. This proved true, as immediately after the Khmer Rouge fell from power many Cambodians, both “old people” and “new people,” acted upon their grudge and took revenge against cadre throughout Cambodia, sometimes even decapitating

particularly brutal cadre.

Many Cambodians who suffered greatly and lost family members during Democratic Kampuchea, continue to hold a grudge against the Khmer Rouge. These feelings were often further inflamed by the long civil war, by educational texts, by memorial sites, and by state ceremonies such as the “day to remain tied in anger.” With the defection of the Khmer Rouge in the mid-1990s, the problem of “remaining tied in anger” against the Khmer Rouge has become even more complicated. On the one hand, some cadre who had terrorized villages returned there (or nearby) to live among those they abused. On the other hand, the prospect of a tribunal now looms in the near future, when the top leaders of the Khmer Rouge, who implemented this policy of genocide, will be tried. Because these events have raised strong emotions in many Cambodians, particularly feelings of begrudgement (*kar kumkuon*) and a desire for revenge, it seems like an appropriate time to pause and reflect on what a grudge is and whether those Cambodians who continue to be “tied in anger” against the Khmer Rouge can ultimately reconcile with their former enemies.

What is a grudge? As Haing Ngor notes in the above epigraph, one of the most chronic and volatile sources of violence in Cambodia is a “grudge” that leads to the desire for “disproportionate revenge” (*karsângsoek*). The *Khmer Buddhist Dictionary* (1967:170, 171) defines *kum* as “the desire to do something bad or harm another person, to be tied in a grudge (*châng kumnum*)” that leads one to “prepare oneself to take disproportionate revenge (*sangsoek*).” A *kumkuon*, the dictionary continues, is a *kum* that is “long-lasting and can’t be forgotten.” One Cambodian women’s rights worker succinctly described the origins of a grudge as follows: “A person will hold a grudge when he or she understands that another person has done something very bad to him or her; he or she will have this one thought kept inside his or her heart.” While such a



grudge most often arises when another person (or group) makes the individual in question (or that person's group) suffer (for example, by murdering a family member), lose power (for example, by deposing that person from office), or lose face (for example, by dishonoring that person by a slight), it almost always involves a degree of anger, shame, and the desire to "defeat" (*chneah*) a foe.

The root of the word *sângsoek* is *sâng*. It refers to the moral obligation "to return (an object), to pay back (debt), to pay for damage." One of the greatest virtues in Cambodia is repaying (*sâng*) the "kindness/good deeds" (*kun*) of others. Thus, people are morally obliged to "repay the good deeds" (*sângkun*) that their parents, relatives, teachers, and patrons have done for them. An ingrate who ignores this debt (*romilkun*) is widely detested. Such moral debts frequently create a personalized relationship between the two parties involved. Those who receive a good deed will ideally acknowledge their debt through greater respect,

loyalty, and attachment to the benefactor, although the intensity and structure of the bond will vary according to the situation and the respective status of each person in the dyad. The increased respect given to the person who does the good deed signals the benefactor's elevation in hierarchical standing vis-à-vis the debtor.

By extension, we can see that revenge is the moral inverse of gratitude. Just as people must return a good deed, so too are they morally obliged to repay a bad deed. The word *sângsoek* literally means "to pay back" (*sâng*) "the enemy" (*soek*). Moreover, the injured party's obligation to repay an enemy for whatever the latter has done creates a bond between them. A Cambodian bearing malice is often said to be "tied/linked" (*châng*) to an enemy by anger or a grudge (*châng komhoeng, châng kumnum*).

During the PRK/SOC communist period, for example, the government sponsored a national holiday on May 20 that was popularly known as the "Day to Remain Tied in Anger"

(or, sometimes, just the “Day of Hate”). In each district, people would gather at the local DK killing field to listen to government officials and victims speak about the atrocities that had occurred under the Khmer Rouge regime. Villagers often carried knives, axes, clubs, or placards saying things like, “Defeat the Pol Pot, Khieu Samphan, Ieng Sary Clique” or “Remember Life under Pol Pot who tried to Destroy the Cambodian Lineage.” The holiday served as an effective device to keep many people “tied in anger” against the Khmer Rouge who were still engaged in guerrilla warfare against the government at the time. The ceremony continues in a more modest form into the present.

This type of grudge can result from either a single “happening” (*preuttekar*) or a series of smaller events that gradually add up. On the one hand, a person will often desire revenge when someone else does “something very bad” to him or her. Thus, in the story Tum Teav, Tum had a grudge against Ârchoun who is attempting to remarry Teav to his son, and many Cambodians continue to bear malice toward the Khmer Rouge who were responsible for their great suffering and the deaths of family members. Similarly, in November 1994, when the American evangelist Mike Evans arrived in Cambodia promising to cure the blind and heal the crippled, people from all over the country sold their possessions to come to Phnom Penh to attend his healing and proselytizing rallies. While he gave out free Bibles, Evans failed to provide any miracle cures. By the third night, the attendees realized that they had been duped by a foreigner and began to riot. Evans barely escaped Cambodia with his life and continues to have enemies who want to pay him back for his bad deed. (After Evans had returned to the U.S., he reported to his American congregation that his trip to Cambodia had been a great success!)

Alternatively, a grudge may gradually develop as a person endures a series of small, yet memorable, “happenings.” While usually able to manage their anger so that open disputes do not break out, people do not always simply forget about a matter. As Lim once told me, “Cambodians never forget—they remember things forever. After several little anger-provoking happenings, they will begin to hold a grudge.” This pattern of silently harboring resentment may be initially modeled for children when they fight. Parents will separate quarreling children and tell them

not to argue, but often do not tell them to apologize to or to reconcile with their adversaries. To do so would involve a slight loss of face both for the child and his or her parents. As one informant explained, “To say ‘excuse me’ makes them too lowly. It is like saying ‘please let me lose.’ Sometimes the parents of a kid who loses a fight will become extremely angry.” The result is that children often “do not learn how to forget their anger” and will occasionally hold a small grudge and may stop speaking to those with whom they have been fighting for several days, months, or even forever afterward.

In Khmer, there are a variety of phrases that express the idea of storing away the memory of events that have angered a person. Cambodians sometimes say that a person takes such anger (or a grudge) and “hides it inside the body” (*leak tuk knong kluen*), “puts/keeps it in the head” (*tuk knong khuor kbal*), or “buries/hides it in the heart” (*bângkap/leak knong chett*). For example, a young man named Tech, who was from a moderately poor family, was invited to attend a wedding at the home of one of the richest families in Kompong Cham city. When Tech arrived at the receiving line, however, the parents and the bridal couple did not smile or politely greet him. He stated, “I lost face and had a small heart. These rich people were not paying adequate respect to me because I am poor. I got drunk at the wedding and hid my anger so they wouldn’t know.” While Tech said that he did not have a grudge against the family, he was nevertheless “hiding his anger inside his heart.” A series of such minor incidents can make a person resentful and angry, a condition that Cambodians sometimes call being “seized with painful anger” (*chheu chap*). As I discussed in an earlier article in *Searching for the Truth*, such a build-up of class resentment proved quite lethal during DK when Khmer Rouge ideology incited the poor to take revenge upon the rich for past abuses. What is common to the above examples of malice is a pattern in which an event or a series of smaller incidents causes a person to suffer or be shamed which, in turn, leads to anger, resentment, and, ultimately, the desire for revenge. Those who have a big grudge are sometimes said to want to “eat the flesh and sip the blood” (*si sach hot cheam*) of their enemy.

Despite this strong desire to take revenge, however, people recognize that it is often not propitious to repay a



bad deed immediately. A grudge thus contains an element of latent potentiality and is frequently long-lasting. One religious wise man (*archar*) explained, “A grudge is packaged anger that has not yet come out; it remains inside, always hot, but it doesn’t leave. It keeps waiting until ‘I’ (*ânh*) have the opportunity to strike immediately.” Many Cambodians say that, twenty years after DK, they still have a grudge against the Khmer Rouge, and the “Day to Remain Tied in Anger” was clearly an attempt by the PRK/SOC government to keep this “packaged anger...hot” and ready “to strike immediately.”

To maintain an element of surprise and to prevent a powerful adversary from taking the initiative, Cambodians bearing malice will often try to hide their animosity from their foes. Like anger, a grudge is usually kept hidden. During everyday interactions, a person may therefore smile and act politely toward an enemy; when the appropriate occasion arises, however, they will act. Those who are unable to exact revenge in person may decide to hire a killer or order a subordinate to perform the deed. Several Cambodian journalists have been murdered by assassins weeks or months after having written insulting articles about government officials and businessmen. In another horrific example, young Cambodian women have been disfigured in acid attacks that are alleged to have been perpetrated by the wives of powerful Cambodian men who are supposedly having affairs with the beautiful young women.

Alternatively, people sometimes hire sorcerers to cast black magic upon their adversaries. After Mike Evans had fled Cambodia, for example, it was reported that some Cambodians harassed and attacked his Christian followers with black magic. A number of Cambodians are extremely frightened of black magic, which, they believe, can make a person fatally ill, and will try to protect themselves by wearing magical objects such as a pig’s fang, a fragment of an elephant’s tusk, a piece of gold, a magical string, an inscribed cloth, a Buddha amulet, or some combination of these items.

Why does a Cambodian grudge sometimes lead to revenge that is “much more damaging than the original injury?” Earlier I pointed out that benefactors gain respect, elevate their status, and create moral debts by performing good deeds. Conversely, perpetrators of bad deeds show

disrespect toward, lower the status of, and “defeat” (*chneah*) the recipient who, in turn, has a moral obligation to repay the bad action. Merely to repay this debt with an equivalent act, however, would leave the parties on an equal footing. Because people often desire to be “higher than” others, they will strive to defeat, and thus rise above, their adversary by doing something even worse to them. As Haing Ngor explains, “If I hit you with my fist and you wait five years and then shoot me in the back one dark night, that is *kum*” (1987:9). Such an action can at least partially “purify one’s honor” (*star ketteyos*) and destroy the enemy’s reputation. Thus, the head of a Khmer Buddhist Society explained that Cambodians who hold a grudge “desire to take vengeance in a manner that exceeds the initial offense because they want to win and not to be ashamed before others. When they win, they have honor and others will look at them and not think that they are inferior.”

