

Table of Contents

Letter: Ta Mok: Justice for Victims and Perpetrators..1

DOCUMENTATION

Hu Nim: A Prisoner of Angkar2
Comrade Va Lan, Hu Nim's Wife5
A Former Second Secretary7
Killing Fields in O Reang Ov8
Is It the Result of Our Karma from Past Lives14
Documentary Photos17
Master Genocide Site Data19

HISTORY

Hor: A Gunman of the Khmer Rouge21
Voices from S-2123
Phnom Sanlong: A Southwest Zone Security Office..27

LEGAL

Evidence in the Prospective Trials30
International Human Rights Law33

PUBLIC DEBATE

NATO Intervention in Kosovo35
International Criminal Law40
Alias and Aka42

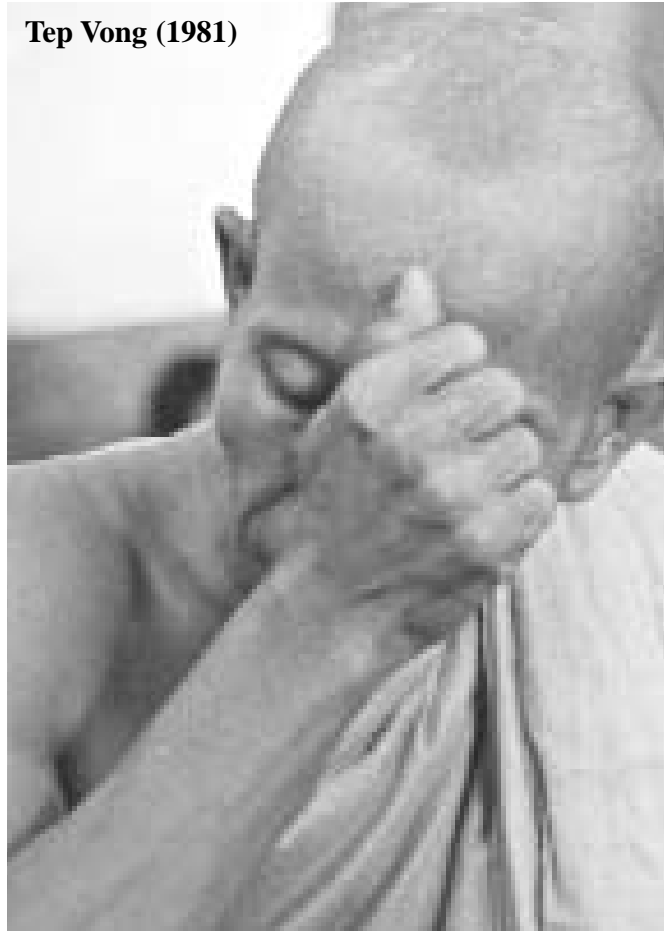
FAMILY TRACING

The Tragedy in My Family44

KHMER ROUGE ARTS

KR SONG: Our Brilliant VictoryBack Cover

Tep Vong (1981)



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Letter :

TA MOK: JUSTICE FOR VICTIMS AND PERPETRATORS



Ta Mok

KR regime accused of having committed the Cambodian genocide.

For Ta Mok to be released without trial will add to the injustice that he and his comrades inflicted upon the people of Cambodia—injustice that has already been compounded by the twenty-plus years that the Cambodian people have had to wait to learn why the lives of their families and loved ones had to be sacrificed under the rule of Democratic Kampuchea. At least one member of every Cambodian family, including the Royal family, died brutally and unjustly under the Khmer Rouge barbarity. The release of Ta Mok would further undermine the Cambodian people's lack of trust in the country's current judicial system, after years of effort on the part of the Royal Government of Cambodia and the international community to regain that trust.

Despite Ta Mok's status as a former leader of the Khmer Rouge during the regime that killed millions of Cambodians, it will not serve the interests of justice if the National Assembly amends the law to permit him to continue to remain jailed without trial. Like any other Cambodian citizen, he has the right to be tried for his alleged crimes. Ta Mok has already spent three years in jail—enough time for the Royal Government of Cambodia and the United Nations to have established an independent tribunal for prosecuting him and other surviving leaders of the

The Royal Government of Cambodia and the United Nations have an historic obligation to establish an independent tribunal in a timely manner in order that: 1) the truth about what happened during the Khmer Rouge era can be made known; 2) those most responsible for the atrocities committed during that time can be brought to justice; and 3) public closure may be granted to the Cambodian people who have endured nearly a quarter century of unacknowledged grieving.

Youk Chhang

HU NIM: A PRISONER OF ANGKAR

Kalyan Sann



In its first and consecutive struggle movements, the Communist Party of Kampuchea (CPK) relied heavily on a large number of activists who sacrificed their physical and spiritual strength in the jungle for the sake of liberating Cambodia from what the Khmer Rouge called “American imperialists and their lackeys.” The CPK used a variety of means to obtain the involvement of the masses inside the country as well as external support with a view to achieving its expected victory.

Following their triumph of January 17, 1975, senior leaders of the Khmer Rouge began to lose trust in their combatants. Many of them were accused of being members of “traitorous networks” or “enemies burrowing within the revolution,” and were soon “smashed” one after another. Likewise, activists working abroad were called to return to

Cambodia under Angkar’s principle of Party Political Training. They were then sent to detention camps and executed. Those who worked in the country were treated in the same way. Many Khmer Rouge activists in the struggle movement, including Phok Chhay, Hu Yuon, Hu Nim, Sean An, Keo Meas, Issoup Ganthu, Koy Thuon, Norng Suon, Van Piny, Huot Sambath, and Sarin Chhak, became prisoners of S-21 and were killed.

Hu Nim aka Phoas was convinced by comrade Pang via telephone to work with Angkar. He was caught and sent to S-21. In his confession, Hu Nim seemed surprised by the treachery. Based on his confession, Hu Nim himself only came to realize that he was accused of intending to create a new party, separate from the CPK, during his confinement.

At S-21, Hu Nim was detained in House No. 31, Room No. 1, Cell No. 1. Infected with hepatitis and subjected to torture inflicted by his interrogator(s), Hu Nim’s health rapidly deteriorated. “The Party! You are detaining me. I beg [the party] not to put the chains on my feet.

I never experienced such a thing. Worse still, I am suffering from hepatitis, making me very weak.... As I cannot stand this for much longer...I’d like to report [about my condition]... My health has deteriorated from just days ago. With such suffering, I cannot have anything to hide...”

Hu Nim was arrested on April 10, 1977 and interrogated on the same day. During the first interrogation session, he expressed his absolute denial of Angkar’s allegations against him. “I’d like to say to the party that I haven’t betrayed the party. Neither have I served as a CIA or agent of the Yuon, Son Ngoc Thanh, or of revisionist or any foreign groups, who are burrowing inside the party and destroying the party. Although the party is to take

COMRADE VA LAN, HU NIM'S WIFE

(Translation from the original file)

My Respected Angkar!

I would like to inform the party of my personal history.

1. Original Name: Va Lan. Revolutionary Name: Yat, born in Tonle Bet Subdistrict, Kampong Cham province. Ethnicity: Khmer. Father's name: Va, deceased in 1968. Mother's name: Leng, 73. She earns her living by making rakes and transporting wood.

In 1952, I got married to a poor man whose father passed away when he was six. He lived in the care of his mother, who was a cake vendor. Later, she became so poor that she could not support her children, and was made to stay with a master who later forced her to take another husband. The stepfather did not treat my husband well. His mother had no choice but to bring him to stay at a pagoda, where he could survive with education. After our marriage, he always talks and hates oppression and exploitation. At the same time, he recalls the struggle by the people and those who were engaged in the struggle in Samloth.

Towards the last election in 1967, after the enemies pushed tremendously and I could not fulfill my tasks for the party, Angkar took [me] to the forest at a time when I had an 8-month child in my womb. I prepared everything for his departure to fulfill the task for the party under the revolutionary light of the party. Three days after my husband's departure, enemies came to my house searching for documents. My brother's house nearby was surrounded by enemies who then kicked him, breaking two ribs and two teeth. They asked him for my husband. My brother was hit until he passed out. My brother was then arrested and gasoline was poured inside his house. Then they shouted, claiming that my brother was burning himself. Sihanouk said that a Viet Cong was burning himself. Three days later, they [enemies]

said he had passed away, and asked [us] to cremate him. In fact, my brother was killed at the hand of the enemies. A month later, I gave birth to a baby. The enemies guarded me at home. When my child was 18 months old, Angkar came to take me to the jungle again. I left my four children in the care of Angkar.

At this stage I paid a small contribution to the party to whom we are indebted. Your virtue is so heavy that we cannot forget at all. The party liberated us from the hand of enemies. The party has been educating us every day about the stand of organizational discipline and indoctrinating belief in the party, our nation.

At the same time, once he [my husband] had received instruction from the party, he always held courses with the purpose of educating the masses to believe in the party and the nation. Recently, he held a course encouraging the masses to produce films and songs. At night, I saw him compose songs for our brothers for the coming ceremony. Since the old regime, I have never seen him being with friends other than a few (some of whom died), such as comrade Koma aka Pok, comrade Uch Ven and Khieu Samphan. They were on the same newspaper team. During the holiday, he took the children to visit his mother's homestead. Every time he returned, Sihanouk always scolded us on the radio that there were leaflets being distributed. He was enraged by Sihanouk. He always said if he had knowledge of the party's whereabouts, he would follow the party, hoping sometime later we would be connected with the party network. He said to us that when the party needed him, he would contribute to the party. He told me that the party would solve any problems that occurred, and that he would go first. I, who was pregnant later, was also taken.

Respected party, please spare my two children. They have done nothing against the party. Instead,



completely. Sadly, the executions at Cha Arng Shrine had already occurred. Some Eastern Zone cadres were murdered by Southwest Zone cadres right on top of the very graves where they themselves had killed innocent people. Sok Heng, 56, a resident of Kampong Boeng village, stated that both victims and perpetrators were killed at Cha Arng. Pin Sokhan recounted that it was a consequence of accusations between fellow Khmer Rouge cadres of betraying the party. Sok Heng stated that he saw the killing of two subdistrict chiefs of the Eastern Zone. First they killed a female subdistrict chief by jabbing a stick and barrel of a gun into her vagina, then dragged her back and forth many times, and finally shot repeatedly into her crotch until she died. After that they shot many times at another chief. Sok Heng revealed there were around 50-60 victims buried inside a single grave at Cha Arng. He added that several days after the killings he visited the site and noticed some stinking swollen and rotting corpses. The victims were both ordinary people and Khmer Rouge cadres; the killings were carried out after the Eastern Zone chief was said to have betrayed the party and the revolution.

Ampel Tapork Subdistrict

12) P-2 Execution Site (Geographic code number: 0311 15,16, Latitude: 11°49'43:40" north, Longitude: 105°31'17:76" east and Latitude: 11°50'14:77", Longitude: 105°31'24:41" east)

The P-2 execution site had been a military hospital of the Eastern Zone from 1975-1977. The site is located north of O Reang Ov's military training camp in Chrey Tasau village. From late 1977 to late 1978, this site was one of the most ferocious killing fields in O Reang Ov district. The killings occurred as a result of internal problems between Southwest Zone cadres and Eastern Zone cadres, according to Pel Pin, 61, a former Khmer Rouge agricultural cadre. Sao Phim, the chief of the Eastern Zone, was wanted by Angkar for treason (conspiring with Vietnam). Cadres under Sao Phim's leadership were executed at P-2 one after another by Southwest cadres, led by Ta Mok. Pel Pin added that many Eastern Zone cadres fled to the forest due to frequent threats from Southwest Zone

cadres. Even Pin, who was a simple agricultural cadre, escaped to the forest. He continued that all Eastern Zone cadres of his rank were also killed. The Southwest cadres lured them back from the forest, saying that if they reunited with Angkar, they would be considered innocent. Pel Pin was one of the two surviving cadres. He asserted that he did not return because he did not believe what they said. Additionally, his escape came before the arrival of the Southwest cadres. He said that he had an argument with a regional chief over unequal food allowances between ordinary people and cadres - people did not have enough food to eat, while the upper brothers had plenty. He explained that doing like this completely opposed what was written in Issue 11 of the *Revolutionary Flag* magazine.

The regional chief came to arrest him at his office. However, before his arrest was made, the Southwest cadres took control of the region after the declaration was made that "Sao Phim, the chief of the Eastern Zone, has betrayed the revolution." Sao Phim was arrested and killed at P-2. Thus Pel Pin continued to hide in the forest and concealed his Eastern Zone cadre background. Sao Phim committed suicide, since he knew that he could not win. All of his subordinates in O Reang Ov district, who used to inflict suffering on and kill innocent people, were put to death in late 1978 at Office P-2.

A number of wells inside Ta Chhien rubber plantation were selected as execution sites. Pel Pin described the executions P-2, saying they were conducted indiscriminately and included children, adults, wounded soldiers in the hospital, ordinary people and cadres. Victims who were killed here were taken from Chak, Damrel and Ampel Tapork subdistricts. He said that even Lon Nol soldiers who were arrested during the fighting in 1975 and detained at Preah Thiet pagoda were put to death at P-2. Their wives, children and relatives all perished at the Ta Sien wells. Many trucks were seen used for transporting people to the killing fields. Those who witnessed the event, like Pel Pin, hardly believed what they saw. He said that the executioners were young, speaking an

IS IT THE RESULT OF OUR KARMA FROM PAST LIVES?

An Interview with Mohasomethea Thepdei Tep Vong

October 8, 2001

Q: I would like to ask you if the massacre carried out in the Pol Pot regime was the fault of humans or whether it had something to do with sin?