One night, for example, a provincial policeman named Hong got drunk and began arguing with someone. After the conflict escalated, Hong began firing his AK-47 in the air and yelling loudly. Another policeman, Moly, went to intercede. Hong pointed his gun at Moly and threatened him, “If you come any closer, I’ll blow you away.” Moly was extremely angry and, when he returned to his station, said, “So, little Hong was trying to be hard (*khlang*) with me (*ânh*). Well, I’m strong, too, and I’m going to defeat him.” Moly called a relative who was Hong’s superior and explained what had happened. Perhaps twenty minutes later, the chief and several policemen arrived on the scene, arrested Hong, and threw him in jail. To frame this example in terms of my argument, Hong did “something bad” to Moly that made him lose face and appear “inferior” (*an*). Moly’s resulting shame and anger quickly developed into a grudge. Moly took revenge that exceeded Hong’s original bad deed by having him imprisoned. By doing so, Moly restored his own honor, “defeated” Hong, and demonstrated that he was the superior person.

Is a grudge inevitable? If a grudge often leads to violence, it is by no means an inevitable outcome. There are many alternative ways of dealing with one’s anger. Perhaps the most effective, following the tenets of Buddhism, is to control and extinguish one’s anger, which is the outcome of ignorance and desire and which ultimately leads to

suffering. Both at home and at the pagoda, young children learn Buddhist norms of nonviolence and methods of overcoming anger. These lessons are reinforced by morality tales, such as the Gatiloke and Tum Teav, that illustrate how people who are “quick to anger” (*chhap khoeng*) encounter misfortune. In Buddhism, the mindful way of dealing with one’s anger is to recognize its source and to let it disappear since anger, like everything else in the world, is impermanent. The importance Cambodians place upon managing anger is reflected by an elaborate vocabulary of emotion control which includes such terms as: “to block/control the heart” (*tuap chett*); “to destroy/calm the heart” (*rumngoap chett*); “to lose/cool one’s anger” (*rosay komhoeng/chett*); “to turn/cleanse one’s heart” (*puat chett*); “to melt/calm one’s anger/heart” (*roleay komhoeng/chett*); “to press down/calm the heart” (*sângkat chett*); “to become cool in one’s feelings” (*nay*); “to extinguish anger” (*rumluat*); “to keep one’s temper” (*tâmkal chett*); and “to disperse/demobilize one’s anger/heart” (*rumsay komhoeng/chett*). Likewise, a person with a “heavy heart” (*chett thnguan*) is said to be slow to anger. Many people, however, do not have the wisdom and ability to simply let their anger melt away, particularly when the perceived offense is major and has caused them much pain and suffering.

There are other ways such people may cope with their anger, without harboring a grudge. Sometimes, for example, people deal with their anger by internalizing it. A person who is unable to directly express such a socially disruptive emotion may do so indirectly by exhibiting somatic symptoms like a headache, loss of appetite, anxiety, insomnia, shortage of breath, neck and back pain, or a stomachache. At such times, Cambodians often simply say that they “have pain/hurt” (*chheu*) and will attempt to restore their physiological balance through such treatments as “coining,” “pinching,” and “cupping.” One man explained to me that after he became angry - particularly after being reprimanded by his boss or wife - he would often have headaches and other symptoms that could be alleviated by coining: “Often before coining, I am really angry and have difficulty breathing. When I coin, however, I can breathe more easily. My skin becomes hot and sweaty at the places that were coined . . . and my heart feels better, so that I am not so angry.”

In addition to experiencing somatic symptoms,

people also sometimes physically redirect anger back onto themselves. People who are angry can occasionally be seen hitting or swearing to themselves. One elderly mother whose daughter was being publicly disrespectful to her began to repeatedly hit herself hard on the chest while saying aloud, “I really have bad karma, I speak and you don’t listen at all. I have never felt as shamed before others as I do today. I didn’t know your heart was so evil.” The most extreme version of turning anger inward is suicide, an act that sometimes occurs when a person experiences a great deal of anger and shame, such as failing a major educational examination.

Yet another way people sometimes cope with anger is to redirect their antisocial feelings onto culturally approved forms. The spiritual cosmos of malevolent being may provide a convenient target for hostile feelings that could not be expressed because of the strong emphasis on pro-social behavior in daily interactions.

While infrequent, spirit possession constitutes an even more direct mechanism for expressing hostility. A person who is possessed is not regarded as responsible for his or her antisocial behaviors since they are attributed to a spirit. Cambodians who exhibit such aggressive and abnormal behaviors over prolonged periods of time are simply said to be “crazy” (*chkuot*) and allowed to live on the margins of society.

One common arena of expressing aggression is striking animals. For example, many Cambodians view dogs as the lowliest of creatures and may strike one when irritated. Unfortunately, this redirection of aggression is also sometimes characteristic of human interactions. Parents occasionally hit children when they are upset about a matter. A friend of mine once watched as an angry mother struck her young daughter who, in turn, kicked a passing chicken. Many Cambodians also enjoy cockfighting, which seems to provide a legitimate arena for the projection of hostility. Men pamper and massage their cocks, sometimes even sticking the cock’s head into their mouths, in order to get it to summon up a last bit of energy with which to tear apart its opponent.

Despite all of the aforementioned management strategies, people sometimes desire to express their anger toward another person in an indirect, low-intensity manner. First, Cambodians may show their anger through a variety

of non-verbal behaviors that commonly include not smiling, hostile staring, a furrowed brow, withdrawal, and an agitated tone of voice or body posture. Second, Cambodians evince anger through indirect speech. Thus, as the anthropologist May Ebihara noted, a village disputant may shout out his or her “grievances in an angry monologue that is apparently directed to no one in particular but is loud enough to be heard by the entire hamlet (including the offending party).” Such a person is expressing his or her anger by making an indirect criticism that in Khmer is literally said “to almost hit” or “to touch slightly” (*bânhchhet bânhchieng*).

Alternatively, Cambodians sometimes show their anger by strategically employing speech registers. A person who uses terms of exaggerated politeness or formality toward someone else, for example, can increase the social distance between the individuals and thereby indirectly signal his or her displeasure. Another way to express hostility through indirect speech is through teasing. Perhaps the most prevalent way to indirectly express anger in Cambodia, however, is to gossip maliciously (*niyeay daoem*) about another person. Finally, Cambodians often express their anger in a low-level manner through avoidance. In its mild form, avoidance consists of one individual not looking at, not speaking to, or moving away from a person with whom he or she is angry until he or she can control his or her anger. In the extreme, two people may completely avoid contact and stop talking.

A Cambodian man, Rhel, provides another example of such avoidance. One of his three roommates, Lat, became extremely angry after the other two took away the lamp he was studying with in order to cook dinner. Lat didn't say anything, but he left the room. When Rhel later went to speak with Lat in order to ease the situation, Lat redirected his anger onto Rhel by making a few indirect barbs at him. Rhel explained, “I didn't want to argue with Lat, so I controlled my heart (*tuap chett*) and didn't get mad. During the next few days, I kept trying to speak with Lat, but he would only respond a little bit. Then he didn't respond at all. One day I came back and found that he had packed up his possessions and gone.” While Rhel was able to successfully control his emotions, Lat chose to express his anger in a low-intensity manner through indirect (and redirected) criticism, avoidance, and silence.

Begrudgement, Reconciliation, and the Khmer Rouge

In Cambodia, as in other societies throughout the world, people have distinct understandings of and options for dealing with their anger. Each person draws upon these understandings, consciously or unconsciously, when deciding what to do with their feelings of anger.

It is difficult to tell a person who suddenly finds the killer of his family and friends standing before him that he should simply allow his anger to melt away. Likewise, many people harbor an enormous grudge against Pol Pot, Ieng Sary, Nuon Chea, Khieu Samphan, Son Sen, and the other top leaders of the Democratic Kampuchea regime. Can we simply advise them to “forgive and forget”? Just as Buddhism teaches that each person must discover the path to Enlightenment, so too must each Cambodian decide for him or herself what to do if a “knot” of malice still ties them in anger against such people. Whatever they decide, the trial and conviction of such genocidal perpetrators may go a long way toward melting away the anger of many Cambodians.

Reconciliation, however, involves more than a trial. It requires a change of attitude. To change one's attitude, one must become more mindful. To become more mindful, one must broaden one's comprehension of the conscious and unconscious cultural understandings that guide our actions. This essay has attempted to help facilitate this process by making explicit some implicit Cambodian cultural understandings about anger, begrudgement, and revenge that can lead either to an attitude of violence or an attitude of reconciliation. As the venerable Maha Ghosananda has pointed out, the path of reconciliation with the Khmer Rouge is a difficult one, but, if done in accordance with right mind, can ultimately lead to right action. I leave you to contemplate his sermon:

“I do not question that loving one's oppressors - Cambodians loving the Khmer Rouge - may be the most difficult attitude to achieve. But it is a law of the universe that retaliation, hatred, and revenge only continue the cycle and never stop it. Reconciliation does not mean that we surrender rights and conditions, but rather that we use love in all of our negotiations. It means we see ourselves in the opponent-for what is the opponent but a being in ignorance - and we ourselves are also ignorant of many things.

Therefore, only loving kindness and right mindfulness can free us.” Maha Ghosananda, *Step by Step*.

PRINCIPAL CRIMES UNDER PRE-1975 CAMBODIAN LAW

Jason S. Abrams and Steven R. Ratner

The 1956 Penal Code covers the primary crimes recognized by most states. According to French practice, the code classifies offenses by severity: *crimes* (felonies), *délits* (misdemeanors), and *contraventions* (police violations). Felonies and misdemeanors are further qualified as first, second, or third degree in increasing order of severity according to their corresponding degree of punishment. Under this code, felonies were punishable by *peines criminelles*: those of the third degree were punishable by death (the 1993 Constitution abolished the death penalty), second-degree felonies were punishable by life at forced labor, and first-degree felonies were punishable by forced labor for a limited period. Misdemeanors were punishable by *peines correctionnelles*, namely imprisonment, fines, or both, each increasing based on the degree of the misdemeanor. Police infractions were punishable by *peines de simple police*, namely police detention, fines, or both. The Code also provides for numerous situations in which the court may decrease or increase the penalty based on attenuating or aggravating circumstances.

Aggravating circumstances include those stemming from the method of the crime, the situation of the victim, and the offender's criminal record. The primary crimes and corresponding punishment may be summarized as follows:

Homicide (Articles 501-508): Voluntary homicide committed with the intent to cause death is murder; involuntary homicide includes manslaughter through negligence and other types of recklessness; premeditated murder qualifies as assassination. Article 505 states that intent to cause death is presumed from the use of a lethal weapon and can also be presumed based on the severity, multiplicity, or location of the blows to the victim. Murder and assassination are felonies of the second and third degree, respectively; involuntary homicide is

punishable in varying degrees of severity.

Torture (Article 500): Torture is a third degree felony. The definition resembles the internationally accepted definition of torture, involving the infliction of pain in order to extract information, although it is more limited in that the information must be useful for committing a felony or misdemeanor.

Rape (Articles 443-46): Article 443 defines rape as the introduction or attempted introduction of the perpetrator's sexual organ into another person by force or threats without the other's consent. For victims thirteen years of age and above, it is a third degree felony; for those under thirteen, it is a first-degree felony. (The law also recognized statutory rape for any sex with those under 13.)

Other Physical Assault (Articles 495-99): A voluntary act of violence that leaves traces on the victim is a second-degree misdemeanor if done without the use of an armed object, and is a third-degree misdemeanor if done with an armed object. If it results in a permanent infirmity, mutilation, loss of a limb or senses, mental problems, or abortion, it is a first-degree felony. An offense occurs each time an armed object is used to strike or attack the victim; the crime also occurs when committed without homicidal intent by other means.

Arbitrary Arrest or Detention (Articles 482-86): Anyone who arrests or detains another, except under legitimate authority or in the case of a crime, is punishable for a second-degree misdemeanor if the detention lasts ten days or less; otherwise, it is a third-degree misdemeanor. The maximum penalty is to be applied if the victim is subjected to violence, maltreatment, or deprivation of food or care. In addition, the offender can be punished for the violation of a person's civil rights, such as freedom of movement. In addition, articles 249-51 make unlawful detention by a public official, whether a policeman, jailer, or judge, a second-degree

misdemeanor.

Attacks on Religion (Articles 209-18): An attack on the life of any monk practicing a religion recognized by the Cambodian government during the exercise of his profession is a third-degree felony; other attacks on his person are second-degree felonies. Other second-degree felonies include preventing or stopping religious practices and the desecration of religious places or objects.

Other Abuses of Governmental Authority (Articles 240-44): The Code punishes the arbitrary use of power by governmental officials or public authorities as a second-degree misdemeanor. Arbitrary acts are defined as deprivations of the political, civil, or family rights or liberties of people without legal justification. Failure by a government official to report such acts constitutes a second-degree misdemeanor as well.

Related Crimes (Articles 77-88): Article 77 punishes attempts at felonies like the crimes themselves if they failed to achieve their goal solely due to actions independent of the offender. Attempts at misdemeanors are punishable only if specifically provided for; attempts at contraventions are not punishable. As for participation, Article 82 states that all persons participating voluntarily, either directly or indirectly, in a felony or misdemeanor are susceptible to the same punishment as the principal. Indirect participation is limited by Article 83 to incitement, training, furnishing of means, and assistance.

In addition to the above offenses, the Code of Military Justice, published along with the Penal Code, provides for a number of additional crimes when committed by military personnel. The crimes and punishments are generally defined along the same lines as those in the Penal Code. The vast majority of the Code concerns military-type offenses, such as insubordination, desertion, and treason. The Code does, however,

make a second-degree felony any pillage by military personnel if committed with arms, force, or other violence. If certain members of the group are instigators, they and those of the highest military rank are second-degree felons and all others are first-degree felons.

Finally, the 1956 Code does not explicitly criminalize such international actions as genocide, crimes against humanity, or war crimes per se. Rather, it focuses only on common domestic law crimes. Whether Cambodian law permits the direct prosecution of individuals for international crimes absent specific codification of those crimes in the Cambodian penal code remains unresolved to our knowledge. French constitutional law appears to allow prosecution under at least treaty-based international criminal law, since treaties become applicable domestically subject only to some official publication. If Cambodia followed the French approach, it might incorporate international law in its domestic law through such decrees, although retroactive application of such decrees could raise the same concerns as ex post facto criminal statutes. (If Cambodia had decreed the Genocide Convention or other international criminal law conventions as applicable domestically, the retroactivity problem would not arise for those crimes, but we are not aware of whether this occurred.)



Khmer Rouge soldiers preparing for battle

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EVIDENCE IN THE PROSPECTIVE TRIALS OF FORMER KHMER ROUGE OFFICIALS

John Ciociari

(Continued from the July 2001 issue)

To establish a more complete picture of the chain of command, a combination of documents can be used in an additive fashion. Correspondence letters held by DC-Cam provide some of the information, as do minutes of committee meetings and official records of CPK party organization, laws and regulations. Correspondence letters often refer to particular CPK members and their titles. They also include frequent references to political and military subdivisions, elucidating the command structure. Minutes of committee meetings provide similar information and often add an attendance list or similar indication of the membership of the convened committee. Finally, official CPK promulgations set out in explicit detail the roles of certain government officials, generally those highest in the party structure, and spell out some of the rules for CPK organization.

Used in concert, such documents provide a reasonably fulsome picture of the interwoven CPK military and political chains of command. They also provide a very clear picture of the general structure of political geography and military organization, which are likewise important as circumstantial evidence. Interview transcripts and confessions also contribute information, though their evidentiary weight is less. It is unclear precisely how a court would assess the value of hearsay statements or confessions about command relationships or structure.

3. Mens Rea

Many of the documents at DC-Cam are also probative of the required mens rea element of command responsibility. The most important such documents fall into four categories: (a) correspondence documents, (b) minutes of CPK committee meetings, (c) physical mapping reports and, (d) to a lesser extent, official CPK promulgations. Correspondence documents show a superior's knowledge of criminal activity by subordinates when the superior is an addressee of a report of such activity. DC-Cam houses numerous CPK documents, addressed and copied to top officials, reporting acts including torture, killing or other culpable acts committed by subordinates. Some of the reports bear notes explicitly

written by top officials, proving quite conclusively that such reports were received. Other bear notes apparently written by top officials, which in connection with testimony by an expert in handwriting analysis, could be strong evidence of the reports' receipt. In addition, the sheer number of reports to top officials in DC-Cam adds circumstantial evidence that some, if not all, of the correspondence letters were received.

Here, it should be noted that some of the most relevant correspondence documents are those reporting confessions. Though the confessions themselves are of limited evidentiary value, the introductory narratives written by interrogators often provide evidence that confessions were extracted through torture. A number of documents explicitly describe the "torture" used to force a particular individual to confess. Unlike the more numerous documents which use coded terms like "smash" or "screen," the reports from interrogators leave no doubt that the addressee of the report was on actual notice of criminal behavior.

Minutes of committee meetings likewise provide evidence of the required mens rea. By including discussions of criminal acts, committee minutes held by DC-Cam demonstrate knowledge of such violations among the committee members present. In addition, some committee meetings include policy recommendations that "no-good elements" and "opponents of Angkar" be "smashed" or "screened out" of the party and population. Such statements show the relatively clear intention of the speaker to bring about or condone criminal behavior. I have found no committee minutes at DC-Cam in which an opposition to such policy was raised. The lack of opposing voices may be used as circumstantial evidence that the remaining members present either supported or complied with the policies of "smashing" and "screening out" enemies of the regime.

A third important source of potential evidence at DC-Cam for establishing mens rea are the extensive mapping reports produced by the DC-Cam staff. The mapping reports are evidence of the staggering number of deaths and organized mass burials which took place

throughout Cambodia during the Democratic Kampuchea (DK) regime. The existence of such widespread deaths in each of the CPK zones is compelling circumstantial evidence that top CPK officials had sufficient notice of the killings to incur at least the obligation of reasonable investigation. Interview transcripts, petitions and other documents obtained from survivors of the Khmer Rouge period add to the circumstantial evidence that CPK leaders were on notice of the atrocities committed beneath them. Hearsay documents will, of course, be accorded somewhat lesser weight.

Official CPK promulgations are of more limited evidentiary utility. In a few instances, they spell out a general intent on the part of the central government to eliminate political opponents. Such statements add to the evidence that top leaders intended for certain purges to occur and provide a circumstantial indication that they knew about and cooperated in the practice. However, the intent voiced in official CPK promulgations is worded vaguely enough to be of diminished evidentiary value.

4. Actus Reus

The documentary holdings of DC-Cam can also be used to show the actus reus, or culpable act, of the accused superiors. Again, the most constructive prosecutorial approach will be to use the documentary evidence in an additive fashion. The first major source of evidence at DC-Cam for the culpable acts or omissions of top CPK officials are the mapping reports. The extraordinary number of deaths and mass burials throughout Cambodia during such a brief time period is strong circumstantial evidence that high-ranking CPK officials did not take adequate measures to prevent killings or to adequately punish the guilty subordinates. Interview transcripts, petitions and other documents gathered from the survivors of the DK regime add to the circumstantial evidence.