A: According to my serious consideration, the answer is still not clear. Why? Because lives are full of suffering. Karma consists of a person's acts and their ethical consequences. I am not sure whether Pol Pot is the one who initiated the karma. If he was not, the suffering and loss of lives are sins from the past. For instance, Buddha killed a demon when he was an ordinary man. However, according to the law, he was a human, but a human acting as a Bodhisattva. A

Bodhisattva can kill a demon, and this specific demon ate people, even the prince. The king searched for a person who had magical power to kill it. The Bodhisattva was a suitable person to handle such a task. Before he killed it, the demon begged him, "I am just 80 years old, and in the future you will become a Buddha, because I can see signs on your palms. Therefore, do not kill me. If you do, you will die at the age of 80 like me when you become a Buddha." With the urge to get rid of evils from the world, he decided to kill the demon. After the demon had died, Bodhisattva continued to conduct good deeds in many



Mohasomethea Thepdei Tep Vong

50 50 50 50 100 100 100 100 100 100

Black Yellow Magenta Cyan

lives until he experienced enlightenment and became a Buddha. When he reached the age of 80, the demon was reborn as a pig. The pig owner knew who the pig was, so he killed it to make food as an offering for the Buddha. After he ate it, the Buddha got sick. However, he had been well aware that vindictiveness means “One meal means enlightenment and another one Nirvana.” Clearly, Socheata’s food caused the Buddha to experience enlightenment, while Chon’s caused him to die. Therefore, Chon did not commit the crime of murdering the Buddha. Another story talks about one of Buddha’s followers, Moklean. Due to his obsessive love toward his wife, he abandoned his mother in the forest. Later, she died and was eaten by wild animals. When he became *arahat*, he was killed by 500 bandits. Thus, vindictiveness occurred upon each other.

Returning to the Pol Pot issue, I cannot analyze it clearly. I do not know whether Pol Pot began doing it first or it was the sins of the victims.

Q: Do you mean that all the three million victims had karma from their past lives?

A: As I have told you, I am not sure about this. If it was not Pol Pot’s evil deeds, it was our sin of bad deeds that we had done from our previous lives. You and I had sin, but ours were minor. That’s why we survived. I guess you were born a few years before the regime. You were just kids.

Q: Do you think that the Khmer Rouge should be brought to trial for their crimes or we should just regard the tragedy as our own sin?

A: We cannot depend on vindictiveness. Everything must be tried. But the prosecution must be fair and in conformity with religion. For instance, there are two kinds of lives, active and inactive. Active lives are you and me, who have actions. Inactive lives are things like buildings. Is inactive existence vindictive if it does not harm anyone? In contrast, a human being performs actions, therefore he or she has karma. Consequently, we consider active lives in a different manner. When a sin is committed, both active and inactive existences are damaged. As you can see both lives and properties were destroyed in the Pol Pot

regime. In this respect, we must carry the prosecution with justice, avoiding intimidation between people involved that may lead to continuous vindictiveness. For example, killing the Khmer Rouge leaders is like the killing of the demon. The demon continued to harm Bodhisattva in his next lives. So do Pol Pot leaders harm us. Vindictiveness is endless. That’s why Buddha preached, “Vindictiveness is ended by non-vindictiveness.” Therefore, they should be punished according to their crimes. Do not try to include unconnected individuals; otherwise, the court may eventually punish everyone. I believe that only about 20-30 persons were directly murdered by Pol Pot, and this guy ordered no one to kill people. His big mistake was that he passed no specific law for others to follow, since he eliminated religions. With the absence of religions, neither sin nor goodness occurred. I was not a monk in that period of 3 years, 8 months and 20 days. So, it was the period of religious lawlessness. When a person hated someone, he or she just went straight to kill that person to diminish their hatred.

The same thing happened in my cooperative. In 1977, a few Khmer Rouge soldiers had arguments with brothers of a mad man, incapable of even tending cattle. Being unable to harm the brothers, the soldiers tied the mad man up, put him onto a bicycle, and took him away. He was shot to death at a place just about 30 meters from my house, which was situated at the edge of the village. I saw it clearly. You can see, even such a mentally ill person was ruthlessly killed. There was no legal action taken to stop them doing it. Nor was there a law which allowed the soldiers to kill him. From this example, we can see that in the regime, human beings bore grudges against each other. It began with minor hatred, and in the end, they killed each other.

Take today’s society as an example. We have all sorts of law, significantly human rights law, but killing still exists in the forms of robberies and other cases. It doesn’t mean I pardon them. They must be prosecuted, but the proceedings have to be conducted properly to maintain justice. Accordingly, religious laws have to be taken into consideration: do not kill

people because it's a sin; do not intimidate others or force innocent people to assume accountability for the crime of genocide. More seriously in the tribunal, even some Khmer Rouge soldiers, who have realized their mistakes and defected, might be brought to trial. With this sense, justice does not prevail. We should combine today's law with religions - Buddhism, Hinduism, Christianity, Islam - in order to judge this case with justice.

Q: For you or Buddhism, what does justice mean?

A: "Justice" means judging one's crime with truthfulness, which brings no catastrophic impact to the legal system.

Q: If the tribunal prosecutes those who committed heinous crimes in the Khmer Rouge regime justly, will this become vindictiveness of the people concerned?

A: According to religious law, if justice prevails, there won't be any vindictiveness. According to Buddhism, one can reach Nirvana in his or her current life or next lives. Buddha obtained enlightenment at the age of 45 and reached Nirvana in his current life. Hence, one may wash away their sin in their current life or next lives. If their sin is not completely washed away in this life, in this case through prosecution, they have to be responsible for it in the next lives. They can't avoid it. All living beings are prone to sufferings. If you owe someone four, you must pay them back four, and it's over. If you pay five, then the circle of debt will continue.

Q: According to Buddhist teachings, vindictiveness is ended by forgetting it. Therefore, is bringing the Khmer Rouge leaders to trial vindictiveness?

A: No, unless the tribunal is conducted unjustly; ten can't pay for four.

Q: Should the Khmer Rouge who inflicted sufferings to Khmer people, who you have said have sinned, be prosecuted?

A: I am not so clear about this. It depends on the law court. It is fair that they should be forced to be accountable for their crimes in their current lives. But how can we do it if Pol Pot, Hou Yuon, Hu Nim, and Son Sen have all died? Also, we have to distinguish between those who defected and those who are obstinate.

Q: If we do not prosecute the Khmer Rouge leaders for their crimes now, do you believe that they will receive Karma for their sin?

A: Oh, they'll never escape from it. You can take the cases of Buddha and Moklean as examples. Pol Pot, Hou Yuon, Hu Nim, and Lon Nol and his men have died because of their evil deeds, and I can't imagine how miserable their souls are.

Q: How can people believe that they will be punished for their sins as they see the Khmer Rouge leaders are living in luxury with the uncertainty of being prosecuted?

A: We can't time it correctly. Don't you see how Buddha paid off his sin to the demon he had killed many lives ago?

Q: But aren't people eager to see the people who hurt them be punished in this life?

A: As Buddhists, we wish to have happiness; we want to go to heaven, not hell. We don't know how long it will take us to save up enough merit to be able to live in heaven. All human beings have desires. I want to finish things up as quickly as possible. However, if we can't get one thing, we have to accept another one. If we don't have rice to eat, we have no choice but to eat other available foods, like porridge, for a while. If we want to build a bridge across Tonle Sap lake or one of its rivers, but we can't do it, we have to travel by boat.

Q: Do you want the Cambodian people to pardon the Khmer Rouge leaders or prosecute them?

A: I have mentioned this already. It depends on us all, whether we want them to take accountability for their crimes now or in their next lives. I'll never forget the sufferings I had in the regime. I was detained for 80 days and tortured ruthlessly.

Nonetheless, I could bear all that agony since it was the result of my past life's bad deeds. I still struggled in the form of religion. Religion is the lives of me and the people. That was the reason why people killed each other without consideration. I have spent tremendous efforts to reintroduce Buddhism to our country, so that each person can have merit and sin. I fast every evening for the sake of the happiness of our young children.

DOCUMENTARY PHOTOS

Osman Ysa

The Documentation Center of Cambodia preserves a large number of photos of several types taken during the Democratic Kampuchea regime. The subjects and locations of these photographs have been identified in a few cases, and the Center is working to identify the remainder. The subjects of the five photographs below have recently been identified.

Photo One

The four men in this picture served as interrogators at S-21 Prison (Tuol Sleng) until 1979. Tuy, at left, was a Takeo province native who served in Division 703 at later at S-21. Nan (second from the left) came from the Western Zone, Region 31. The third man is unidentified. Tit, the man at the right, was also from the Western Zone, Region 31.



Photo Two

This photograph shows several important cadres of Tuol Sleng. At left is Chann, a document summarizer who worked on Duch's team. Standing in front of him are two of his five children. In 1970, Chann fled into the jungle with Duch.

Mon (center) was an assistant at S-21 (1976) and later a member of its Standing Committee. In 1977, while he was growing rice in Prey Sa, Duch had Mon, his wife, and child (they are standing in front of him in the photograph) arrested based on the confession of the commander of Division 703, who had been arrested and sent to S-21 earlier. Mon was also sent to S-21.

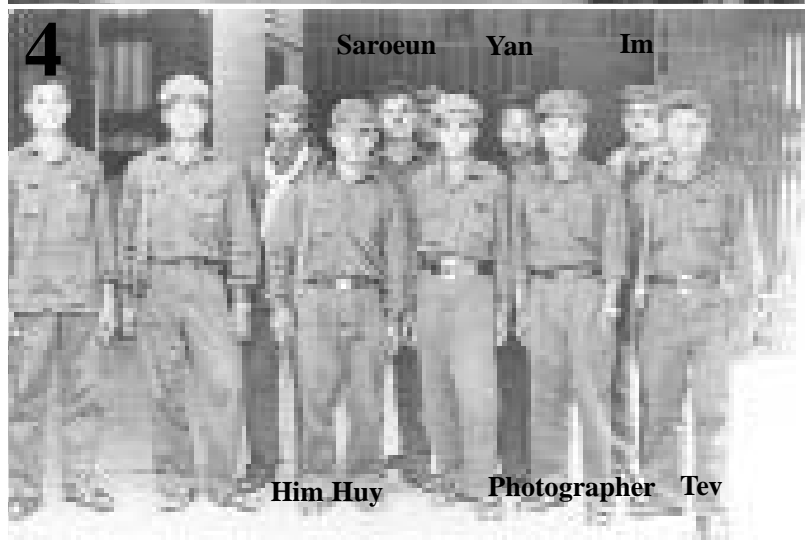
Next to Mon is Duch, the chief of S-21. Standing in front of him is his wife, who was chief of Hospital 98 in 1976 or 1977, and one of his three children.



Photo Three

At left is Hor, commander of a





battalion of Division 703. He later became deputy chief of S-21, where he married one of the prison's workers (they had no children). In 1979, only three to four months after he had escaped from S-21, Hor was arrested by Duch and sent to be executed in the jungle in the Northwest Zone (he survived and is profiled on page 21).

Photo Four

This photograph was taken in 1976, before the S-21 team pictured here left to commemorate the anniversary of the Party's victory, which was held in

the Olympic Stadium. Fourth from the left stands You Huy (revolutionary name Him Huy). Just behind him (without a hat) is Saroeun, an S-21 mechanic. Fourth from the right is Yan, an S-21 guard, and at the far right is Tev, the prison's photographer. Im, a guard, stands at second from the right. The remaining men in this picture have not yet been identified.

Photo Five

This picture is of Pin, the commander of Division 703. His messenger (name unknown) stands in front of him.

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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	
			(Continued from the November 2001 issue)				
205	150101	Kaun Tnaot	3	400	N/A	400	1997
206	150102	Rumlich	N/A	N/A	N/A	N/A	1997
207	150103	Wat Rumlich	N/A	N/A	N/A	N/A	1997
208	150104	Tarang Ball (Football Field)	100	500	100-150	N/A	1997
209	150201	Banteay Po Chrey	N/A	N/A	N/A	N/A	1997
210	150204	Banteay Po Chrey	5	8,000-9,000	more than 1	10,363	1997
211	150301	Tuol Liep	N/A	N/A	N/A	N/A	1997
212	150302	Tuol Liep	500	7,000	400-500	4,000	1997
213	150303	Munty Ta Voet	50	150	50-60	100-150	1997
214	150304	Munty Ta Voet	N/A	N/A	N/A	N/A	1997
215	150305	Andaung Ta Pakk	2	150	2	100-150	1997
216	150306	Andaung Ta Pakk	N/A	N/A	N/A	N/A	1997
217	150501	Banteay Ateary	7	700	7	700	1997
218	150502	Banteay Ateary	N/A	N/A	N/A	N/A	1997
219	170701	Prey Ta Ek	1	51	1	51	1997
220	170702	Prey Kok Ta Nung	1	52	1	52	1997
221	170703	Kok Ta Men	1	2,500	1	2,500-3,000	1997
222	170704	Andaung Ta Mann	1	70	1	70	1997
223	170705	Koh Thmei	1	38	1	38	1997
224	170706	Prey Ko Ta Muny	200	350	200	250-300	1997
225	170707	Koh Thmei	N/A	N/A	N/A	N/A	1997
226	170901	Wat Khsach	N/A	N/A	N/A	N/A	1997



227	170902	Wat Khsach	1	12	well	12	1997
228	170903	Wat Khsach	N/A	N/A	N/A	N/A	1997
229	170904	Tuol Ta Tai	30	2,500	more than 1	2,500-3,000	1997
230	170905	Wat Lor Ley	N/A	N/A	N/A	N/A	1997
231	171101	Wat Ta Yek	N/A	N/A	N/A	N/A	1997
232	171102	Trapeang Boeng	3	200	wells and pits	200	1997
233	171103	Sala Rien Chen	1	15	1	15	1997
		Nam Kour					
234	171104	Prey Chbar	15	200	15	200	1997
		Ping Pung					
235	171105	Trapeang Kapp	2	30	2	30	1997
		Batt					
236	171106	Prey Chen Tung	2	15	well	16	1997
237	190401	Phteah Kham	N/A	N/A	N/A	N/A	1997
		Vieng					
238	190402	Boeng Chaong	N/A	1,000	N/A	N/A	1997
		Haong					
239	190403	Kilomet Lekh	4	1,000	N/A	N/A	1997
240	190404	Thorneakear	N/A	N/A	N/A	N/A	1997
		(Bank)					
241	200102	Tuol Kantuy	N/A	N/A	hundreds	1,500-2,000	1997
		Chhke					
242	200103	Boss	N/A	N/A	N/A	N/A	1997
243	200301	Wat Kampong	N/A	425	N/A	425	1997
		Ampil					
244	200302	Khpop Ampil	9	425	more than 1	425	1997
245	200303	Wat Bakrong	N/A	404	N/A	N/A	1997
246	200304	Tuol Porpork	Vil	N/A	N/A	N/A	1997
247	200305	Phoum Porpork	N/A	N/A	400-500	2,000-2,500	1997
		Vil					
248	200401	Wat Kampong	N/A	N/A	N/A	N/A	1997
		Trach					
249	200402	Prey Rumdeng	N/A	N/A	N/A	N/A	1997
250	200403	Prey Bos Tnaot	10-15	1,000-1,500	10-15	1,000-1,500	1997

(Continued in the January 2002 issue)

HOR: A GUNMAN OF THE KHMER ROUGE

Vannak Huy

Six months after the collapse of the Khmer Rouge regime, Phe Phai Pheap (revolutionary name Hor), former deputy secretary of the special battalion of Division 703, was arrested by Vietnamese experts and the government of the People's Republic of Kampuchea on the accusation of involvement with the Khmer Rouge. He served a seven-year prison term. Hor has acknowledged his active role in the Khmer Rouge revolution.

Born in 1952 in Takeo province, Hor joined a liberation army in Region 33 of the Southwest Zone (Takeo province). He reasoned that his commitment to the Khmer Rouge revolution stemmed from his painful anger toward the Lon Nol soldiers who had shot and killed a number of demonstrators who were protesting the coup d'état against King Norodom Sihanouk.

Under the self-improvement programs of the Khmer Rouge revolutionary movement, Hor became an elite gunman. He said, "Angkar told us that the revolution is not for the sake of particular individuals or interest groups, but because our country is poor and is a satellite of the Americans. For this reason, we have to revolt altogether." In 1972, Angkar took him from Region 33 to serve as chief of a company of the Special Battalion in Region 25, Special Zone (Kandal Province). The Special Battalion was headed by three commanders: Hor, Matt and Im. In 1973, he saw combatants in his unit fire at two spy planes piloted by Americans. One of the planes crashed in the subdistrict of Koh Khel, Sa-ang District, Kandal Province, while the other one crashed at Wat Prasat, Bati District, Takeo Province.

In a large-scale attack to liberate Phnom Penh, Hor received orders from Khim Rat (aka comrade Hor) to launch attacks on the Chamkar Daung spearhead. A week later, they won the battle against Lon Nol soldiers. Around 6 p.m., Hor led troops to an area east of the Olympic

Stadium. In the following hours his forces encountered attacks by Lon Nol soldiers. As a result, two of his men died: one was Khmao, the chief of a fifty-member cell, and the other one was a group chief.

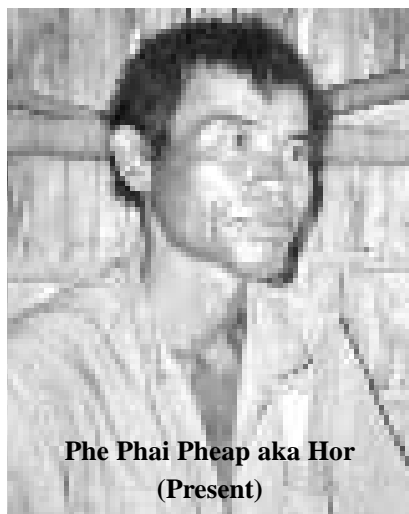
After the attack, Khim Vat ordered him to organize forces in preparation for the evacuation of Phnom Penh dwellers. Using a megaphone, Hor announced, "Brothers and sisters please leave Phnom Penh city for a week, because Angkar needs to sweep up enemies burrowing and mingling in houses and to clean the city. Also, Americans are not satisfied because they lost the war. Therefore, please move faster to avoid any unexpected B-52 bombardment by the Americans."

Less than a month after the liberation, the American merchant ship Mayaguez entered Cambodian territorial waters. This battleship was attacked at Koh Tral by Cambodian military Division 164 under the command of Meas Muth. The attack resulted in casualties on both sides.

By the end of 1975, after the residents of Phnom Penh had been evacuated, Angkar reorganized its troops. All Khmer Rouge who were in the city at the time were ordered to go to the national stadium. Hor recalled that all of the Party's major leaders, except Pol Pot, participated in the gathering. They included Von Vet, Nuon Chea, Son Sen and Ta Rith, secretary of the Special Zone. According to Hor, Angkar had assigned

Khim Vat aka comrade Hor to serve as deputy chief of S-21, while Uy Peng Leng was to be secretary of the Special Battalion. He himself was designated to serve as deputy secretary of the Special Battalion of Division 703, stationed at the General Staff. Division 703 was under the command of three individuals, comrade Nat, comrade Pin, and comrade Nha.

Hor recounted that he used to receive orders from comrade Pin to recruit combatants with good



**Phe Phai Pheap aka Hor
(Present)**

histories to work at S-21. Those who met the criteria included Him Huy, Sim Mel aka Man, and Lon. He asserted that before being assigned to S-21, Him Huy and Lon were group chiefs and Man was a messenger combatant. Based on the biographies of cadres at S-21, Him Huy became chief of the battalion responsible for catching and guarding inmates (today, he is an ordinary peasant living in Kandal province). Man and Lon became interrogation workers at S-21 (by the end of 1977, they had been smashed by Angkar).

From 1975 to 1977, when Uy Peng Leng was assigned to be on the committee in charge of protecting the city, Hor became responsible for controlling all city defense units from Kbal Thnal to Prek Kdam. In addition to patrols, he had to control farming combatants in Prey Sa and Bakou, southwest of Phnom Penh. Angkar gave him a CL-90 brand motorbike as his means of transport. He occasionally used a China-made jeep for visiting areas with unusual circumstances.

In 1977, Hor attended a meeting at the General Staff. The meeting focused on the preparation of troops to be sent to Svay Rieng province to confront the Vietnamese. He asserted, “participants included Ta Kieu (Son Sen), Ta Nat, Ta Pin, and several chiefs of regiments under Division 703. The meeting lasted approximately one hour from 7 to 8 p.m. All participants were committed to achieving this plan.”

The first attack on the Vietnamese took place at Phnom Kraol, South of Svay Rieng province. There, he received wounds to his shoulder and waist; many other soldiers died. He added that this defeat had given them even greater spiritual strength to fight against the Vietnamese. He started the second reorganization of troops to push out the Vietnamese. “As a result, we pushed back up to the market of Chi Pu and continued our attack on the province of Tay Ninh province of Vietnam.” Hor claimed that he caught around 30 Vietnamese soldiers, including three 20-year old women, who were later sent to comrade Pin, the divisional secretary. He also said the enemies arrested were sent to the division before going to the General Staff. He often listened to radio programs in which Vietnamese prisoners of war were interviewed. Hor went on to say when the battles with the Vietnamese army climaxed, Angkar caught many of their cadres from the ranks.

Hor recounted that thousands of Khmer Rouge combatants were trapped and killed in Vietnamese territory. After they won several battles with the Vietnamese, he was told that Ta Nat had been arrested by Angkar and sent to S-21, while Pin was shot dead on the battlefield.

Perhaps a month after the Vietnamese won a victory over the Khmer Rouge, Angkar took Hor to work as a secretary of the regiment stationed at Division 340. He admitted to having no more will to work, as many of his friends had already been taken by Angkar to S-21, and he feared that his turn would come next. (Among Hor’s friends who were arrested by Angkar and sent to S-21 were Uy Peng Leng, secretary of his battalion, Phal, secretary of the artillery section, Soeun, secretary of Regiment 32, and Chev, secretary of Regiment 33. The confession documents of all four men are available at the Documentation Center of Cambodia.)

On June 15, 1979 Hor was arrested and brought to the Prek Tauch detention center in Sa-ang District, Kandal Province. There, he was interrogated by Vietnamese experts and served a temporary term of two months before being sent to Penitentiary T-3, where he served a four-year term. Around 1985, he was transferred from T-3 to the Cheung Andeng incarceration center in Romeas Hek District, Svay Rieng Province. There, he served another three years. Hor described himself as a “political prisoner.”

Hor currently lives in Kandal Province. After being freed, he hoped that he would have chance to live in harmony with his wife and only daughter. Yet, his hopes on this point were dashed when his wife remarried while he was in detention. He guessed his wife thought he had died. He blamed himself, “I lost my wife and have been living with my daughter in the most miserable conditions simply because I had followed the Khmer Rouge.”

Hor complained that “It hurts me so much to be punished because I was found guilty of holding a position of a gunman fighting against the Vietnamese, while many Khmer Rouge leaders are enjoying freedom and happy lives. I only followed their orders. This is not justice, which implies that we should die together since they are leaders.”

(Continued from the November 2001 issue)

As in the Nazi concentration camps examined by Wolfgang Sofsky, “excessive violence was an everyday phenomenon” at S-21. Some of the documents from the prison, and especially those that deal with torture, exude so much horror and speak so calmly about pain that they are difficult to absorb, even as they draw us toward the victims. For example, in July 1977 an interrogator appended the following unsigned note to the confession of Ke Kim Huot, the former secretary of Sector 7 in the Northwest Zone:

“1. In the morning of 18.7.77 I decided to employ torture. I told the prisoner that I was doing this because I had not grasped the weak points of what he had said, and my pressure had not had any results. This was my stance. I watched his morale fall when I administered torture, but he had no reaction.

When questioning began, it was still the same. As for his health, he ate some gruel, but he was not able to sleep. The doctor looked after him.

“2. On the morning of 20.7. 77 I beat him again. This time his reaction was to say that he was not a traitor but that the people who had accused him were the traitors. His health was still weak, but it was not a serious problem.

“3. In the afternoon and evening of 21.7.77 I pressured him again, using electric cord and shit. On this occasion he insulted the person who was beating him: “You people who are beating me will kill me,” he said. He was given 2-3 spoonfuls of shit to eat, and after that he was able to answer questions about the contemptible Hing, Chau, Sac, Va, etc.

“4. That night I beat him with electric cord again. At present he is a little weak. The doctor has seen him.

He has asked to rest.”

Another interrogator’s comment vividly illustrates the lopsided relationship between torturers and their victims, which Michel Foucault has somewhat luxuriantly compared both to a “duel” and to a game of chess.

“I first asked the enemy about his life and associations. When I had done this, I spoke about the discipline of the office [S-21], and I told him that his body, tied up with fetters and handcuffs, was worth less than garbage.

“I had him pay respect to me. I told him that if I asked him to say a single word to me, he had to say it. I made him pay homage to the image of a dog [a common torture, involving an image of a dog with the head of Ho Chi Minh]. I beat him and interrogated him until he said that he had once been CIA. After I beat him some more, he admitted that he had joined the CIA in 1969.

“Once he had confessed I didn’t have to beat him to obtain the rest of his story, but when he hesitated or came to weak points in his story I beat him, and I also beat him to clarify the points in his story where the information about important matters was confused.”

Coming face to face with documents like these, or with the harrowing photographs from S-21, we are at a loss for words. Indeed, Jean Amery, E. Valentine Daniel, and Elaine Scarry have eloquently demonstrated that the experience of torture is impossible to put into words; Scarry even suggests that pain destroys language. Perhaps this is one reason why there seems to be no precise legal definition for torture. Why, then, do so many authors persist in trying to write about it ? Why should we? There is something unsettling about “fine writing” about pain. As Améry has remarked, “Torture



VOICES FROM S-21
CHAPTER FIVE: FORCING THE ANSWERS
David Chandler



is the most horrible event a human being can retain within himself.” He adds that “the howl of pain defies communication through language.” In spite of or perhaps because of such warnings, writers and readers alike are drawn inexorably toward a subject that is ugly, frightening, seductive, and ultimately inexpressible.

We can be emotionally worn down by the idea of torture merely by visiting the site of S-21, looking at the mug shots, or leafing through the archive. It is tempting to take refuge in the received wisdom that the all-pervasive “evil” in the DK period was epitomized by the prison. Looking at every photograph and every confession, we know the prisoner’s fate. Repeatedly and with hindsight we confront descriptions of violence and the repetitive fact of death. At the same time, we are insulated from what really happened to the minds and bodies of the victims and to the personalities of the perpetrators later on. What happened is awful, but it happened long ago to other people. “Evil,” we like to think, takes place elsewhere.

The Problem of Studying Torture

In studying torture at S-21 we are restricted not only by our distance from what happened but also by the relative silence of available sources on the subject. Since the early 1980s, only three survivors of the prison have talked at length about their experiences. Their testimonies are valuable and heartfelt, but they have limitations that spring from their repeated use as propaganda in the 1980s, from the survivors’ interview fatigue, and from the blurring of their memories over time. Moreover, the survivors cannot describe conditions in the prison in 1976, before they were arrested.

Similarly, only six former workers at the prison — Duch, three guards, a photographer, and the man who was in charge of the documentation unit — have been interviewed in depth in recent years. Only one of them, the former guard Him Huy, has admitted killing people. He says that he was not a torturer. No one who has admitted torturing prisoners has come forward, and although some ex-workers at the prison, like Huy, were arrested and “reeducated” in the 1980s for their activities at the prison, none of them has ever spoken at length about their activities, and none has gone on trial.