The correspondence letters are a second source of evidence of the actus reus. Numerous letters report to senior officials that subordinates continue to “screen out no-good elements” and “smash”

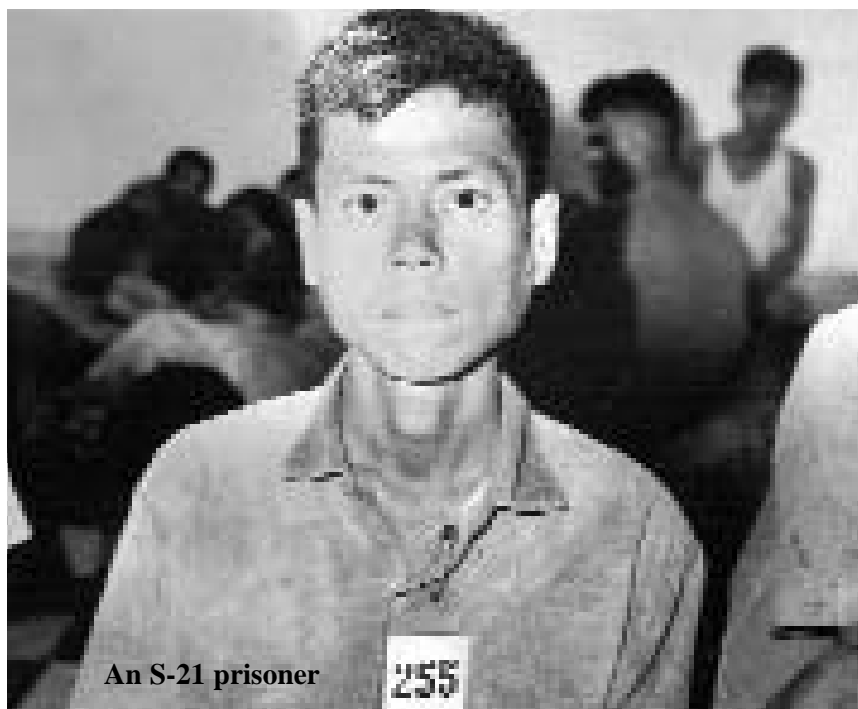
opponents of Angkar. The repetition of similar reports to a given superior can be used as evidence that the superior did not sufficiently object to the practice after receipt of the first report. The tenor of many of the letters, which are couched as progress reports, also supports the inference that commanding officers had instructed their subordinates to conduct “smashings” and “screenings.”

As in the mens rea context, interrogators’ notes preceding certain confession reports provide particularly compelling evidence of the superior’s culpable act or omission.

The repeated reports of torture demonstrate that the superior failed to take appropriate action to prevent its recurrence. In addition, the fact that the letters are drafted as progress reports leads to the inference that the acts were ordered or otherwise encouraged.

Minutes of committee meetings are another form of documentary evidence. In discussions relating to acts taken by subordinates, leaders’ recommendations or directives for continued “screening” indicate their complicity or their more active promotion of the criminal practice. Finally, official CPK promulgations also demonstrate the actus reus by explicitly directing party members to “screen out” opponents of the party. However, as noted in the discussion of mens rea above, such promulgations are worded vaguely and thus have reduced evidentiary value.

(Continued in the September 2001 issue)



An S-21 prisoner

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

Dmitry Mosyakov

(Continued from the July 2001 issue)

At the same time the information provided to the Soviet side by Hanoi contained its own puzzles. In November 1973, the deputy chief of the socialist countries department of the VWP Central Committee, Nguyen Trong Thuat, in a conversation with a Soviet diplomat, asserted that “the latest information makes it clear that the process of the NURC’s (National United Front of Cambodia-D.M.) and personally Khieu Samphan’s ruling roles are now strengthening.”

In January, 1978, the information about Khieu Samphan was completely different. The first deputy chief of the external relations department of the Vietnamese Communist Party Central Committee, Nguyen Thanh Le, told the Soviet ambassador that “in 1971-1972 Khieu Samphan was an ordinary member of the party and only in 1975 became a candidate member of the Central Committee.”

It is possible to explain this obvious inconsistency in two ways: either Hanoi really did not know Khieu Samphan’s actual place in the ruling hierarchy of the Cambodian Communist Party (he was always far from the real leadership), or they knew but did not want to tell the Soviet side, wishing to put Moscow in contact not with the actual leaders, but with Khieu Samphan who was unable to make decisions. At least in 1973-1974, Khieu Samphan and Ieng Sary were considered in Moscow as the most influential persons in the CPK, and Moscow officials tried several times to organize a meeting with him alone. Thus in April, 1974, the Soviet ambassador, in conversation with the deputy minister of foreign affairs of the DRV, Hoang Van Tien, “asked about the time of Khieu Samphan’s return to the DRV on his way to Cambodia. He said that he would like to meet with him.”

In reply to this request, the chief of the USSR and East European countries department of the Vietnamese

ministry of foreign affairs, Nguyen Huu Ngo, said that “in the morning of May 28, the protocol department of the ministry of foreign affairs, according to the request of the Soviet ambassador, has raised with Khieu Samphan the question of this meeting. In the afternoon, prime minister Pham Van Dong, in negotiations with the Cambodian delegation, has passed on fraternal greetings to Khieu Samphan and Ieng Sary from comrades Brezhnev, Podgornity, and Kosygin, wishing them success in their struggle. The Soviet leaders asked Pham Van Dong about it during his recent visit to Moscow.”

It is clear now that Khieu Samphan, even if he was very keen on going to such meeting, would not have been able to do so without the approval of Pol Pot himself or the Politbureau of the Central Committee. A breakthrough in relations between Moscow and the Khmer Rouge could take place only if key figures of the Khmer leadership were involved in this process. But the Vietnamese tried to do their best to prevent direct contact between Moscow and the CPK authorities, wishing to avoid a situation in which someone else would take over their monopoly on relations with the Khmer Rouge. Being aware that Moscow could inevitably become suspicious as to the genuineness of Hanoi’s intent to assist in establishing contacts between the CPSU and the CPK, Vietnamese officials constantly declared that “the VWP exerts every effort to assist the promotion of relations between Cambodian and Soviet comrades.”

It is widely believed that after 1973 relations between the Khmer Rouge and the Vietnamese communists were gradually worsening until the beginning of the border war in April 1977. The archival documents, which we possess, testify that the assumption is not correct and that their relations, after seriously cooling off in 1973, saw a marked improvement in 1974 up to the level of close cooperation.



In that year the CPK authorities seemed to have forgotten their accusations that the Vietnamese “have betrayed the interests of the Khmer people,” and they started to glorify again the combat friendship and solidarity of the liberation forces of Vietnam and Cambodia. In fact, Pol Pot was compelled to recognize that he had been somewhat hasty to come up with accusations against the Vietnamese, because in the beginning of 1974 it became obvious that due to considerable casualties in the 1973 military campaign the Khmer Rouge were not able to take Phnom Penh without serious military and technical aid.

In his search for material assistance and arms, Pol Pot originally addressed China; however, the latter was deaf to all entreaties Beijing played its own game and expected certain changes in the correlation of forces in the

Vietnamese leadership and in its political course, which would deepen Vietnamese cooperation with China and slow the growing influence of the USSR. After receiving a refusal in Beijing, Pol Pot, who was frequently called “brother number one” in CPK documents, was compelled to soften his rhetoric and summon Hanoi for support once again. The archival documents testify to softening of Khmer-Vietnamese relations. The political report of the Soviet embassy in the DRV for 1974 mentioned that while in the beginning of the year the Vietnamese friends (in conversations with the Soviet diplomats) referred to vast difficulties in cooperation with the Cambodian communists, at the end of the year they indicated an improvement of relations. In March Pol Pot, in a letter sent to Le Duc Tho, a member of the Politbureau of the Central Committee of the VWP, went so far as to say that “sincerely and from the

bottom of my heart I assure you that under any circumstances I shall remain loyal to the policy of great friendship and great fraternal revolutionary solidarity between Kampuchea and Vietnam, in spite of any difficulties and obstacles.”

No doubt in 1974, Pol Pot was playing an ingenious game with Hanoi with far-reaching purposes. He exuded gratitude and swore his allegiance, because he had not better chance of receiving military and other aid from Vietnam. In 1978, the then Deputy Minister of Foreign Affairs of Vietnam, Ngyuen Co Thach, told German communists that in 1974 Cambodians had asked for assistance for the purpose of taking Phnom Penh. “But the Chinese did not provide such aid, then Pol Pot had approached Vietnam”. The new call for assistance, as in 1970, did not come from Pol Pot himself, but from his deputy within the party, Nuon Chea. There is nothing strange about Pol Pot’s compelled appeal to Vietnam for assistance. The strange thing was why the Vietnamese leadership, which was fully informed of the special



Nuon Chea

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PRESS RELEASE:

SEVEN CANDIDATES FOR PROSECUTION: ACCOUNTABILITY FOR THE CRIMES OF THE KHMER ROUGE

Coalition for International Justice and the War Crimes Research Office, American University

Time: 10: 00 AM

Date: July 16, 2001

Location: National Press Club

529 14th Street NW, Washington, DC 20045 USA

Up to two million people died in Cambodia as a result of the savage policies of the Khmer Rouge between April 1975 and January 1979 and yet none of its leaders suspected of orchestrating those crimes had been brought to justice. Twenty-one years after the fall of the regime, two experts have written a ground-breaking report, that for the first time, assesses the culpability of specific individuals in the light of available evidence. The report, *‘Seven Candidates for Prosecution: Accountability for the Crimes of the Khmer Rouge’* is designed to aid Cambodians in what may be the last chance to prosecute aging survivors of Pol Pot’s inner circle.

“Cambodians deserve justice. This report makes it clear that if there is a failure to prosecute those responsible for the crimes of the Khmer Rouge, it is not for lack of evidence or suspects,” said Floyd Abrams, a leading constitutional lawyer who contributed to the report. Using newly available archival evidence, the report establishes prima facie cases for prosecuting seven former high-ranking Khmer Rouge officials for their roles in the killing fields. While previous research efforts have documented and examined the regime’s atrocities broadly, this report is the first to focus on the questions of individual criminal responsibility and superior authority of particular officials.