The scarcity of survivors and the dearth of oral testimony or transcribed memories of prison life contrasts sharply with the voluminous literature and numerous survivors from such comparable institutions as the Soviet and Chinese gulags and the Nazi concentration camps, or with materials dealing with torture and cruelty in other countries. The work of Christopher Browning, Daniel Goldhagen, Raul Hilberg, and Gitta Sereny concerning German perpetrators of the Holocaust, for example, would be impossible to duplicate for S-21. So would the memoirs of Jean Améry, Primo Levi, Alexander Solzhenitsyn, and Jacobo Timerman, or E. Valentine Daniel’s haunting study of Sri Lanka, which is based in part on interviews with former torturers and victims. To study torture at S-21, we are thrown back onto documents that were extracted from tortured men and women now dead, or confessions that reflect the boastful, evasive, or



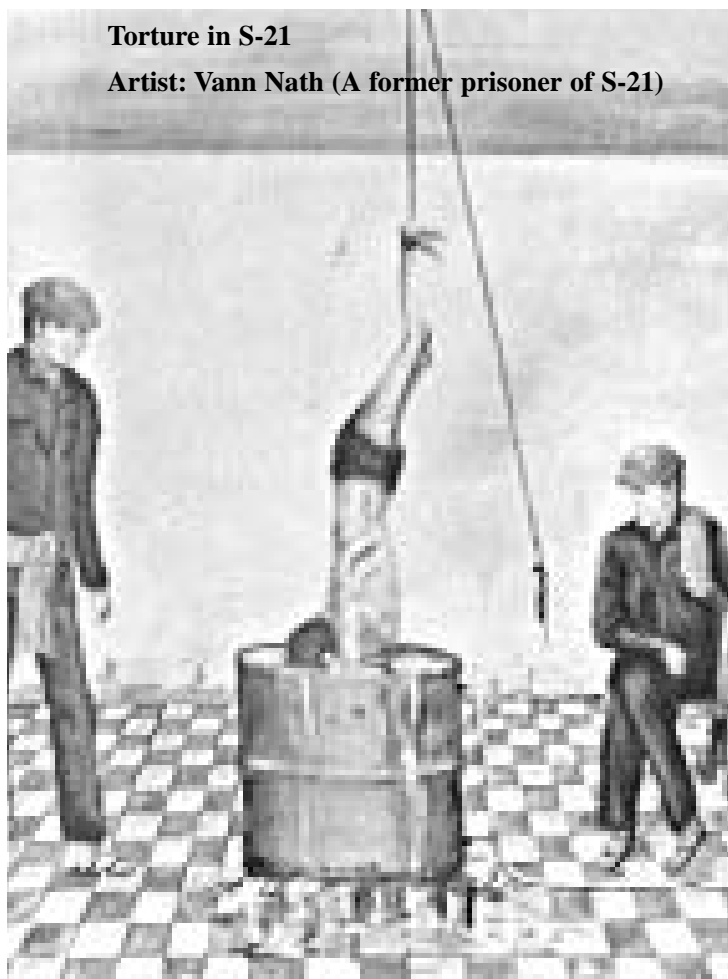
Documentation Center of Cambodia (DC-Cam)

exculpatory views of the torturers themselves. Without corroboration from other sources, it is impossible to say whether these documents exaggerate or play down what was happening at the prison. My guess, after years of immersion in the archive, is that innumerable random cruelties and hundreds of instances of torture went unrecorded. What we can read are faint traces of what was going on, and they give only an inkling of the mayhem perpetrated at the prison every day.

In spite of these obstacles, torture and violence are central to S-21 and to our ability to understand prison. We need to establish the dynamics by which the confessions were extracted. We need to penetrate the thinking of the prison administrators and to understand the rationale they used for torture. Most important, as Alexander Hinton has suggested, we need to “rehumanize” the victims by bearing witness to their suffering.

Torture in S-21

Artist: Vann Nath (A former prisoner of S-21)



What is striking about the imposition of torture (*tearunikam*) at the prison, however, is not its brutality—although the tortures inflicted were severe—but its use within a graduated, supposedly rational process. The coolness with which torture is chosen, inflicted, and written about is unnerving. We can easily understand outbursts of cruelty in ourselves or others, but we tend to back away from cruelty that is so carefully meted out. One explanation for this coolness, as Darius Rejali observes in his study of torture in Iran, is that torture is not so much a fruitful means of obtaining valid evidence and confessions, nor a form of unchecked sadism, as an instrument that serves to display and rationalize the power of those inflicting it, especially when they are representatives of the state. Other writers on torture have presented similar views.

With Rejali’s formulation in mind, we can see that torture at S-21 was not simply a matter of young men and women inflicting their will on defenseless prisoners, although they often did so, nor was it a straightforward extension of prerevolutionary police procedures, although elements of these, such as mug shots, thumbprinting, and the preliminary pummeling known in French argot as a *passage à tabac* were also part of S-21 routine. Instead, most of the tortures at S-21 were purposive and constrained. The beatings and tortures inflicted were merciless, but torture usually required the permission of superiors, which was sometimes withheld. Interrogators who used “excessive” torture (torture that killed prisoners before they completed their confessions) criticized themselves at livelihood meetings and were occasionally punished for the offense. In eight confession texts—all from the closing months of 1978—the interrogator noted that the confession had been extracted without the prisoner in question being beaten or tortured at all. By that time, the prison was operating more smoothly and “rationally” than it had in 1976, when most of the staff were new recruits and when the Party Center had found it necessary to request “less beating” at the prison. In 1977 and 1978 individual interrogators, except when they got out of hand, applied torture selectively at the outset of some interrogations, again when they

encountered resistance, and more intensely in “difficult” cases. Torture was a tool, a means to an end, an integral part of what Foucault has called the “authoritarian search for truth.” Interrogators who tortured people found it easy to obey the people who ordered them to do it, especially when their own lives were constantly at risk. As far as we can tell, they harbored few regrets.

Limitations on torture at the prison were imposed not out of respect for the victims or because administrators found the practice unpleasant but rather because it was always linked to the other aspect of interrogation, “doing politics” (*tvoeu nayobay*), which meant, ideally, explaining the Party’s policies to the prisoners and extracting confessions. A calibrated mixture of torture, inspiration, and propaganda, it was thought, could illustrate the power relations in effect and could also produce the memories, accusations, and documents that the Party needed. Excessive torture would obstruct or delay the production of these necessary texts.

“Imposing Torture” and “Doing Politics”

The tensions that developed between doing torture and doing politics are set out in the interrogator’s study notebook prepared at the prison in 1976 and in two notebooks written by senior interrogators in 1977 and 1978. Some of the tensions

sprang from the fact that while all the interrogators were encouraged to use violence, very few of them had any training in politics or interrogation. The 1976 notebook stated that torture was “secondary, subsidiary, and supplementary” to politics, but added that “doing politics” alone was insufficient. Violence was always needed. As the notebook puts it: “Take politics as the basis. Keep track of the answers, in a comparative way, and then use torture.” Two years later, the chief interrogator’s notebook asserted that “insults” were part of doing politics and added that while beating alone was “insufficient,” “beating + politics = important.”

Prisoners at S-21 were dehumanized from the moment they arrived. Blindfolded and shackled, they were bundled out of trucks, usually at night.

They were kicked, shoved, and beaten as they were taken inside to be documented and photographed. They had arrived, as Vann Nath said later, in “a place many times worse than hell.” The distinction between beating (*vay*) and torture (*tearunikam*) lay in the use of weapons, contraptions, or humiliating ceremonies (such as the torture involving obeisance to the image of Ho Chi Minh with the body of a dog, known as *sompeah or thvay bongkum rup chkae*), but beatings during interrogation could also be classified as torture, and many documents use the terms *vay* and *tearunikam* interchangeably.

Once an interrogation had begun, outside controls were rare, and, as Sofsky points out with regard to German concentration camps, the “transition from torture intended to extract a confession to pure, purposeless torture was fluid.” The welfare of the prisoners was never a consideration unless they died before confessing.

(Continued in the January 2002 issue)



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Cyan Magenta Yellow Black

PHNOM SANLONG (SANLONG MOUNTAIN): A SOUTHWEST ZONE SECURITY OFFICE OF TA MOK

Meng-Try Ea

In 1985-1986, I was a fourth-grader at Chbar Ampoeu elementary school. I remember when my classmates and I read a textbook with a story entitled “Misery at Phnom Sanlong Prison.” One phrase stood out in my mind, “Phnom Sanlong is hell, a dreadful camp, a collective tomb of students, and male and female youths...” I wondered what crimes those people had committed and why they were executed.

Sixteen years later, I had another chance to hear about the tragedy of this prison. As time passes, everything changes, but the story of Phnom Sanlong brought back the same memory. Phnom Sanlong Prison is situated in Phnom Sanlong subdistrict, Treang district, Takeo province.

The area within four kilometers around the mountain and the mountain itself were used as a security office of the Southwest Zone from the beginning of 1976 to 1979, under the direct control of Comrade Mok, the chief of the Southwest Zone, and comrades Seng and Soeun. Most of its inmates were former Khmer Rouge soldiers and cadres, and their relatives, who had been accused of treachery. Prisoners were segregated in both their living quarters and their work. Female prisoners were held in Kanhchreap village, west of the mountain, while male prisoners were kept in Lauk village, north of the mountain. A building was constructed inside a mango plantation in Kanhchreap village to serve as cells to house those who were convicted of stealing belongings from the collectives, being slow-moving, or attempting to escape. There are two gravesites: one inside the mango plantation and one at Phnom Tauch.

Man, who possesses a unique knowledge of the prison, revealed that at the end of 1975 people

residing around Phnom Sanlong were evacuated to other areas. At that time, Phnom Sanlong and its surrounding villages were converted to a prison and gravesites. The Khmer Rouge brought truckloads of people into the prison. Little by little, the once peaceful mountain was swarming with inmates.

In the beginning of 1976, Sien was arrested and sent to be indoctrinated and trained at Phnom Sanlong. His crime was that his brother, Sun, had been a Lon Nol soldier. Sien was born in Preak Sok village, Sanlong subdistrict, Treang district, Takeo province. After 1975, he was evacuated to Angkor Borey district. In 1976, he and thirty other youths were arrested and dispatched from Angkor Borey to Sanlong. Upon hearing that he was to be sent to



Phnom Sanlong, he was full of joy, for he thought that he could finally return to his homestead. In complete contrast to what he anticipated, his stay at Sanlong proved to be a frightening experience. Sien described it: “The conditions were harsh; we worked and ate like beasts. Even though I try I cannot forget it, as my head has two scars, my hands have the marks of a rope, and I still feel pain in my body today.”

Chhoeun was arrested because she was a sister of Nhin, a first lieutenant in the Lon Nol regime. Once again permanent marks on her body and her present physical frailty are reminders of the past for her. “Inmates of Phnom Sanlong were in misery. They lived in extreme conditions and received brutal torture. To this day, I still have health problems resulting from the past, and my memory is bad. This is because I was permanently shocked.”

Chhoeun was once tied up and threatened at gunpoint by a unit chief called Nem. He accused her of provoking other prisoners to escape from the prison. She rejected the accusation, “How could I provoke others, since I was having trouble myself, too?”

The work of prisoners at Phnom Sanlong was constantly changing, and the prisoners were moved from place to place according to new assignments and seasons. Their work included digging water reservoirs, channels and dams; growing crops; transporting water; and breaking rocks. Prisoners worked from dawn to midnight, but they got only watery boiled rice with water hyacinth (*kamplaok*), banana trunks or water plants (*trakuon*) at noon and at night.

Bronh was shifted from one work site to another. At the beginning, he was ordered to dig water channels and construct dams at the east side of the mountain, then to transport water from Russey Srok village to Phnom Sanlong, and finally, to break rocks. Before working with Bronh at the rock site, Tuon was sent to weave baskets. Chhoeun, as a member of a women’s unit, was responsible for transplanting and harvesting rice. Her job began at

dawn and lasted until dusk, but her reward was “two meals of boiled rice full of water per day.” Bronh exclaimed, “exhaustion and starvation made all prisoners, male and female, stop thinking about shyness. They walked without evading one another. Whenever they came across an edible fruit or animal, like sour leaves of a tamarind tree or a small mouse, they fought to get them.”

The heavy work and poor food caused prisoners to grow weaker and weaker each day. In order to live and avoid ruthless punishment, prisoners had to work while they were sick, in order to accomplish the tasks set forth by Angkar. Some prisoners fell unconscious or died at the work sites. One day in 1976 at about 9 a.m., when plowing a field next to the mountain, Sien saw a woman working on a waterwheel fall to the ground, unable to stand up. Then a guard walked straight toward her and stabbed her to death with his bayonet. Due to exhaustion, a member in the youth unit with Bronh rested while others were chasing rats in the paddy. Then Comrade Soeun, the deputy chief of the prison, took his pistol out and shot that youth.



Tuon

Another bony thin youth from Tany, Touk Meas district, Kampot province, died when he was working at a rock site, west of the mountain.

Travelling and talking to other prisoners were strictly banned. Violating this regulation was considered an act against Angkar, indicative of having suspicious intents, attempting to escape and creating revolt. Those who did it were detained, interrogated and tortured, and in some cases, executed. In 1976, Sien was sent by the chief of the youth unit to be interrogated for seven days for the crime of provoking other prisoners to escape. In the interrogation, Pung tied up his hands with a rope (used for cattle) so tight that they bled, and he slashed his head two times with a knife, leaving him with two permanent scars. Bronh's fate was no different from Sien's. He was interrogated and tortured to such an extent that he did not believe that he would live.

Those who really committed the crimes of stealing things and attempting to escape would be killed immediately if they were seen doing so by the guards. The killings were carried out in a meeting in front of the members of the unit or group. Sien, Bronh and Nhov remembered that in 1977, there were two such killings. A male prisoner was arrested for stealing palm sugar in a kitchen. A female prisoner was arrested for trying to escape from the prison. These two prisoners were barbarously executed by the same method: cut open the belly, pull the liver out and push the body into a pre-dug grave.

Bronh told of a youth called Yeak who attempted to escape and sought refuge on top of a palm tree. A prison guard noticed him and attempted to persuade him to climb down, but he would not. In the end, Yeak jumped to his death. Bronh asserted, "Yeak knew clearly that he would not live even though he climbed down."

Chhoeun confirmed that the death toll at Phnom Sanlong was high. She continued, "At night many prisoners were pushed onto trucks. The number of prisoners decreased from one day to the

next." Sien stated that most of the prisoners killed were former Khmer Rouge cadres and educated people. He explained a tactic used by the chiefs of the prison, Seng and Soeun. In 1976 they declared that they needed some intellectuals for work in their office. Many inmates showed up and described their educational backgrounds, so that they might be shifted from working under the hot sun to sitting in an administrative office. Ultimately, they were all loaded onto trucks heading to Phnom Tauch, and eventually executed at Phnom Sanlong. Bronh confirmed that he heard guards discussing a meeting between the deputy chief, Soeun, and Ta Mok about regional security offices. Phnom Sanlong was to house 15,000 prisoners. Bronh heard the guards discussing, "Now it has only 12,000; there are 3,000 more to be brought in, as planned by Ta Mok."

Prisoners, people who usually went in and out of Phnom Sanlong, and base people, said they saw Ta Mok along with messengers and drivers at Phnom Sanlong quite frequently. Bronh said he saw Ta Mok at the prison in 1976 and 1977. Man, a base person who usually went to Phnom Sanlong to fetch grass and sugar cane for the cooperatives, said he used to see Ta Mok at Phnom Sanlong as well. Man expressed, "Ta Mok came in a jeep with two boys, a messenger and a driver." One of the two boys he mentioned was Savuth, age 15. Savuth said he drove Ta Mok to Phnom Sanlong, but did not know what he was doing; and he also saw prisoners working at a rock site.

Now my sixteen-year-old questions have been answered. All prisoners were "political and class" enemies of Angkar. The Communist Party of Kampuchea had to smash these enemies, since they were the most likely to form opposing forces, from small to large, from quantity to quality, posing threats to the very existence of the great socialist revolution of the party. The Khmer Rouge's revolution brought millions of deaths to sinless Cambodians. On the other hand, the Khmer Rouge leaders say they did it all for their people, workers, and the peasants.

EVIDENCE IN THE PROSPECTIVE TRIALS OF FORMER KHMER ROUGE OFFICIALS

John Ciociari

(Continued from the November 2001 issue)

4. The DC-Cam Mapping Reports (1997 and 1998)

See the discussion regarding Ke Pauk and Mok in subsection C above. The Mapping Reports provide a great deal of circumstantial evidence that Ke Pauk knew or should have known about vast killings in the Zone which he chaired.

5. Document L0122 (01bbk): Minutes of the Standing Committee's Visit to the Southwest Zone (8/20/76-8/24/76)

See the discussion in subsection A above. If it can be established that Ke Pauk was a member of the Standing Committee at the time this document was prepared, he bears responsibility for the contents of the minutes.

Moorthy et al. provide a number of additional examples of documentary files that could be used as evidence in a criminal prosecution of Ke Pauk. The examples contain information particularly relevant to prospective charges of torture and crimes against humanity.

E. Khieu Samphan alias Hem

Official documentation shows Khieu Samphan to have been the President of the CPK State Presidium, though the de facto importance of that role is unclear. Documentary evidence also exists to show his membership, for a period, on the CPK Central Committee. In addition, documentary evidence exists to show that he was Chairman of Office 870, Pol Pot's personal office of the CPK Center, after early 1977. A significant number of documents detailing subordinate abuses were copied to Office 870, demonstrating that Khieu Samphan had knowledge of the atrocities. Documentary evidence also suggests that review of such reports was the personal responsibility of the Office 870 Chairman.

Khieu Samphan's close working relationship with Pol Pot, established in the documentation, and an April 1977 speech in which he spoke of putting down the

enemy, add to the evidence of his knowledge and complicity. Interview transcripts also provide more vivid descriptions of certain of his offenses, though such evidence may be given lesser weight. Since the evidence against him remains predominantly circumstantial, his is likely to be the most challenging prosecution. Nevertheless, a reasonably strong case exists against him for crimes against humanity and torture.

Some examples of documents relating to Khieu Samphan follow, with very brief discussions of how they could be used as evidence in a criminal trial and what additional evidence, if any, they would require to be most useful to the prosecution:

1. "Decisions of the Central Committee on a Variety of Questions," March 30, 1976 (translated and reprinted in *Pol Pot Plans the Future* by David P. Chandler et al.)

a. Item 1 sets forth "The Authority to Smash (People) Inside and Outside the Ranks." The legal implications of this section for Khieu Samphan are essentially the same as those for Nuon Chea (see subsection A above).

b. Item 6 declares that the Armed Forces "demolish" the Christian cathedral. The legal implications of this section for Khieu Samphan are essentially the same as those for Nuon Chea (see subsection A above).

c. Item 2 on the outline of the decisions of the Central Committee is "The System of Weekly Reporting to 870 [the Party 'Center']." It demonstrates that, as of March 30, 1976, a weekly reporting system to Office 870 was or had been implemented. The existence of such a system provides circumstantial evidence that Khieu Samphan, as head of Office 870, had knowledge of at least some Khmer Rouge atrocities.

d. Khieu Samphan was named the President of the State Presidium, which appears from other documentation

to have been an inactive political position. Nevertheless, the document establishes him as a named leader of the CPK, which may bear upon his de jure and de facto civilian command authority.

2. Document L0122 (01bbk): Minutes of the Standing Committee’s Visit to the Southwest Zone (8/20/76-8/24/76)

See the discussion in subsection A above. If it can be established that Khieu Samphan was a member of the Standing Committee at the time this document was prepared, he bears responsibility for the contents of the minutes.

F. Kang Khek Iev alias Duch

Even more than Nuon Chea, the documents can almost certainly establish Duch’s culpability beyond a reasonable doubt. As the addressee of myriad reports of explicit torture and “smashings,” and as the head of the S-21 prison, for which abundant archives exist, it is clear that Duch meets the elements of command responsibility for torture and crimes against humanity.

Some examples of documents relating to Duch follow, with very brief discussions of how they could be used as evidence in a criminal trial and what additional evidence, if any, they would require to be most useful to the prosecution:

1. Document L01445 (05bbk): Minutes of the meeting between Angkar Office 703 and S-21 (9/9/76)

In response to finding leaflets deemed by the Khmer Rouge to be troublesome, the participants of the meeting instruct Comrades Pang and Kammy to “get rid of those we suspect.” As Chairman of S-21, Duch was a participant at the meeting. The minutes singled out the distributors of leaflets for their political beliefs. “Getting rid” of them presumably meant killing them. If so, Duch clearly meets the mens rea requirement, and the actus reus requirement will be satisfied if it can be proven that Comrades Pang or Kammy did indeed “get rid” of suspects after the meeting.

2. Document Number 75 (Wooden Cabinet): Letter to Duch: measures already taken to interrogate IX (9/25/76)

Referring to the interrogation of a man designated IX, a man named Pon reported to Duch that “on 25 September 1976, [we] received instruction from Angkar

to torture. We began to torture him with about 20 to 30 (rattan) lashes in the morning. At the evening, we tortured [him] with about 20 to 30 (wire) lashes.” The description clearly meets the legal definition of torture, and Duch’s knowledge is clearly established. If he did not take action to punish or otherwise address the torture, he bears command responsibility for torture.

3. Document Number 77 (Wooden Cabinet): Letter to Duch (9/26/76)

Concerning the torture of IX, a subordinate of Duch writes: “we had asked for permission from Brother Duch to take both ‘cold’ and ‘hot’ measures at the evening. After getting the permission, at the evening, we came in and threatened to continue to torture [him] at 8 or 9 p.m...At about nearly 10 we were about to torture with bare hands. IX began to confess by confirming what information we want to get.” It is clear in this document that both the mens rea and actus reus elements for torture are satisfied. The continuation of torture is also compelling evidence that the first torture sessions of IX were not punished in any adequate fashion.

3. Document Number 102 (Wooden Cabinet): Prisoners taken into Office Sa-21

The document lists ten persons who were “smashed” on 11/11/76. On 11/13/76 or shortly thereafter, three more persons were “smashed.” Two more persons appear to have been “smashed” on 11/14/76. As the Chairman of Office S-21, Duch either did or should have known about the “smashings.” Although the document does not describe why the prisoners were “smashed,” other evidence should be able to establish that such killings were systematic and done (at least in part) for reasons of the victims’ political or other group affiliations. The document provides some evidence that “smashings” were being conducted in an organized and systematic fashion. Assuming that a court or tribunal holds that Duch knew or should have known about the killings, his complicity establishes his command responsibility for crimes against humanity.

4. Document 84bbkh/006

The document containing Prum Ky’s confession includes assertions that a man named Loeu, secretary of Tham Sa district, was “already killed by Angkar” and that “Angkar also had smashed his cousin.” He also wrote that



Captain Kang, First Lieutenant Khann and Second Lieutenant Lev, apparently soldiers of the Lon Nol period, “all have been taken to be killed.” Prum Ky also wrote that the elder brother of Phuon, a Lon Nol-regime soldier, and the parents of Pho Na, a medical worker, were “killed by Angkar.” The confession document was sent to Duch. Its assertion that soldiers of the former Lon Nol regime were taken to be killed shows that the killings were based on imputed political opinions and were not part of an armed conflict. The other killings also appear to have been for political reasons. Although confession documents are generally of lesser evidentiary weight, if other evidence (such as witness testimony) can corroborate the contents of this document, it can help to establish Duch’s command responsibility for crimes against humanity.

5. Document 173bbkkh/013

Pon, an acquaintance of Duch, summarized the confessions of Phann and Nhep Suong. Phann included the names of two “smashed” persons who “played a role in stirring up troubles.” Nhep Suong included the names of four ordinary people whom he says had been involved in activities against Angkar and had been killed. Again, the sanctioned killing of political opponents is apparent. Duch took some notes on the confessions, which do not indicate any disapproval of the killings. If the relevant portions of the confessions are given evidentiary weight by the court or tribunal, Duch bears command responsibility for crimes against humanity.

Moorthy et al. discuss 11 other DC-Cam files relevant to the prospective criminal prosecution of Duch. Like the examples above, they leave little doubt that Duch can be convicted for torture and crimes against humanity.

G. Mam Nay alias Chan

As with Duch, the evidence against Mam Nay (alias Chan) is extremely compelling. Noted in the documentation as the chief interrogator of Office S-21, Mam Nay issued several reports indicating that he ordered or otherwise participated in torture of prisoners and extraction of confessions. An extremely strong case exists against him for torture, and circumstantial evidence strongly implicates him in other crimes against humanity, namely the well-documented purges of Tuol Sleng prisoners committed by his subordinates.

Examples of documents relevant to a prospective prosecution of Mam Nay are contained in the Tuol Sleng files of DC-Cam and include the following:

1. Documents in File D1456 (TSL)

Mam Nay authored many memoranda to Duch naming new prisoners coming into Tuol Sleng. Handwritten notes in the margins of some of the memoranda indicate that persons were “smashed.” Mam Nay had clear knowledge of the inner workings of Tuol Sleng and the fact that prisoners were being killed, a fact also supported by physical and other documentary evidence at Choeung Ek (the “Killing Fields”). The memoranda in DC-Cam’s Tuol Sleng archives establish beyond a doubt that Mam Nay knew or should have known about torture and executions and did not take preventative or punitive measures.

DC-Cam also authored reports indicating that he tortured some of the many prisoners of Tuol Sleng himself or supervised their torture directly. Such documents are on file at DC-Cam and can be obtained, like all of the documents used as examples herein, by request to the Director of DC-Cam, Mr. Youk Chhang.

VIII. CONCLUSIONS

To conclude, my research has identified a wide range of evidentiary applications for the documentary holdings of DC-Cam. Provided that the necessary practical steps are taken, the documentary evidence at DC-Cam can serve as a principal basis for relatively strong cases against all of the seven individuals listed above and other former CPK officials. It is essential to remind the reader that the examples given in Section V above represent only a minute, non-representative fraction of the total evidence available at DC-Cam. In combination with the witness testimony discussed in Section IV, the documentary materials should enable the prosecution to hold all or most of the top former Khmer Rouge officials and criminal perpetrators liable for torture and crimes against humanity. Prosecutions for genocide, slavery or forced labor, destruction of cultural property, racial discrimination and war crimes can also be bolstered substantially by the DC-Cam materials. In sum, the documentary evidence provides a strong backbone for the prospective prosecution of the most likely criminal defendants in the upcoming Khmer Rouge trials.

INTERNATIONAL HUMAN RIGHTS LAW

Elizabeth van Schaack

The field of human rights underwent a revolution in the wake of World War II. The Universal Declaration of Human Rights was passed in 1948 and is “a common standard of achievement for all peoples and all nations.” By its terms, member states pledge to achieve, in cooperation with the UN, “the promotion of universal respect for and observance of human rights and fundamental freedoms.”

The Universal Declaration, along with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, comprise the International Bill of Rights. Some divide international human rights into three generations:

1. First generation: civil and political rights that derive from the natural rights philosophy of the late eighteenth century.