Released by the War Crimes Research Office of American University’s Washington College of Law (WRCO) and the Coalition for International Justice (CIJ), the report is co-authored by Cambodia scholar Dr. Steve Heder, and international humanitarian law expert Brain Tittmore. The authors analyzed volumes of previously inaccessible evidence made available by the Documentation Center of Cambodia, the leading Cambodian organization dedicated to recording the history of the Khmer Rouge regime and documenting its crimes for a future legal

accounting.

The evidence examined verifies the existence of a policy of mass murder, devised at the highest levels of power and implemented through a coordinated chain of command. The report confirms that mass killings targeted three particular groups: individuals associated with the former Khmer Republic regime (overthrown by the Khmer Rouge in 1975); party members or “cadre” within the Khmer Rouge suspected of being traitors; and non-communist members of the Cambodian population.

The seven individuals identified in the report include surviving associates from Pol Pot’s inner circle:

- ◆ Nuon Chea (“Brother Number Two”), Pol Pot’s deputy and founding member of the powerful Khmer Rouge Central Committee, who devised and implemented execution policies;

- ◆ Ieng Sary, Foreign Minister, who publicly encouraged and facilitated arrests and executions within his ministry;

- ◆ Khieu Samphan, Presidium Chairman, who encouraged low-level party officials to execute victims;

- ◆ Ta Mok, Southwest Zone Secretary, who directed and/or facilitate the arrests by subordinates of suspected traitors in his Zone and failed to prevent or punish atrocities committed by his subordinates.

- ◆ Kae Pauk, North-Central Zone Secretary, who directed and/or facilitated the arrests by subordinates;

- ◆ Sou Met and Meas Mut, Khmer Rouge military chairmen, who played direct roles in the arrest and transfer of subordinates from their Divisions for interrogation and execution.

The report describes the specific actions of these seven individuals, and also assesses their level of knowledge about the crimes committed by their subordinates in the field—knowledge that several of the suspects have long denied.

The report meticulously documents the roles each official played in promoting or implementing these



murderous policies, in some instances through their involvement in meetings where mass executions were planned. This information, together with evidence indicating that these official were the intended recipients of reports and other documents that recorded the progress of the atrocities, refutes the defense that only Pol Pot, now deceased, was responsible for the design and implementation of the Khmer Rouge’s brutal policies.

The authors scrutinized a wide array of evidence including telegrams, minutes of party meetings, reports from the killing fields and prisons transmitted to the suspects, notebooks of Khmer Rouge officials, and the confessions of tortured and executed Khmer Rouge “cadre” who were purged from their posts. This evidence, combined with interviews of other high-level leaders, including Dr. Heder’s own conversations with Ieng Sary, reveal previously unexplored links between atrocities committed at the lowest level of the Khmer Rouge

hierarchy and the officials named in the report.

No longer will those most responsible for the deaths of nearly one-third of the population of Cambodia during the Khmer Rouge reign be able to say they did not know. The release of this report coincides with various and still contentious efforts by the United Nations, concerned countries and non-governmental organizations in Cambodia and elsewhere, to establish a criminal tribunal to finally bring those responsible to justice. The report could serve as a foundation for constructing criminal cases against each of these seven, and other surviving Khmer Rouge officials, as part of such a process.

Also importantly, the report serves as a historical record not only of the atrocities committed during the dark rule of the Khmer Rouge, but for the first time, of the specific knowledge that leaders had and of their individual criminal responsibility—all proven, ironically, by the methodical way they documented their systematic terror.

BRINGING THE KHMER ROUGE TO JUSTICE

Ben Kiernan

(Continued from the July 2001 issue)

On September 12, I invited them to return in January, after we had completed our documentation of the Khmer Rouge genocide for the State Department. The Documentation Center, with CGP funding, would then be free to serve the Pentagon’s different needs. On October 23, James W. Wold of the Pentagon’s MIA office accepted my offer. I responded on October 25, reconfirming to General Wold that his researcher David Chandler was welcome to work in the Documentation Center’s archives in January-February

1997. Wold’s office called that afternoon to thank me. The State Department followed suit, as did Chandler.

Three days later, on October 29, in the *Asian Wall Street Journal*, Smith falsely accused me of withholding cooperation from Pentagon researchers. I replied by fax on November 4, but Smith’s newspaper held back my reply, passing it on to the *Wall Street Journal* in New York. On December 5, Mr. George Melloan, the *Journal’s* Deputy Editor (International), requested a copy of “the letter you received from General Wold.” I faxed it to Melloan immediately. This



letter confirms my September 12 offer to the Pentagon. However, on December 19, the *Journal* republished Smith's October piece, alongside an editorial stating: "Mr. Kiernan refused the Pentagon researchers access to the documents. He continues to do so to this day, and will continue to do so until his project closes." Two weeks earlier, Melloan had received irrefutable evidence that we had scheduled the Pentagon's visit for the following month. This dishonest editorial appeared simultaneously in the *Asian Wall Street Journal*. Both newspapers also finally printed my short letter of November 4, but refused to publish corrections to their new editorial. Mr. Terrill E. Lautz, Vice-President of the Henry Luce Foundation, wrote that I had received a \$250,000 grant from his foundation—in October 1996, just as Smith was describing me as "the grant world's equivalent of box office poison." The *Journal* declined to print this letter, Yale's own reply, or even a letter from the Pentagon. The paper left readers, potential funders, and the Khmer Rouge with the false impression that the CGP was to "close" in January 1997.

On the contrary, in January 1997 the CGP launched a new World Wide Web site, including four large databases documenting the crimes of the Khmer Rouge regime. Chandler worked in the Documentation Center's archives in February 1997 as arranged, and returned in May. Though neither he nor his Pentagon employers have yet announced whether he has found any information on American MIAs, Chandler again thanked us for our cooperation. We have seen no such acknowledgement from the *Wall Street Journal*. But the Editor-at-Large of the *Asian Wall Street Journal* reports our continued existence as "the only research operation in the world that focuses on Khmer Rouge atrocities. "In a turnaround paralleling that in the U.S. Senate, the *Readers' Digest* praised the CGP and the Documentation Center: "Even today, project workers are uncovering masses of files that point to Pol Pot's 'bureaucracy of death.' Moreover, Yale won a commitment from the Cambodian government to endorse initiatives that would bring the evidence and Khmer Rouge leaders to a criminal trial."

Meanwhile, the Khmer Rouge split, with one

faction led by Ieng Sary launching its own "Research and Documentation Center" to defend itself. In June 1997, the two Cambodian Prime Ministers appealed to the United Nations to establish a tribunal to judge the crimes of the Khmer Rouge period. In early 1998, the UN assembled a group of distinguished legal experts to report on this issue. They visited the Documentation Center of Cambodia in November 1998 and examined the evidence in detail. Their report, delivered to the UN Secretary-General in February 1999, recommended the establishment of an Ad Hoc International Criminal Tribunal to pass judgement on the Khmer Rouge leaders, and a truth commission to be held in Cambodia to allow the surviving victims to air their grievances more fully.

Pol Pot died in his sleep in April 1998, less than a year after murdering his former Security chief, Son Sen, whom he suspected of attempting to follow Ieng Sary's defection to the government. But the 1998 mutiny and defection of former Khmer Rouge deputy commander Ke Pauk and the surrender of Khieu Samphan and Nuon Chea mean that three of the last Khmer Rouge leaders at large are now capable of being apprehended. The lone, one-legged military commander Chhit Choeun, alias Mok, did not last long in the jungle. He was captured in March 1999 and sent before a Cambodian military court. Meanwhile, four of the five Permanent Members of the UN Security Council made strong statements in support of the establishment of an international tribunal.

In this period, new attempts were made to stymie the work of the Cambodian Genocide Program. In May 1998, Congressman Tom Campbell (R-California) wrote another letter to the U.S. Secretary of State, supported by Vietnam veteran and former Reagan appointee John Parsons Wheeler III. This time the allegation was mismanagement of the CGP's State Department grant. After a six-month inquiry, the Office of Investigations of the U.S. Inspector-General found "no evidence of wrongdoing" and closed its investigation. Meanwhile Campbell's colleague, Congressman Dana Rohrabacher (R-California) and Senator Jesse Helms of North Carolina proposed a resolution (H.Res.533) that would try Cambodian

Prime Minister Hun Sen as a “war criminal” rather than pursue what Rohrabacher called the “obsession with a handful of geriatric Khmer Rouge leaders.”

When two of the geriatric genocidists, Nuon Chea and Khieu Samphan, surrendered to the Cambodian government and the U.S. Government called for them to be sent before an international tribunal, Stephen Morris made a final attempt to prevent a genocide trial. He wrote a short piece for *Commentary* criticizing the “useless Genocide Warning Center” which the U.S. Government had established the previous month. Morris now pronounced that “genocide is extremely rare” and that “the only unambiguous example of genocide to have occurred since the Nazi Holocaust” was the 1994 Rwandan case. In Morris’s view, Cambodians did not suffer a genocide, because “the persecution of ethnic minorities was only a relatively minor aspect of policy” in the Khmer Rouge period. Morris’s colleague, Adam Garfinkle, writing in the *Los Angeles Times*, took up the case against an international tribunal for Cambodia. Firstly, he agreed that “the atrocities of Cambodia represented a nearly pure political and ideological madness, not an ethnic or religious one. For this reason, the application of the term genocide to what happened in Cambodia between 1974 and 1979 is improper.” Secondly, Garfinkle added, “What business is the fate of two aged and defeated killers—Khieu Samphan and Nuon Chea—to the U.S. Government? Did any American perish at the hands of these deranged thugs?” And thirdly, he concluded, a tribunal “is liable to dredge up no little amount of embarrassment about the American role in recent Cambodian history. [We] were indeed there at the creation of Cambodia’s troubles. For purely prudential reasons, then, a U.S. initiative aimed at exhuming our own policy ancestor, so to speak, seems very ill-advised.”