2. Second generation: economic, social and cultural rights that attained recognition in the 20th century. Recent multilateral instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child, include elements from both the first and second generations, and many feel that those rights should be granted equal priority.

3. Third generation: developing states have advanced the notion of a third generation of collective group rights involving the right to a livable environment and development.

A. International Criminal Law and International Human Rights

War crimes, crimes against humanity, and genocide are categories of crimes for which individuals can be held criminally responsible under international law. The acts which comprise these

crimes (e.g., torture, CIDT, deportations, murder, enslavement, rape) are also violations of international human rights law, and thus their violation may be remedied by means other than international criminal responsibility. Generally, an individual may be held criminally responsible under international law for violations of war crimes, crimes against humanity, and genocide.

B. The Uses of Human Rights Law

There are many violations of international human rights law that do not provide for individual criminal responsibility. Of what use, then, is international human rights law? International human rights law does create legally binding obligations upon states and individuals, and states can be held accountable for human rights violations even though the violations may not create individual criminal responsibility. For example, the UN Commission on Human Rights, UN special rapporteurs and envoys, the UN Security Council and General Assembly, and non-governmental organizations can all condemn states for violations of international human rights law. Individuals can also be held civilly accountable for violations of international human rights law.

A variety of sanctions (economic, political, and military) can be imposed bilaterally or multilaterally, including through the United Nations, against states found to be in violation of international human rights law. Human rights law also provides universal rights and standards of treatment to which all people are entitled. These standards can be used to strengthen or create legal protections within states. Note, for example, Article 31 of the Cambodian Constitution, which incorporates the United Nations Charter, the Universal Declaration of Human Rights,

and “the covenants and conventions related to human rights, women’s and children’s rights.” While it is unclear specifically which instruments are incorporated in the aforementioned clause, it would seem that at a minimum the following are included: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women. As a consequence, individual breaches of the norms and standards set forth in these human rights instruments may be punishable under Cambodian domestic law, once this section of the constitution has been implemented by the National Assembly.

Human Rights standards are also enunciations of moral duties and obligations. They may be called upon to condemn, embarrass and pressure individuals, insurgent forces, or governments to respect human rights. Finally, human rights law can also be used to seek civil damages through domestic litigation. (See discussion of US civil litigation under the Alien Tort Claims Act, *Infra*.)

International human rights law and international criminal law are not distinct and separate bodies of law, but instead they share similar concepts and sources of authority. International criminal law consists of violations of international human rights law that are so egregious that individuals can be held criminally responsible.



NATO INTERVENTION IN KOSOVO: IS IT PROMOTING THE EXISTING INTERNATIONAL LAW OR DESTROYING IT?

Bora Touch

Introduction

Following World War II, the international community formed the United Nations (UN) to “save succeeding generations from the scourge of war” and to maintain world security and peace. A primary way of maintaining world security was to regulate the use of force by states. The UN Charter specifies that states must resolve their differences through peaceful means and the use of force is permissible only as a serious exception to this rule. The use of force is only permissible in individual or collective self-defense, through the action of the UN Security Council or through a regional security agency’s action. In these three particular situations, “the force is permissible only if necessary to thwart the aggressive acts against which it is directed.” Any use of force other than force in self-defense requires Security Council or UN General Assembly authorization before action is taken.

Following the creation of the UN, the Cold War began, splitting the world into two rival blocs, the East and the West. The two Super Powers, the United States and the Soviet Union, were both members of the Security Council. Illegal and unilateral use of force occurred during the Cold War. As some international law scholars have put it, there have been over one hundred wars between states since the UN Charter came into force, including the Soviet annexation of Czechoslovakia in 1968.

Illegal use of force did not cease with the end of the Cold War. According to Constantine Antonopoulos, the end of the Cold War:

“did not minimize the ugly phenomenon of

unilateral resort to force; nor was it expected to. Indeed, the grounds that tempt states to use force have not ceased to exist. The Cold War merely disguised them and presented blatant pursuit of national interest as high rhetoric of ideological struggle of ‘democracy’ versus ‘totalitarianism’ or ‘socialism’ versus capitalist oppression.”

The type of conflict in the post-Cold War era has changed, with the focus less on East vs West and more on regional conflicts and regional bodies, such as the North Atlantic Treaty Organization (NATO) or the European Union (EU). Some examples of post-Cold War use of force by nations that arguably have not met the requirements for the use of force under the UN Charter include the United States’ bombing of Iraq in 1993, 1996 and 1998, US missile strikes in Afghanistan and Sudan in 1998, and France’s invasion of the Central African Republic in 1997.

A more difficult case in international law than outright aggression by one state against another (other than in self-defense) is the use of force on the basis of humanitarian intervention. The use of force on humanitarian grounds is not a settled principle in international law. The recent use of force by NATO in Kosovo was justified by some NATO countries on the grounds of humanitarian intervention. This paper will examine whether the use of force by the ten members of NATO against the Federal Republic of Yugoslavia (FRY) in early 1999 was justifiable, particularly on the grounds of humanitarian intervention. If it was not legally justifiable, as it will be demonstrated, this paper will also examine what responsibility each NATO state has, both jointly and severally, to FRY



and to the international community as a whole.

I. Background

Kosovo, at the time of the crisis in the late 1990s, was indisputably part of the sovereign state of FRY, although some in Kosovo sought independence or autonomy from FRY. No NATO country sought to argue otherwise. In May 1998, President Bill Clinton summarized the Kosovo conflict as follows:

“You’ve got a part of Serbia which is 90 percent Albanian. And they want some kind of autonomy and to have their legitimate concerns addressed. The Serbs don’t want to give up a big part of their country, which they believe is - and is legally - part of their country.”

Kosovo was never an independent state. Formerly, it was a province of the Turkish Ottoman Empire. It was ceded to Serbia (since 1992 officially known as FRY) after the Balkan wars of 1912-1913 ended in the defeat of Turkey. In 1999, prior to the Kosovo crisis, about 90% of the population of Kosovo were Muslims of Albanian extraction. The remainder of the population was mainly Christian Orthodox Serbs and Gypsies.

Under the Yugoslavian Constitution of 1974, Kosovo was granted autonomy within Yugoslavia. Over the decades preceding the Kosovo crisis, both Serbs and Kosovar Albanians complained of mistreatment on the basis of ethnicity. The Serbian minority complained of mistreatment and discrimination by the Albanian majority and this was used in 1990, by Slobodan Milosevic, the new President of FRY, as an excuse to revoke Kosovo’s autonomy.

The crisis in Kosovo began on 27 February 1989 when, in response to strikes by Albanian students and miners who supported independence, the Belgrade government declared a state of emergency. The FRY army was dispatched to Kosovo to restore law and order. A month later, the Belgrade authorities unofficially revoked Kosovo’s autonomy, and the demonstrations held in protest of the revocation were brutally crushed by FRY. In 1990, there was a

referendum in FRY approving the revocation of Kosovo’s autonomy. The FRY Constitution was amended and accordingly, the province’s autonomy was revoked. The Belgrade government created a uniform system of education restricting the use of the Albanian language.

The Kosovar Albanian legislature declared the revocation unconstitutional and on 7 September 1990, they approved a Kosovo constitution which made the province an independent republic in the Yugoslav Federation. They declared Kosovo an independent state. Only Albania recognised Kosovo’s independence from FRY. On 24 May 1992 presidential and parliamentary elections were held in Kosovo. Ibrahim Rugova was elected president. Rugova was re-elected on 22 March 1998.

The crisis deepened. In early 1998, an armed group known as the Kosovo Liberation Army (KLA) attacked a truck carrying members of the FRY federal police force. In response, the Serbian police raided the town of Drenica, the stronghold of the insurgents, killing eighty Albanians. By the end of March 1998, the KLA claimed responsibility for attacks on Serbian targets. In July 1998, the KLA controlled about one-third of Kosovo province. The conflict escalated into a large-scale war.

In July 1998, Richard Gelbrand, US envoy to the European nations coordinating the efforts for a peaceful settlement of the Kosovo crisis, stated that “the KLA is now a factor on the ground” and he said the international community should “attempt to interrupt [the KLA’s] ability to sustain themselves on the ground.” On 30 March 1996, Mr. Rugova stated that settlement of the crisis was conditional on independence for Kosovo. In August 1997, the US Congress passed a resolution which called for self-determination of the ethnic Albanians, but fell short of supporting the independence of Kosovo. In April 1997, John Kornblum, the US envoy to Yugoslavia, stated that Kosovo’s demand for independence did not present a viable way of reaching peace in the

region.

In March 1998, the European Union demanded that autonomy be restored in Kosovo, with Kosovo remaining part of FRY. In May 1998, the international community began taking action to curtail the Serbian attacks on the KLA and KLA terrorism against the Serbs. NATO conducted military exercises in Albania and Macedonia. In June 1998, economic sanctions were imposed on FRY. In the same month, the EU Council President, Robin Cook, warned that some EU states were calling for military intervention. In January 1999, leaders of the US and of the EU met in London and issued an ultimatum setting a deadline of 9 February 1999 for Serbian and Kosovar leaders to reach an agreement for peace. FRY's position on the crisis was that part of its sovereign territory was attempting to secede from the country through violent means.

By this time, the KLA controlled over one-third of the province and declared that the KLA refused to negotiate. In late August, the Serbian Governor of Kosovo offered to restore the province's autonomy. At this stage, Montenegro, one of FRY's republics, threatened to secede from the FRY if autonomy was restored in Kosovo. The KLA and Albanian leaders refused the offer of autonomy. In July 1998, Jakup Krajsniqi, a spokesman for the KLA, made the rebels' objective clear in that the armed movement was "fighting for liberation of all occupied Albanian territories...and unification with Albania." This statement, coupled with the increased KLA military strength, resulted in an upgraded offensive by the FRY to bring order back the region. In October 1998, FRY agreed to an OSCE Verification Mission in Kosovo and Methohija (the October Agreement). Conflict continued on both sides, however. Western countries forming a Contact Group invited representatives of the two sides to the dispute to Rambouillet, France to discuss a resolution to the dispute. According to FRY, NATO's consistent threats to use force against FRY was a main factor

which encouraged the KLA campaign. The outcome of Rambouillet was not positive. FRY believed that the terms of settlement proposed were unfair and imposed by the Contact Group. As FRY put it in its submissions to the ICJ:

"These countries attempted to impose a project of self-government, non-existent anywhere in the world, which encompasses elements of sovereignty and jurisdiction over and above those of federal units. Further, it provided for some sort of protectorate over Kosovo and Metohija, as well as military occupation by international military forces under the direction of NATO. There is no State with a minimum self-respect that could possibly accept such a proposal."

Because the proposal by the Contact Group was unacceptable to FRY, the FRY delegation sought instead to offer a broad autonomy deal to Kosovo. They signed their own proposal entitled "Agreement on Self-Government in Kosmet." This proposal was not acceptable to the Contact Group.

NATO began sending troops into countries bordering FRY. In response, FRY increased its military forces in Kosovo. The crisis deepened when the OSCE decided to remove its verification mission from Kosovo, paving the way for NATO's invasion. In his letter dated 19 March 1999, the OSCE Chairman blamed violence on both sides for OSCE withdrawal, stating:

"My decision has been made in the light of the increased violence in Kosovo, of which both Yugoslavia troops and the KLA are to blame. The buildup of Yugoslav troops in Kosovo in breach of the October Agreement has, however, unnecessarily aggravated the situation further, and has been a decisive element in my considerations."

NATO began conducting air strikes against FRY on 24 March. These strikes resulted in the deaths of up to 1,200 civilian Serbians and the wounding of 4,000-5,000 people in other parts of FRY. 10,000 Albanians were killed in ensuing days during the expulsion of Albanians from Kosovo by



FRY. Property was damaged and chemicals were released into the environment. Thousands of people were injured. Prohibited weapons were also used in the bombings, such as cluster bombs and depleted uranium bombs which will result in a long-term health effects. Note that from 1990 to the NATO air campaign, about 154 people were killed in Belgrade federal police assaults on KLA: 80 in the town of Drenica, 50 in the town of Pec, and 24 in another town. According to a Human Rights Watch report, the situation of oppression had not escalated to the brutal degree of ethnic cleansing.

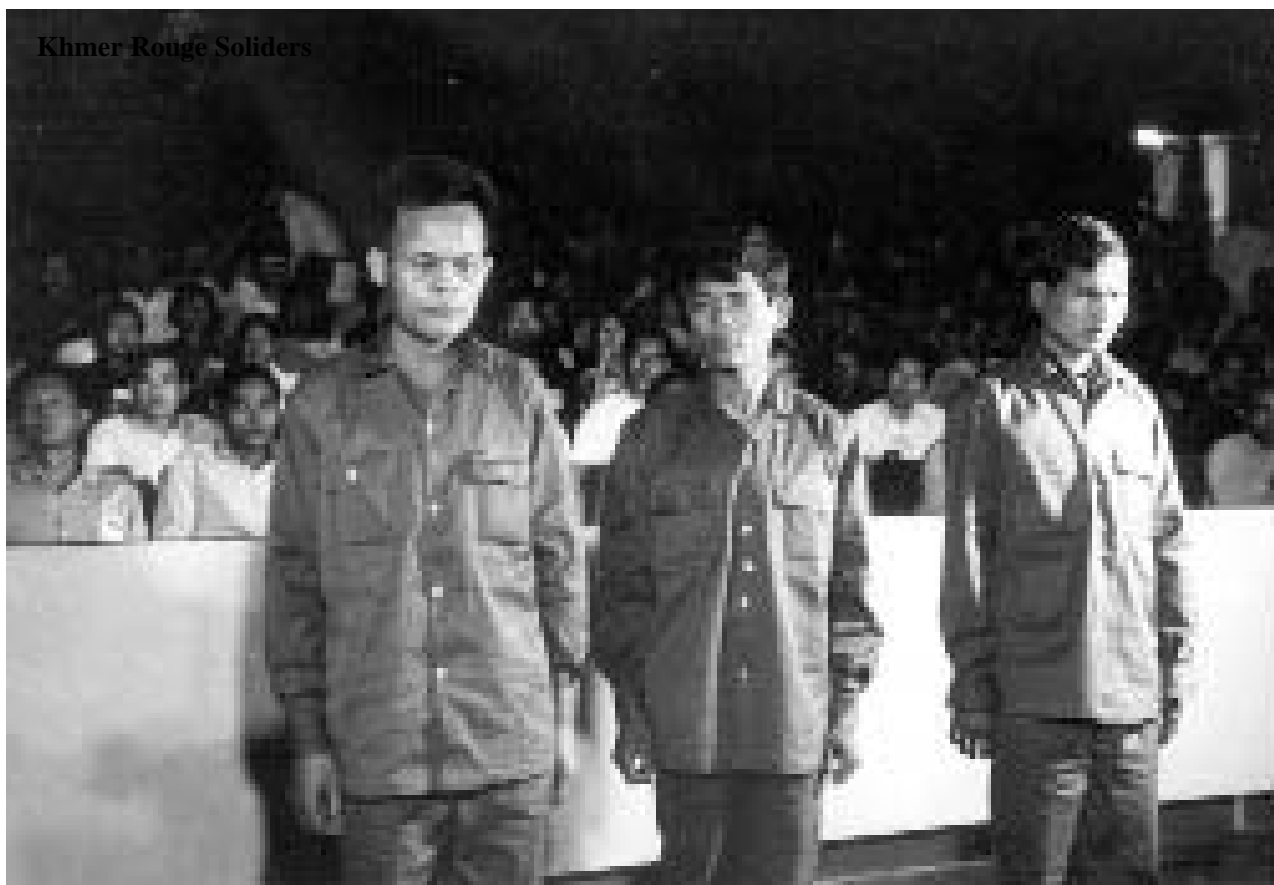
On 29 April 1999, while the NATO campaign was continuing to take place in FRY, FRY lodged at the ICJ a request for an indication of provisional measures against ten NATO countries seeking an order that NATO cease its bombing of FRY. FRY alleged that NATO's use of force was illegal and in contravention of the UN Charter and the Convention

on the Prevention and Punishment of the Crime of Genocide. The ICJ did not decide the case on its merits, rather it disposed of the case primarily on jurisdictional grounds. This paper, however, will address the substantive question of whether NATO's use of force was illegal under international law.

II. Legality of the Use of Force under International Law

The UN Charter expressly prohibits the use of force. Article 2(4) of the UN Charter provides "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the Purposes of the United Nations." Article 33 of the Charter requires that states resolve their dispute via peaceful means.

Under the UN's current framework, only the Security Council has the power under Chapter VII of



Khmer Rouge Soliders

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the Charter to authorize the use of force. Regional arrangements or agencies may then be used to enforce the Security Council's resolution and to conduct an authorized action. However, under Article 53 of the UN Charter, "such action shall not be taken under regional arrangements or by regional agencies without the authorization of the Security Council." In addition, Article 103 of the Charter stipulates that "[i]n the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail." In recognition of the this supervening obligation, Article 7 of 1949 Treaty creating NATO provides that "the Treaty does not affect, and shall not be interpreted as affecting, in any way the rights and obligations under the Charter of the Parties which are member of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security."

In 1974, the UN General Assembly adopted Resolution 3314 (XXIX) reaffirming the principle of prohibition of use of force stating "[n]o consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression." The ICJ reiterated the principle of non-interference in *Nicaragua v United States*, a case heard by the ICJ in 1986. In this case, the US withdrew its membership from the ICJ, presumably fearing that it would lose the case, which it eventually did. The ICJ made a provisional order, requiring the US to cease its armed attack against Nicaragua and stated:

"While the United States might form its own appraisal of the situation as to respect for human rights in Nicaragua, the use of force could not be the appropriate method to monitor or ensure such respect. With regard to the steps actually taken, the protection of human rights, a strictly humanitarian objective, cannot be compatible with mining of ports, the destruction of oil installations, or gain with

training, arming and equipping of the Contras. The Court concludes that the argument derives from the "preservation of human rights in Nicaragua cannot afford a legal justification for the conduct of the United States."

Extending the sanction of international law—beyond allowing force in self-defense—could give approval to use of force for political or economic reasons. According to Professor Schachter:

"International law does not, and should not, legitimize the use of force across national lines except for self-defense (including collective self-defense) and enforcement measures ordered by the Security Council. Neither human rights, democracy nor self-determination are acceptable legal grounds for waging war, nor for that matter, are traditional just causes or righting wrongs. This conclusion is not only in accord with the UN Charter as it was originally understood; it is also in keeping with the interpretation adopted by the great majority of States at the present time."

Prohibition on Interference in Domestic Affairs Article 2(7) of the UN Charter prohibits states' interference in the domestic affairs of a sovereign state. This prohibition extends to the UN itself. The UN may not "intervene in matters which are essentially within the domestic jurisdiction of any state." This principle was reaffirmed in the General Assembly Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations 1970:

"No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the international or external affairs of any other State. Consequently, armed intervention and all other forms of intervention or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law."

(Continued in the January 2002 issue)



INTERNATIONAL CRIMINAL LAW WAS NOT INTENDED TO SUPPLANT DOMESTIC CRIMINAL LAW

Raymund Johansen

There has been a significant amount of commentary and debate over the question of whether or not the criminal killings and other crimes perpetrated under the Khmer Rouge regime are subject to prosecution as genocide under the 1948 Genocide Convention, or as crimes against humanity pursuant to customary international law, or both, or neither. Given the fact that the proposed Khmer Rouge Tribunal will take place in a domestic Cambodian court where jurisdiction over the subject crimes is not at issue, this debate has been rendered largely academic.

Both “genocide” and “crimes against humanity” are legal rubrics that were developed for the purpose of providing a legal basis for jurisdiction by foreign courts, whether “international” or domestic, over crimes that pursuant to previously unchallenged customary international law, were protected from such prosecutions under the doctrine of national sovereignty. In the case of genocide, jurisdiction results from a nation-state’s acceptance of the international convention that defines the crime. In the case of crimes against humanity, an elaborate legal fiction known as the “nexus to armed conflict” requirement was developed by the Nuremberg Tribunal to justify that tribunal’s exercise of jurisdiction over the murder and mistreatment of German citizens by their own government during the Nazi regime. Once a nexus was established between those crimes (which under traditional theories of national sovereignty were only subject to prosecution by a duly constituted German court) and war crimes committed by the Nazis in their wars of aggression, the Nuremberg Tribunal concluded that it would then have an adequate legal basis for extending its jurisdiction to cover them.

The *raison d’être* of both genocide and crimes against humanity is the need to establish jurisdiction over the criminal acts sought to be prosecuted. With possible minor exceptions, neither classification made

or makes illegal any acts that were or are not already illegal under the laws of every civilized nation. The problem being addressed by both legal rubrics is the lack of political will or ability on the part of a nation-state to provide justice for massive human rights abuses perpetrated within its jurisdiction (or by its citizens within another jurisdiction). In the case of the proposed Khmer Rouge Tribunal, none of these jurisdictional concerns will be at issue. The Tribunal will be a Cambodian trial of those who perpetrated crimes in Cambodia.

As evidence of the fact that these international crimes were never intended to be applied on the domestic level, one can note the absurdity of denying jurisdiction to a domestic, national tribunal over crimes against humanity committed within its jurisdiction on the grounds that those crimes were not perpetrated in connection with an international armed conflict. The only reason this “nexus” requirement for prosecuting crimes against humanity evolved was in response to the need to establish a basis for jurisdiction by an international tribunal. That it can result in denying jurisdiction to the courts of the nation-state where the offenses took place highlights the inapplicability of such international crimes to domestic tribunals, where the underlying criminal acts in question are already illegal. (In any event, it can be noted that pursuant to the enabling law for the Khmer Rouge Tribunal, the extraordinary chambers is granted jurisdiction over all crimes against humanity committed in Cambodia during the subject period. Since the nexus requirement related solely to jurisdiction, and did not constitute a substantive element of crimes against humanity as set forth at Nuremberg, the requirement has no applicability to this domestic tribunal, whether or not it remained in effect at the time.)

The fact that crimes against humanity and genocide were included in the enabling legislation for

the Khmer Rouge Tribunal is probably the result of two factors: 1) previous expectations that the Tribunal would be an international one held outside of Cambodian jurisdiction, which scenario would then have necessitated the application of these international crimes in order to establish jurisdiction; and 2) the unfortunate idea, promulgated by many scholars and legal experts, that these particular categories of mass murder are by definition more heinous than others. (While the applicable ten-year statute of limitations under the 1956 Cambodian Penal Code may have provided additional impetus to including these international crimes in the enabling legislation, the law's extension of that limitations period has addressed this problem.)

In deference to national sovereignty, it was necessary to limit the degree to which extra-territorial personal jurisdiction can be exercised in criminal cases. An unfortunate if entirely predictable result was that those criminal categories considered monstrous enough to permit derogation of national sovereignty were defined in politically and legally circumscribed ways. As a result, unless a particular incidence of mass murder fits within these definitions, its victims are left feeling that they are receiving second-rate justice. The highly abstracted debates concerning whether or not a particular example of organized, mass murder qualifies as genocide or crimes against humanity, understandable as they are from a legal perspective, have not been helpful in this regard. This hyper-intellectualization has in part resulted from the fact that the above-noted *raison d'être* for genocide and crimes against humanity has been lost sight of. The fact that the international community found it necessary to limit the reach of these legal rubrics for political reasons should never have been given the importance it is by legal scholars and commentators, attended as this has been by the uninformed parroting of the press. That the massive human rights abuses perpetrated under Democratic Kampuchea may not fit within the definitional restrictions of one or both of these international crimes is a result of international political expediency, and has no bearing upon their level of moral depravity, which was on a par with the worst imaginable cases that would

legally qualify as genocide or crimes against humanity.

It is submitted that in the case of the proposed Khmer Rouge Tribunal, domestic Cambodian substantive criminal law in force at the time the crimes were committed will be entirely sufficient to provide a judicial reckoning for the architects of what has come to be known as the "Cambodian Genocide." Furthermore, it will be entirely fitting and appropriate that the responsible parties be tried pursuant to the very law that they so brazenly flouted. For those who insist on granting genocide and crimes against humanity a higher level of heinousness than other examples of mass murder that can, and have been imagined, I suggest that they are doing more harm than good.

As others have pointed out, in the ideal world that we are working towards there will no longer exist any political powers, governments or entities that will ever again take it upon themselves to so heinously oppress and abuse that portion of humanity subject to their power. Undoubtedly progress towards this ideal state of affairs has been accelerated through the exercise of extra-territorial criminal jurisdiction over matters previously consigned to the domain of national sovereignty. But the reliance upon international jurisdiction and its substantive criminal law is in no way superior to the administration of justice through the application of domestic criminal law, in a venue where those in charge of the proceedings are responsible to the people who suffered from the criminal acts in question. In short, these international crimes were neither designed nor intended to supplant the primacy of domestic law in a duly constituted national tribunal. Rather, they were intended to act as a stopgap measure where the necessary political will to punish massive human rights atrocities is found lacking on the domestic level.

Unfortunately, there are some in the international legal and human rights fields who seem intent on seeing precisely the opposite turn of events, where jurisdiction over massive human rights atrocities will increasingly and routinely be granted to an international legal bureaucracy with no connection to the events in question and no responsibility to those affected by them. Thus we have heard proclamations stating that



the recent events at the World Trade Center in New York City constituted “crimes against humanity” that need to be prosecuted on an international, and thus presumably more authoritative, level. I believe that I speak for the vast majority of New Yorkers when I insist that the only proper legal venue for the ringleaders of this criminal enterprise will be New York, where they will be prosecuted for 3,000+ counts of plain, old-fashioned murder.

While the Rome Statute establishing the International Criminal Court notes that the Court is being created to address situations where the governments of nation-states where massive human rights abuses occur are either unwilling or unable to prosecute the crimes in question, it is interesting to note how quickly this underlying rationale seems to be

getting lost sight of. Now we are hearing calls for international prosecutions that seem to be aimed at preventing nation-states from prosecuting offenses committed within their jurisdictions. No doubt some of the Court’s supporters are starting to realize that countries unwilling to prosecute massive human rights abuses perpetrated within their jurisdictions are also likely to be unwilling to deliver the suspects to the ICC. As a result we are already hearing proposals for extending ICC jurisdiction far beyond its stated purpose.

It is interesting to note the Cambodian government’s enthusiastic support for the ICC. Does anyone think for a moment that that government would have handed over Ieng Sary, Nuon Chea or Khieu Samphan to an ICC?

“ALIAS AND AKA”

◆◆◆ Alias is just an assumed name, but it tends to indicate that the person is trying to hide his or her identity. Aka, or “also known as,” indicates that a person is known by this other name, and does not necessarily mean that a person chose to hide his or her identity. In practice, the two terms are used interchangeably, but I believe that alias tends to show an attempt to hide identity, while aka is less indicative of evil intent. “89” was Son Sen’s alias.

Raymund Johnsen

◆◆◆ There isn’t very much difference. An alias is a fake name that someone uses, often to conceal their identity. Aka stands for “also known as.” It is a relatively informal expression. We often use it to introduce a person’s popular nickname, but it can also be used to note a person’s alias. Here are some examples to make it clearer:

- ◆ The alias of Mok was Chhit Choeun
- ◆ Mok, alias Chhit Choeun, was a former Khmer Rouge leader
- ◆ Mok went by the alias of Chhit Choeun
- ◆ Mok, aka “The Butcher,” was a former Khmer Rouge leader
- ◆ Mok, aka Chhit Choeun, was a former Khmer Rouge leader.