This close look at the failed efforts to impede the task of the CGP enables us to see firsthand how denial and suppression of information about genocide work. Both the creation of historical memory and its erasure depend upon contemporary politics as much as history itself. Bunroeun Thach, Julio Jeldres, Stephen Morris,

Congressional Republicans, and the *Wall Street Journal* editorial page all considered their own political agenda more important than documenting the crimes of the Khmer Rouge and bringing the criminals to trial for genocide. This agenda reflected the anti-Soviet alliance between the United States and China during the later stages of the Cold War, an alliance which often brought together conservative anti-communists and Maoist radicals. We see such a combination in this case. Priorities for members of this coalition usually included disguising their own past support for the Khmer Rouge, burying the history of the Vietnam War, and yet refighting it by both covering for the Khmer Rouge and fanning the flames of the MIA issue. Justice for the victims of the Khmer Rouge was not among their priorities. Those who sought it were often attacked from two sides.

Neither Congressional Republicans nor the *Wall Street Journal* denied that the Cambodian genocide occurred. Rather, they took extraordinary measures to prevent or divert investigation of that genocide. A determined campaign by some of the United States’ most powerful politicians and one of the world’s most powerful newspapers failed. But it posed a larger obstacle to a historical accounting for the genocide than did scholars preferring to use their own concepts, or explanations beyond the wording of the Genocide Convention. Most scholars reflexively welcome further research and documentation. By contrast, political pressure is the greatest threat to honest inquiry. And the best defense is a deeper exchange of ideas, further scholarship, and more determination.

Pol Pot is dead, and the Khmer Rouge army has collapsed in division and defeat. All surviving Khmer Rouge leaders have surrendered, defected, or been captured. The first trials, of Pol Pot’s military commander, Chhit Choeun (alias Mok), and of the Khmer Rouge Security Chief, Kang Khek Iev (alias Deuch), may begin soon in Phnom Penh. Charges of genocide have also been prepared against Nuon Chea and Khieu Samphan. In spite of all of the politics involved in the documentation of events in Cambodia, it appears that getting history right has proceeded hand in hand with the quest for justice.





Thomas Hammarberg

HOW THE KHMER ROUGE TRIBUNAL WAS AGREED: DISCUSSIONS BETWEEN THE CAMBODIAN GOVERNMENT AND THE UN

Thomas Hammarberg



(Continued from the July 2001 issue)

Meeting with Hun Sen and others in March 1999

I met again with Hun Sen on 25 March. Others present included the Foreign Minister, the Minister of Justice Uk Vithun, the Senior Minister Sok An and the President of the Supreme Court, Dith Munthy. Normally, I had seen Hun Sen without the presence of other ministers; their attendance now seemed to stress the importance and finality of the discussion. Also, the day before the meeting another letter to the Secretary-General had been published which again made references to Article 33 of the Constitution and Article VI of the Genocide Convention.

The letter stated that the trial of Ta Mok would be conducted in a national tribunal and it welcomed legal experts from foreign countries - if they were invited by the domestic tribunal. Whether additional persons would be tried was to be decided by the court itself. (Privately, Hun Sen told me at the end of our meeting that Nuon Chea and Khieu Samphan would be “invited” to the trial. However, it was not clear whether they would come as witnesses or defendants.)

Hun Sen said in his opening statement that there would be no international tribunal, outside or within Cambodia and that Cambodian law did not allow for the participation of foreigners as judge or prosecutor. Advisors from some countries might be accepted; it would be up to the prosecutor to decide on this. Governments interested in supporting the trial could relate to the Ministry for Foreign Affairs or the Ministry of Justice.

This position contradicted the June 1997 request for international assistance. The letter from Prince Ranariddh and Hun Sen had stressed that Cambodia did not have the resources or expertise to conduct this very important procedure. This particular problem had thereafter been analysed by the Group of Experts, which had concluded that the Cambodian judiciary failed to meet three essential conditions: a trained cadre of judges, lawyers and investigators; an adequate infrastructure; and a culture of respect for due process. (These deficiencies were, in part, the result of the mass killings during the Khmer Rouge regime which crippled the judicial system badly.)

My own opinion was that the problems relating to the judicial system were so manifest that they could not be quickly remedied for the purpose of a trial of this magnitude through some advice only. Though the need for radical judicial reform had been a major theme in my human rights reports, it had to be realised that such a process of change would take considerable time. The Government’s platform for 1998-2003 had emphasised the need for judicial reform, stating that “the judicial system and the courts are necessary to be entirely overhauled. By law they ought to be independent, honest and trustworthy”. It was clear that only a tribunal which was truly international in character could guarantee international standards of justice, fairness and due process of law. However, it was important that the Secretary-General had clarified that such a tribunal did not necessarily have to be modelled after either of the existing ad hoc tribunals (former Yugoslavia and Rwanda) or be linked to them institutionally, administratively or financially.

There were openings here for other models.

However, there was no interest in such discussions at the 25 March meeting. The tone was negative, even polemical, as reflected in this statement by Foreign Minister Hor Nam Hong:

“The international community talks about finding justice for the Cambodian people. Cambodia agrees to find justice for Cambodians and for humanity. But what has the international community been doing vis-à-vis the Khmer Rouge lately? Once the genocidal Khmer Rouge regime was toppled, the so-called international community continued to support the Khmer Rouge. The so-called international community forced Cambodia to accept the Khmer Rouge as partners in Paris peace talks and in the SNC. It said nothing about responsibility of the Khmer Rouge, let alone prosecution of them. But now that Cambodia has achieved peace and reconciliation, they call for an international tribunal. Can we trust them?

This is the moral aspect. Now for legal aspects. We Cambodians suffered most and are those who most want justice. Article VI of the Genocide Convention does not prohibit prosecution by a national court. Article 33 of Constitution does not allow Cambodians to be tried abroad. The proposed national prosecution is in line with law. International standards are not clear. We are ready to accept international assistance in order to respond to moral and legal aspects, and the desire for peace. Behind the so-called international community are one or two countries who push for an international tribunal. Some countries supported the Khmer Rouge until 1991. Do they love Cambodians more than the Cambodians themselves?”

The fact that these arguments were given such prominence, I felt, may have reflected internal difficulties within the government in maintaining intellectual standards. No international representative had said that the Genocide Convention excluded the possibility of a national trial, this was not an issue. The very wording of Article 33 of the Constitution did not support the Foreign Minister’s interpretation: it only stated that there was a need for mutual agreement between the relevant governments before a national could be extradited. Such an agreement would probably not be a problem if an international tribunal was properly established and the Cambodian authorities were positively involved. The Prime Minister did not come back to these points when I made these clarifications.

He presented two arguments to explain the changed position from the 21 June letter. First, that the Khmer Rouge leaders still were active in June 1997 and threatened peace and stability. When they surrendered or, in the case of Ta Mok, had been arrested, the situation had changed. There was no longer any need for help from outside. The other argument was that the Chinese government exerted pressure against any international tribunal and when the Thai government had refused to arrest Ta Mok on Thai territory, Hun Sen could no longer claim that this was an international issue.

After 21 months: stalemate

The government discourse had grown polemical and irritated. The UN history on the Khmer Rouge was attacked, as were the previous and current positions of the US and China. The Thai government was even accused of “sabotage”.

Also, arguments were made which were less than serious, such as that the Constitution did not allow co-operation with an international tribunal outside Cambodia. Moreover, there was the loose idea put forward—but never thoroughly analysed—of trying “the South African model”, which was understood to be a truth commission based on voluntary confessions and forgiveness. My impression was that all these strands in the discussion more reflected a general unease with the whole situation than a clear and principled strategy.

In reality, the discussion had come to an impasse. Though not spelled out in black and white, the Prime Minister no longer stood behind the June 1997 letter. The shift appeared to have begun with the surrender of Khieu Samphan and Nuon Chea and their December 1998 meeting with the Prime Minister. Hun Sen’s memorandum on 21 January, though non-conclusive in approach, had hinted at arguments which later became prominent. One of them was the perception of a contradiction between peace and a tribunal.

This point, however, seemed to have less weight after the arrest of Ta Mok. There were no reports about security problems as a result of his being captured. It was also difficult to combine the position that the Khmer Rouge was now totally defeated and the argument that an international tribunal would lead to a new civil war. As a consequence two other points were given more emphasis. One was that it was “too late”, the game was over. The other one related to Cambodia’s sovereignty.

Hun Sen has obviously seen the international tribunal as an instrument to defeat the Khmer Rouge more than as a means of establishing justice. When Ieng Sary, Nuon Chea and Khieu Samphan had surrendered and Ta Mok were under arrest, the tribunal became less important to him. But justice is a value in itself.

The Prime Minister’s criticism against the UN for not acting more speedily on the June 1997 letter should be read against the fact that he himself had appealed to the UN not to move on this matter until after the July 1998 elections. The arguments for this request were that an already volatile situation should not be further disturbed and that the government needed some room to encourage further defections.

How late was the UN? The experts were appointed more than a year after the original letter from the Prime Ministers, in July 1998. They were ready to visit Cambodia in September but it was decided to postpone the mission until November due to the political tensions in August-September. The final report was delivered exactly 20 months after the original request from the government.

The time schedule was affected by the fact that the Security Council never formally discussed the letter and was clearly split on the issue. Only through the resolution in the General Assembly, in December 1997, was there a more formal reaction from a UN body opening the way for a Secretary-General initiative. If this, then, had been followed-up quickly, it just might have been possible to have the experts visiting Cambodia before the election fever had set in, which in turn might have produced another, more constructive, outcome.

Prime Minister Hun Sen stressed his point about “national sovereignty” in March 1999. This argument was always there, but had now become more dominant. The fact that the Cambodian government was isolated in the eighties - while a Khmer Rouge-dominated coalition was given a seat in the General Assembly - was still, understandably, a source of bitterness for Hun Sen and other CPP leaders. Also, Hun Sen had continued to be critical of the UN mission, UNTAC, in 1992-93. He maintained that the UN manipulated the elections in favour of FUNCINPEC.