In formal academic writing, we would almost use the word alias. Aka is more common in newspapers and informal writing.

John Ciorciari



THE TRAGEDY OF MY FAMILY

Sarot Marilyn

My name is Samnom Sarot, aka Sarot Marilyn, called Lin. Today, I am an accountant at a private bank in Phnom Penh. My father was Saron Sarot. Before April 17, 1975, he was a commander in the Puok military sub-region. He was killed during the Pol Pot regime by the Khmer Rouge. My mother is Um Samnom, a state nurse. I have one sibling who died of malaria during the regime. Another died trying to take revenge on the Khmer Rouge for his father by joining the military. The following account is my family's story.

My family lived in Chbar Ampeou, and our house was located 150m north of Chbar Ampeou pagoda. At about 2 p.m. on April 15, 1975, there was a strange occurrence. I noticed that people living in Veal Sbauv and Prek Eng subdistricts were traveling in a hurry, carrying their valuable belongings. Their faces were sorrowful. Among the people walking past our house were some heavily armed Lon Nol soldiers. I then questioned a woman, "Where have you come from, aunt?" She replied in shock and sadness, "From Veal Sbauv...they have arrived!" "They have arrived?" I wondered and thought deeply for the answer. As I walked back through the fence, I saw my mother, my mother's older sister, my brother-in-law and my grandmother talking. My mother cried out to me, "Son, go and put our valuable things into the luggage!" I was puzzled to hear her words. My mother continued her discussion with my brother-in-law, a first lieutenant on the general staff of the army, about what we should do. Perhaps I was the only one who still had many

things to fetch, because my siblings had already packed up their belongings without bothering to understand the situation. My brother-in-law told me, "Take your clothes off and wear soldiers' ones, since they will provide camouflage under the cover of the night." I complied and rushed upstairs to do it.

At 4 p.m. the situation worsened. The crowds of people moving up from Veal Sbauv and Prek Eng increased in size. Suddenly, I remembered a dream I had had a couple of nights before of Phnom Penh residents in tattered clothes, carrying their personal property, heading out of the city; and then, of another image of these people returning to their homes.

At about 5 p.m., a middle aged lady fleeing from Takeo informed my mother, "In liberated regions, life is harsh; people are ordered to work day and night. Young children are sent to collect cow dung in the rice fields. We don't have enough food to eat. They'll kill us once they've found out we are government staff, rich people or soldiers. Therefore, don't tell them the truth if they happen to ask you! Keep your secret...tell them you're workers or bicycle riders to be safe." Then she left.

Immediately, my mother related this advice to the whole family and told them to pretend to be deaf and dumb. My grandmother uttered a saying, "We have houses and roads, but no one lives in or walks on them. People fight to get a single rice grain sticking to a dog's tail...Grandchildren, you must grow sesame and kapok trees. When it's time to run, run to the Northeast to have peace." We all understood

what she had meant - planting kapok means do not answer when you are asked, and growing sesame refers to stupidity.

Having sipped boiled rice, we helped each other carry our possessions into a building that had been fortified by my father. The sun set. Darkness moved in, but there was no electricity.

At about six thirty or forty, shells rained down on Chbar Ampeou village from government soldiers. Those shells came from fortresses at Phsar Kbal Thnal, apartment buildings and the old stadium. Many of them fell near my house, exploding like popcorn. The fighting between Lon Nol soldiers and Khmer Rouge soldiers intensified. It began at Chbar Ampeou market.

In front of and around my house, the fighting got fiercer using M-79 guns. Their shells fell on every side of my house. I was lying in a hammock, while my brother-in-law was preparing himself, in case some Khmer Rouge soldiers opened an attack. I thought that the Khmer Rouge could spot me and my brother-in-law quite easily, since the government's aircraft had dropped bombs, lighting up the battlefield, right over my house. A B-40 rocket flew over the fortress and hit a bamboo bush behind my house, making a deafening sound. I was not yet afraid at all. At about 10 p.m. another rocket struck the roof of a first lieutenant's house, south of mine, engulfing it in flames. We then dashed down to extinguish the fire without being aware of danger. Another bomb brightening the sky was dropped at about 1:15 a.m. Then the sky was bright like day, enabling a Khmer Rouge soldier to release an M-79 shell toward my brother-in-law. However, it dropped in front of the fortress. I forced myself to get off the hammock to lie on the ground, while my brother-in-law was carrying a gun and waving it about to deceive the enemies.

At 4 a.m. on April 16, 1975, my brother-in-law asked everyone to leave the fortress. Each of us

carried a pack of belongings, and together, we ran through the rain of M-79 shells toward our big house just ahead. In the house, we used tables and chairs as a shield to protect ourselves from flying bullets, and then we laid down. Some of us slept...while I laid against my backpack. At 5:30 a.m., an M-79 shell, probably fired by the Khmer Rouge, hit one of the house's columns, which I was sleeping near, unleashing sparks of fire. It emitted a thunderous sound, "Bang!," together with our fearful screams. When it was over, my mother asked, "Anyone hurt?" The first person found to have been hit was my brother. His forehead was punched in by a small piece of debris. He was bleeding heavily; his face was soaked with blood. My mother carefully used a medical scissors to pull it out and bandaged the wound. Then came my granny's report of injury to her right hip. Simultaneously, I showed my mother that I was bleeding at two points on my elbows. They bled quite heavily, wetting my army clothes. Two shell fragments had stuck in my bone. My mother had no idea what to do. Everyone began to worry about my injury. Without warning, my mother let out a yell, "They have arrived!" Then my sister snatched the stars worn on her husband's chest off and his shirt away, while my brother was slipping his gun under the table. In no time, two Khmer Rouge soldiers entered and shot at my brother-in-law two times, killing him immediately.

I was horrified and raised both hands up, for one of them was pointing his AK-47 at me, while my injury continued to bleed. The soldier shouted at me, "Are you an American commando?" Stunned, I answered, "No! I'm a student." At the same time, I caught a frail command from my mother: "Run son, run..." Having recovered from shock, I pushed away the lethal barrel and sprinted outside. Seeing me escaping, everyone ran after. Surprisingly, the soldiers did not chase us. With so many bullets crisscrossing through the air, my injured brother and



two younger siblings ran in separate directions to the north on a road toward Tuol Teng together with many of our neighbors. I, granny, my two older sisters (one with her sister's six-year-old child), my aunt, and my mother dashed down a road in front of our house. During the 80-meter run, I encountered two frail Khmer Rouge soldiers, in black clothes, armed with AK-47s, smoking cigarettes, sitting on a bench. Upon spotting me, they were so surprised that their cigarettes fell from their mouths. They quickly seized their guns and pointed them at me. One of them shouted, "Do not fire! Move on." I had escaped from death for the second time. Running for a few steps, I gazed around and saw a Khmer Rouge soldier pointing his gun at my mother. He cried at her, "You want your life or your baggage?" My mother knelt down and begged for mercy, and at the same time, she urged me continue to run. Leaving my mother, the soldier broke through the fence at my house.

We made our journey to a lightly wooded area, crossed a channel, and finally arrived at Sampong pagoda...Thousands of people from all different places were walking about hurriedly on roads. Some were dragging the corpses of their loved ones, looking for an appropriate place to bury them. My family sat under a building inside the pagoda. I was surrounded by monks, so that the Khmer Rouge could not see. Once in a while, the Khmer Rouge asked, "Are there any Lon Nol soldiers here?" Silence, no answer. At about 9 a.m., the government's aircraft were still flying around, back and forth.

Occasionally, a DK shell blasted with a thundering sound. We continued our journey across a river toward Kdei Takoy pagoda. A short distance away from the pagoda, we came upon five or six Khmer Rouge soldiers, sitting in a snack shop along the road. They were armed with an M-30 machine gun, three AK-47s, and some medical staff. A tall, white soldier with gentle face came up and asked,

"Comrade, are you injured?" I replied, "Yes, I am." Then he invited me to go in, cleaned my wound, and injected me with an ampoule of drug to stop bleeding.

We moved on. My sister wept until she had no more tears to shed; she was now in a state of confusion. When we arrived in front of Brachumvong pagoda, a Khmer Rouge saw me and chased me. Perhaps he was thinking that I was a soldier. I ran through a very dense crowd in order to escape from him. When I arrived Chraoy Ampil pagoda, a generous woman pulled me into her house, so I was totally concealed. I had escaped from death for the third time. At about 1:20 a.m., I reunited with my family. Many fresh and swollen corpses of both soldiers and ordinary people littered the national road we were travelling on. Some people had had their bellies torn open and were simply left to die. The Khmer Rouge soldiers walked in two lines on each side of the road toward Phnom Penh. In the sky, many aircraft were flying busily, as if they were welcoming the arrival of the Khmer Rouge. However, Lon Nol soldiers were still bombarding the Khmer Rouge.

In the night of April 16, we took refuge under a house of Taprum villagers. We had nothing to eat. The next morning, the Khmer Rouge controlled Phnom Penh. Every Phnom Penh dweller was driven out. Later, Angkar allowed people to look for food. My family, except granny, older sister and me, went back home to fetch five or six sacks of clothes, rice and salt.

In Taprum village, we witnessed countless tragic events. Some suffocated themselves to death. Some locked themselves in a car and drove into the river. Others cried and smashed themselves against objects until they died, since they had lost all their family members. Many were seriously injured and died slowly, for there was no medical assistance. Another group of people were tied up and escorted to unknown places, while others were shot instantly

for complaining about Angkar.

Angkar publicly urged government staff and students (university and lower) to enlist as the people who were to greet Sihanouk's homecoming or to work according to their expertise. Some bicycle riders told Angkar they had been lieutenant colonels, but my family stayed quiet. One day we saw the upper-brothers (Angkar) in jeeps being driven across the village. My mother recognized one of them as one of her classmates, whom she had known well. She told us, "He is Saloth Sar." Days after, we met Chhuon Chhoeun. She told us, "This guy used to encourage me to participate in his revolution in the forest."

In mid-May, my family was evacuated on a boat called Phkay Proek from Taprum pagoda to Meatt Krasas. From Meatt Krasas, we continued our journey on foot. Along the road, we exchanged our clothes for food.

Ten days later, we reached Prek Luong and spent a night there. The following morning, the Khmer Rouge ordered us to get on another boat, where we noticed a woman crying and smashing her head against the boat for her husband, who had been taken away and killed the night before, while her children had been lost. At last, she died in front of mournful faces of other victims and the derisive laughter of the Khmer Rouge soldiers.

The boat started its engine and headed toward Prek Po. We waved goodbye to Phnom Penh in sadness for the last time. In the journey, I kept on thinking, "What terrible things will happen to us all in the times to come, as we have witnessed only bloodshed and tears since the Khmer Rouge first arrived? What kind of prosperity will we see in liberated regions, if we have seen only corpses and starvation along the roads?"

I don't need to recount the anguish of April 17 people, since we all are well aware of it. All of the Eastern Zone residents were accused of treason, and

their zone was later controlled by the Southwest Zone cadres. Both new and base people became prisoners of Angkar, working twenty-four hours a day, killed barbarously like worthless animals. One day the revolt broke out. Samdech Chea Sim, who was at the time a leader at Ponnea Krek, tried to persuade me and my older brother to escape to the forest to struggle. We rejected his offer. After that, my villagers were evacuated to the Central Zone (Kampong Cham). Thousands of Eastern Zone people crowded into Kampong Cham; they were killed continuously.

On January 1979, the liberating army arrived. We saw the Khmer Rouge run for their lives in terror. Our liberators had come... We were extremely pleased, but we still had to seek shelter to avoid being injured during the fighting between the Khmer Rouge and the Army of the United Front for the National Salvation of Kampuchea (UFNSK) in cooperation with the Vietnamese Army.

In a month or so, my family arrived at Chbar Ampeou... More than ninety percent of our villagers did not return. Three months later, we received horrible information from one of my father's soldiers that my father had been killed by having his eyes gouged out to feed to crocodiles.

I want to ask the Khmer Rouge who are now living in happiness, what would they feel if all of that happened to their families? Will the souls of the victims, who were forced to die and died prematurely, rest in peace?

I endorse all efforts to bring these people to trial, and wholeheartedly support those who are trying to preserve the evidence and mark the killing fields. I also am completely against those who grant pardons to these evil criminals.

I would like to dedicate this writing to the souls of my father and all victims who died under the insane leadership of the stupid, illiterate Khmer Rouge clique.

Letter from a reader:

SEARCHING FOR A MISSING COUSIN

August 6, 2001

To the Director of the Documentation Center of Cambodia

My name is Srei Kim Chhay; I am an official of the provincial town of Kampong Cham. Reading *Searching for the Truth* magazine has made me feel pained, moved, and horrible again, when all these things were beginning to move away from me with time. May such heinous crimes never return to humanity, especially to our Cambodia. I also request that a court of law be established as soon as possible for prosecuting the perpetrators, who were architects of these atrocities, so that it can stand as a role model for humanity.

Respected director, in the meantime, I would like to search for my missing cousin named Suy Sros, male, who was 20 years of age in 1975. At that time, he had entered the monkhood and was living at Wat Chong Boeng, Prek Dambauk subdistrict, Srei Santhor district, Kampong Cham province. He was excommunicated by Angkar and sent to work at the battlefield for the sake of the nation. In 1976, he was said to have been a navy crewman. No one has received any information about him since.

Please, Mr. director, help me to search for any piece of information that would be relevant to the fate of my cousin. Although the truth may not be nice or pretty, it can cause my uncle and aunt to have release from the uncertainty they have about their only son. Until now, his parents have been consulting fortunetellers on this matter.

Best wishes,
Srei Kim Chhay