One explanation for his inconsistencies on the tribunal issue was probably his deep-seated suspicion of the UN and the international community, which seemed to have increased with critical human rights reports. Another factor that he mentioned himself was the contradictory pressure exerted from the US and China.

National pride alone, however, did not solve the problem of the flawed judicial system. It was clear that the court system could not take on this task in a satisfactory manner, as was admitted in the June 1997 letter. The situation in that regard was little better now, 20 months later.

There were two major problems in the justice system. One was that court staff was still badly educated, inexperienced and under-resourced; this had obviously contributed to widespread corruption. The situation was made worse by the other problem: that the independence of the system was undermined also from outside. In my work I had frequently been faced with cases of improper pressure from powerful people, including politicians and military officers. All leading lawyers I had talked with were in agreement that Cambodia by itself just could not handle a Khmer Rouge tribunal relating to genocide and other crimes against humanity.

There was an implicit recognition of the first problem in the tentative invitation that had now been sent to some governments to provide legal advisors to a tribunal on the Khmer Rouge (at the time this was obviously considered by Hun Sen and his Foreign Minister as an alternative to an international tribunal). However, the problem of the integrity—and thereby the credibility—of the proceedings would not be satisfactorily addressed through such an approach. It was important that people at large could genuinely believe that justice was done. For that a stronger

international element was needed, as the non-governmental groups had stated.

However, the Prime Minister had said at our March meeting that he felt the role of the UN on this issue had come to an end.

Part II: March 1999-January 2001

The “mixed” tribunal idea

For the Prime Minister to close the dialogue with the UN on the Khmer Rouge tribunal was a big decision. There had been a very strong reaction, including within his own political party, against his meeting with Nuon Chea and Khieu Samphan in December 1998. Indeed, my meetings in March 1999 with other politicians, including those from the CPP, indicated a broad support for a genuine trial based on international standards. They encouraged me to continue my efforts in spite of the stalemate.

So did most of the foreign diplomats in Phnom Penh (and some of their colleagues based in Bangkok). The Secretary-General had submitted the issue to the Security Council and the General Assembly through his 15 March 1999 letter with the report of the Group of Experts appended. The Chinese were actively working against any further UN initiative. In a meeting I had with the Chinese Ambassador in Phnom Penh, he argued that the issue of the Khmer Rouge was an “internal” matter and should not be dealt with by the UN—not even on a Cambodian invitation.

However, a broader Member State reaction came at the 1999 session of the Commission on Human Rights, where Cambodia again was on the agenda. The resolution took note with appreciation of the report of the Group of Experts and strongly appealed to the Government of Cambodia to take all necessary measures to ensure that those who are most responsible for the most serious violations of human rights were brought to account in accordance with international standards of justice, fairness and due process of law. The Commission encouraged the Government of Cambodia and the international community to continue to co-operate for this purpose. In other words, the interest of the international community was reconfirmed.

However, the international community had not taken position on the precise model proposed by the Group of Experts. The fact that the Cambodian government, at least sometimes, had stated that it wanted a trial, made it difficult for a number of governments to support the imposition of a particular approach on Phnom Penh. In fact, several diplomatic representatives I consulted showed sympathy for the idea that the tribunal be established in Cambodia, so long as its security and integrity could be protected. The message appeared to be: continue the discussions, you are free to explore other models as long as these meet the necessary standards.

The next official move was another letter from Hun Sen on 28 April 1999 to the Secretary-General. He now explained that, though the trial of Ta Mok and possibly others would take place in an existing national court, foreign judges and prosecutors would be invited to take part fully in the trial in order to ensure that it met international standards of due process. A draft law would be submitted for approval to the Cambodian National Assembly allowing for foreign judges and prosecutors to take part in the proceedings.

The formulation about the full participation of foreign jurists was not clear, but seemed to indicate that they could act as judges and prosecutors and not only as advisors. This opening gave rise to the idea of a “mixed tribunal” as a solution to the impasse between the UN and the government. The Secretary-General had given impetus to some creative thinking through his statement in March that the trial should be “international in character” but not necessarily modelled on the ad hoc tribunals on former Yugoslavia and Rwanda.

It had also become more obvious that there were strong arguments for holding the trial in Cambodia itself. Though the Experts had proposed that the tribunal be held outside the country but in the Asia-Pacific region, this was not necessarily the last word. If problems of security and the tribunal’s integrity could be resolved, there would be advantages to establishing it in Cambodia itself. This would, for instance, enable the Cambodian people to observe the proceedings closely and to see clearly that justice was being done.

The idea of a “mixed tribunal” was discussed in a meeting in April between Hun Sen and the US Senator John



Kerry who had supported the idea. One aspect of the approach was that there would be both Cambodian and international judges. Such a tribunal had never been set up. The idea was innovative, but it was obvious that it would be extremely complicated to implement.

When I met Hun Sen on 18 May we discussed the idea further. He asked me, tentatively, whether it would be possible for the Secretary-General to make appointments of the international judges. I responded that any UN involvement in this connection would depend on whether there were full guarantees that international standards for justice, fairness and due process would be respected. The enabling legislation to be drafted and adopted for this purpose would have to address the concerns the Secretary-General had expressed in his letter of 15 March 1999 to the General Assembly and the Security Council.

The emerging idea of a “mixed” tribunal appeared to reflect an attempt to combine, on the one hand, the position that the trial must be held in Cambodia itself and seen to be Cambodian and, on the other hand, the introduction of the necessary guarantees that international standards would indeed be applied and upheld.

The tribunal would be based on a law to be adopted by the Cambodian parliament. I pointed out that the report of the Group of Experts gave important guidance as to the characteristics of the required legislation both in relation to the substantive law and the procedural aspects. Relevant international standards would have to be incorporated and the applicability of the domestic legislation relevant at the time clarified.

On the procedural aspects there would be a need to clarify, for instance, steps to ensure that the tribunal be protected against undue pressure; satisfactory arrangements for the arrest of persons indicted; requirements for the assessment of evidence; the procedures for appeal; a satisfactory mechanism for the appointment of the judges, prosecutors and other professional staff; as well as issues relating to the organisation and funding of the tribunal.

Hun Sen stated that it would be very appropriate that experts should assist Cambodia in the drafting of the legislation to ensure that it met the necessary requirements of international standards. I undertook to convey this message to the UN Secretariat and to propose that such expertise be provided. Any further UN involvement after the drafting would depend on whether there was an agreement on the inclusion of guarantees that appropriate international standards be respected.

I reported on these developments at meetings in the UN Secretariat in New York on 24 May and 10 June and recommended that expert assistance be given to the Cambodian government for this purpose. In view of the background and, in particular, the government reactions in March, it was decided that we should seek another confirmation from the Prime Minister of his intentions.

I sent him a note summarising my understanding of our meeting in May, including his request that experts assist Cambodia in the drafting of the legislation to ensure that it met the necessary international requirements. He wrote back confirming that he was in agreement. He added, however, that he wanted the experts to arrive as soon as possible.

The UN Office of Legal Affairs had undertaken to analyse the legal requirements in relation to a “mixed” tribunal. This would serve as a guide for the experts going to Phnom Penh. It would include provisions relating to the legal basis of the tribunal, its basic law or Statute, appointment of judges and a prosecutor, guarantees for the arrest of Khmer Rouge leaders upon request of the tribunal and identification of needs for contribution in funds and personnel.

The analysis of the Group of Experts on both national law and international standards gave useful guidance on, for instance, the statutory limitation in the old Code Penal (relevant in 1975 when the Khmer Rouge took power) and the applicability of the Genocide Convention (e.g. the problem of whether there was an “intent”) and standards relating to Crimes against Humanity (e.g. whether they apply outside an armed conflict situation).

(Continued in the September 2001 issue)

DREAM OR REALITY

Sidney L. Liang

Sometime a glimpse of a shadow comes over me in the form of a grandmother, but I do not know who she is. Waking up in the middle of the night, feeling the presence of others all around, who then vanish into the night. Walking through life toward the future, but shaken by the eerie feelings of unknown attachments from the past.

Currently I reside in Massachusetts. My birth name is Leap; my father's name was Liang and my mother's Pak. I was born into a family of farmers in Phoum Tatok, Srok Mong Russey, Battambang province in 1970. Unfortunately, I have no clear recollection of the years before 1975. Everything is mixed with sadness, like lightening flashes during a hurricane and swept by twisters up and down, which can only be compared to a roller coaster ride.

Having been forced to be an adult at the age of nine was extremely difficult. Basically, I tried to find food for my family as best I could. I was good at frog-fishing and catching frogs in the dry season. I remember there was a time when I caught a big frog in a private pond and the owner of the pond started chasing me, as did the other villagers. On my way home, a neighbor approached me and said, "my husband is starving, needs food, can I have one of your frogs?" I said yes, and gave her the smaller frog that I had caught that day. She refused and wanted the bigger frog; I felt saddened by her situation and finally gave her that frog. She and her husband survived the regime and are currently living in Virginia.

I am glad I still have some of these good memories. There were times when, with my eyes closed, I could hear footsteps next to my house dragging victims with their mouths covered, unable to make any sounds other than those of struggling for life. Over the thick darkness of the rice fields I could hear the sounds *pos pos* then *oye*, then quiet. Was this the sound of beating people to death? I did not know, but people seemed to disappear from my village of Ro Luos. I was scared. In addition, every night there were sounds of wolves crying all over the village. The sounds stopped as daylight covered the earth. There was not much comfort. I only saw my parents once in a while, because they had to work.

They placed me with a group of kids of about the same age (six or seven years old) and only allowed us to see our parents once a month. We could not show any emotion at all. No one could cry, laugh, or become excited about seeing or leaving their parents. Every day a leader would bring us to work to collect cow manure and water plants at the farm. Our regular workday started around 6:30 a.m., and we returned at 7 p.m., but were not allowed to sleep until we attended the regular scheduled meeting, which lasted until around 9 p.m. Some people called this "the brain washing session."

Walking by, holding hands, parents are talking to their kids and teaching them ways of life, as life should be. I am so sad because I do not remember my dad's face, what he was about, or who he was. On top of not knowing and unable to remember, the only memory I have of him is the sight of a white sheet covering his body. It is unfortunate, but it is the only memory I have.

The morning was unusually cold in November 1976. I can see smoke from the fire and the fog of the morning mist. My five-month-old sister was crying. My mom was very busy, and the marks of tears scarred her face. She looked very tired. I did not understand and was lost in the commotion. My dad was dead; his body was laid in front of the house for people to pay respect and was lying there the entire day. People came and went, unable to stay long for fear of violating the curfew forced on them by the Khmer Rouge.

Things were quiet toward the end of the day, people were returning to their homes. As the sun set, so did another chapter for my family and my life. Dust from the sun set onto our village, as my older brother gasped for air. Why? As night fell, it consumed my brother's breath. The muscles in his body knotted and hardened. He died that some evening. I did not understand why he died, but I knew that by the end of that cold November day, I saw two bodies covered in white sheets and then never saw them again. My father died in the morning and my brother died in the evening. I was alone taking care of my mom and younger sister. Life is sometimes cruel and unfair.

After that day, I was not scared of death. I remember there was a time my mom asked me to wake up my grandmother for dinner. When I got to her, I noticed a smell that I had known. I was unable to wake my grandmother because she died in her sleep. She had been

dead for almost one day. I had no feeling, but sat next to her for a moment.

Even though we were farmers, some of my uncles were educated in Cambodian temples, France, and other foreign countries. One of my uncles, Pu Tok, was well educated in Khmer and French. One day people in black clothes came to his house and told him to be ready to be picked up to study abroad. As they were leaving, one comrade uttered to my aunt, “You can look at him now...this is the last time you are seeing him.” He never returned home to his daughter and wife. About a month later, a villager told my aunt that he saw Pu Tok hung from a tree. Months later his wife was taken too. To this day I don’t know what happen to their daughter; she was alone.

I remember these incidents clearly; I cannot shake them from my mind. Sometime it was so painful that out of frustration, I hid myself alone and cried. Sometimes, I see places, events, and times, but am unsure of what they were. Were they just dreams or realities? I cannot talk to my mom; I’m afraid it might make her pain and suffering return. Last year (2000) during an interview, I found out

my mom lost 17 relatives during the Khmer Rouge era. She has been keeping this suffering and heartbreak to herself for over twenty years. Sounds of firecrackers, tire explosions, or people banging scare her and bring back many memories. My mom and I are American citizens, but won’t be able to celebrate the 4th of July [Independence Day] like everyone else.

My mom is the strongest woman I have known. She took care of both of us through the worst and cruelest of times. Relying on faith, we struggled, walking at night and sleeping during the day on our way across Cambodia to Thailand. We saw people killed by land mines, starvation, and exhaustion along the way. Through her strong will and determination, we went to Khao I Dang camp, where our new lives began. I am sad and angry. I was deprived of my youth and childhood experiences, and was basically put on a journey of uncertainty. I am not the only one who has had these life changing events. The leaders of these times should be held accountable to all my relatives, my countrymen, and my home.

No one’s life is more precious than another’s!

Chum Kiri, July 17, 2001

To: Youk Chhang, Editor-in-Chief of Searching for the Truth magazine, with high respect:

My name is Tong Ra; I am a teacher at Chum Kiri Junior High School in Chum Kiri District, Kampot Province.

After seeing and reading *Searching for the truth*, which clearly describes and narrates historical facts, and has printed distressing, unbearable pictures taken during the Pol Pot regime, my heart and soul suffer so much. Nothing can ever be compared to the suffering [under the regime] because the murderous, inhumane acts of the regime were so barbarous that no one could ever have imagined them.

Under the pressure of this mighty fascist dictatorship, I myself lost an uncle and a brother who were both schoolteachers. They were killed and thrown into a grave at Srei Pagoda, called Po Vong. My remaining uncles and older siblings still do not know exactly where they were executed. To his day, I am in pain whenever I think about the past tragedies because of what we call “prosecuting perpetrators in a true and just tribunal.” This tribunal has been a desire of both victims and their surviving relatives. These people have been waiting anxiously for this moment for many years, and will never let it be forgotten, even though the tragedy occurred twenty years ago and the perpetrators are getting older and older. Today I feel both glad and sad, and these feelings linger in my mind. I am glad because the National Assembly has passed a law to form a tribunal to bring the Khmer Rouge to trial. I am sad because the tribunal might be delayed even longer, and I want it to happen in the very near future.

Being confident in justice, I hope your records will become indispensable evidence in solving and revealing the truth hidden in the regime of the “killing fields,” through the tribunals, which will put top Khmer Rouge leaders on trial in the future. Please bring justice to the victims and put an end to their long-unsolvable suffering as quickly as possible.

In the end, I wish the editor-in-chief and your colleagues continuous accomplishments in your historic missions for Cambodian citizens and our lovely homeland of today and the future.

Please, Director, accept my sincere respect.

Tong Ra

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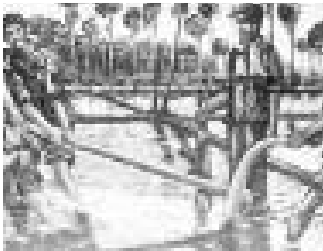
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LOOKING FOR LOST FATHER

To: Youk Chhang, Editor-in-chief of *Searching for the truth* magazine

My name is Khun Kolpheavatey, and I currently reside in Svay Rieng Province. My father's original name was Thaong Poeun (I do not remember his date of birth). He was born in Po Village (called Prey Sangkai Village), Khset Commune, Kampong Ro District, Svay Rieng Province. My father changed his name to Thaong Sun when he joined the revolution. After liberation day, April 17 1975, I knew that he had a role as a deputy chief of Battalion 75, a border defense unit of Svay Rieng Province, in Region 23 of Eastern Zone. According to credible information, my father was arrested in about 1976 when the Angkar invited him to attend a meeting at a place in the provincial town of Svay Rieng. With the above-mentioned facts, please search for my father and spread his name to those who were former soldiers of Democratic Kampuchea and still living. If you find his name and acquire some accounts of this particular event, please be kind to inform me through *Searching for the truth* magazine.

Thanks



Artist: Vann Nath
A former S-21 prisoner



KHMER ROUGE POEM:

**DETERMINE TO TURN OUR GREAT CAMBODIAN
HOMELAND TO BRIGHT GREEN RICE AND CROP FIELDS**

Oh! mighty Kampuchea
feudalism capitalism and traitors
made our nation and people
become poverty-stricken servants.
Our prosperous Kampuchean Party
leads Kampuchean Society
this new society is perfect
there is no rich or poor or loss of reputation.
We are youths, peasants, workers
for we are free from sorrow
we swear to change our homeland
plenty of rice, corn, banana, potatoes, hemp.
Turn fields with new dikes and irrigation systems
late rice, early rice, and October rice
change village lands, and hill lands
to grow fields of chili, eggplant, taro.
Arum, pumpkin, cucumber, melons
which burst in green everywhere
while we are soldiers
and at times cultivate the land.
It's true! Now in our homeland
we are so happy
we swear to fight
for plenty of food and happiness.

When you suffered from imperialism
that oppressed you continuously
suffered enormously through generations
then tried to live on in despair.
Wonderfully developed
towards equality
justice prevails to which nothing can compare
no cheating or oppression.
Soldiers are delighted
and have a chance to live in the new world
of Kampuchea to become beautiful
cotton, morning plants everywhere.
Rice scattered to all places
flourishing in all seasons
on mountain sides, in valleys, or road sides
mints, garlic, bitter gourd, ginger, and sesame.
Spiny plants, cabbage, bean, bitter gourd, and Mormeanh
front our lands at all times
armed with weapons waiting to defend
with people of both sexes.
Kampuchea is bright and prosperous
work day and night to double the yield
together we build a developed society
with everlasting high prestige.

(Cited in Revolutionary Youth Magazine, Volume 8, August 1976)

ដើម្បីទប់ស្កាត់ការបោះពុម្ពនិងចែកចាយដោយឥតគិតថ្លៃដល់មន្ទីរស្រុក និងឃុំ នៅទូទាំងព្រះរាជាណាចក្រកម្ពុជា
ទស្សនាវដ្តីចំនួន១០០០ ច្បាប់ជា រៀនរាល់លេខនឹងដាក់លក់តែនៅក្នុងរាជធានីភ្នំពេញប៉ុណ្ណោះ មួយច្បាប់ក្នុងតម្លៃ ៧០០០ រៀល

មជ្ឈមណ្ឌលឯកសារកម្ពុជាអំពីការរស់រវើកវិបល្លាស មូលនិធិនានា និងសាធារណជនគ្រប់រូប សូមជួយទប់ស្កាត់ការបោះពុម្ពដោយទស្សនាវដ្តីនេះទៅតាមលទ្ធភាពដែលអាចធ្វើបាន។ ព័ត៌មាន
បន្ថែមចំពោះការបោះពុម្ពដោយទស្សនាវដ្តីស្វែងរកការពិត សូមមេត្តាទាក់ទងមកកាន់នាយកមជ្ឈមណ្ឌលឯកសារកម្ពុជាតាមទូរស័ព្ទលេខ (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.

A magazine of the Documentation Center of Cambodia: Searching for the Truth! Number 20 August 2001.
Funded by the Royal Ministry of Foreign Affairs, Oslo, Norway, Section for the Human Rights and Humanitarian Assistance;
Canadian International Development Agency (CIDA) through the Civil Society Fund, the Swedish International Development Cooperation Agency(Sida);
the Royal Danish Government and the Royal Netherlands Government, The Hague.