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**Ieng Thirith at Pailin**

**Photograph: Chhang Youk**

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*Letter :*

# Ieng Thirith Unable to Identify Khmer Children

On a flight to Phnom Penh, Ieng Thirith asserted to an American journalist that I was an orphan, had neither father nor mother, and had emigrated to other countries before the so-called “Great Leap Forward” regime took control of Cambodia. She also added that this orphan was a bad-tempered, stubborn and arrogant child. In this sense, she implied that I did not experience the sufferings the Khmer people faced and do not know the truth about the Pol Pot regime. Although Ieng Sary, her husband, interrupted her, she continued to accuse other people of having exaggerated the evil of the Khmer Rouge regime, where she served as a top cadre.

I am a Khmer citizen. My father is deceased. My mother is still alive. I was born in Sangkat 2, Phnom Penh. When the Khmer Rouge came to power in 1975, I was 14. I was evacuated to Trapoang Veng village, Preahnet Preah subdistrict, Preahnet Preah district, Battambang Province, Region 5. I witnessed first-hand ruthless murders that Khmer Rouge cadres committed on the terrace of Preahnet Preah Pagoda. My sisters, nephews, uncles, aunts and many other relatives died during the regime. Only after the Khmer Rouge regime collapsed was I able to leave the country to live in Texas, in the United States.

The Khmer Rouge separated children from their parents in order to instill their ideology in them. They were successful to such an extent that those children dared sacrifice their own lives for little reason. Most carried out inhumane acts under the orders of Angkar because they were terrorized and brainwashed. However, a handful of children who were sons or daughters of high-ranking cadres committed atrocities proudly.

Ieng Thirith is aware of my strength, but this strength has resulted from the caress and love of my mother and the fact that I am educated. It did not arise from the ideological indoctrination of the Khmer Rouge.

I remain committed to meeting Ieng Thirith and other top Khmer Rouge leaders in an impartial tribunal.

***Youk Chhang***  
***Editor-in-chief and Publisher***



# A Report on the General Situation Discussed During the Meeting Conducted on May 12, 1976

*(Document D699)*

## 1) General Situation

Establishing diplomatic relations with Burma, Malaysia, Singapore and the Philippines has made other countries become more interested in our revolution. However, the Vietnamese reaction, as seen through the statement of Ms. Nguyen Thibinh to an AFP press agent on May 7, is not so supportive. We will continue to establish diplomatic relations with European countries.

On May 8, AFP aired a broadcast about Huot Sambath's family escaping from Belgrade to France. But foreign radios, which we listened to, did not. Nonetheless, the enemies are very interested in the issue of the contemptible Pech Limkhuon. On May 9 at 9:30 a.m., the U.S. Airforce Radio broadcast that there are 200 Chinese technicians constructing a 2500-meter airbase north of Phnom Penh for Mig-21s. It also said that other Chinese technicians are repairing ships and teaching [our cadres] how to navigate at Kampong Som harbor. However, the Voice of America did not mention it. Therefore, the enemies will surely investigate this. We do not need to take any action.

Other countries have a strong reaction to the Chinese Embassy's presentation of credentials to us on May 10, 1976. In general, since our state organs were created, our power has grown steadily, although the enemies are making accusations and persuading people to act against us.

## 2) Situation in Asia

a) In Vietnam, after the election and a thorough

examination of the situation, the People's Representative Assembly consists of 80 representatives of workers, 100 of peasants, 54 of combatants, 98 of intellectuals, 41 of political cadres, 13 of religious followers and 6 of artisans. Thus, the Vietnamese revolution is different from ours.

According to AFP, on May 7, 1976, South Vietnamese foreign minister Nguyen Thibinh gave an interview to Le Mond Newspaper concerning the exploitation of oil in the Gulf of Thailand. She stated that Vietnam has agreed to cooperate with all foreign companies, like American "Shell" and "Gulf Oil," etc., in order to explore for oil in the Vietnamese sea. Vietnam also attracts French and other American companies; these companies compete with one another to gain the right to search for oil and to get aid from the U.S. This issue also relates to our sea boundary, since French oil companies have documents regarding drilling for oil in the Gulf of Thailand. We will ask comrades who are responsible for the European section to search for French oil companies, which had explored for oil in our sea in the past.

b) In Malaysia, the people's struggle movement is seen everywhere, even in cities. The struggle movement of the Thai people is gaining popularity, for there are 10,000 Thais living close to the Thai-Malaysian border who conducted a demonstration against the bombing of the Malaya [air] force. This movement of associating with armed struggle is so big that those holding power in Thailand and

Malaysia panicked and dissolved their military agreement for cooperation along their mutual border. On May 10, the AFP stated that the Thai and Malaysian foreign ministers met in Bangkok on May 9, where they agreed to renew their agreement.

After analyzing these events, [we conclude that] the struggle movement in Southeast Asia is strong, causing restlessness within the area's countries and drawing the attention of the classes in power. In order to stop the struggle, they are trying to modify their policy and to seek help from super-powers. For the sake of the struggle, Lee Kuan Yew visited Peking, while Marcos visited Moscow.

c) In a shared statement, the Soviet Union and Laos declared that non-aligned and socialist nations should work cooperatively; otherwise, non-aligned countries would not be able to obtain victories. This statement was made on April 22, 1976.

Mrs. Indevra Kunthy will visit Moscow next June.

Mrs. Bandaranaike will visit Moscow in late May.

On May 12, AFP broadcast that Nguyen Thibinh is visiting India late in June in order to discuss the upcoming summit of non-aligned nations to be held in Colombo, and then continuing her trip to Sri Lanka.

Based on our analysis, the bad elements and their networks are working to disrupt the summit. Our response is to heighten our activities in Asia and participate in the Colombo Summit more actively by dispatching some of our delegates to Asia.

d) On May 12, the Japanese aired a broadcast about Indian delegates in Pakistan. After analyzing this, we can see that India is trying to resolve its issues with Pakistan because it wants to take a major role during the Colombo Summit.

e) Pakistan and Thailand are conducting diplomatic activities in order to earn a role as observers at the summit. These two Asian countries are busily preparing themselves for the summit. If

Pakistan acts as an observer, it is to our advantage. For Thailand, we'll hold a neutral attitude - do not agree or support its membership in the summit.

### 3. The Situation in Africa and the Middle East

a) The situation in Lebanon: After selecting Elia Sakis, who has right-wing tendencies, as the president, the U.S. imperialists coped better with the Lebanese issue. In solving the internal conflicts of Lebanon, the U.S. imperialists and liberal countries agreed with one another to fight against the activities of the left-wing group backed by the Soviets. The Palestine Liberation Organization (PLO) seems to ignore this.

b) The Paris Summit between France and 19 African countries:

France convened this summit in order to gather some African nations it used to control in the hope that they would act against the influence of the Soviets and China, and to maintain its place [in those countries]. France has little influence on the participating African countries, which sent delegates to attend the summit. France's ambition is too great for it to achieve.

c) Nairobi Summit: In this summit there was an intense competition between the U.S. imperialists and the Soviets. The U.S. wanted to change the struggle of the third-world countries by creating a \$1 billion fund for buying raw materials and stockpiling them in order to keep [the raw materials' price] stable.

France disagreed with the U.S., asserting that the new fund is not needed, since the world already has the IMF. However, France agreed with the point that they should conduct on-site inspections of the price of the raw materials.

Regarding this issue, the Soviets wanted the third-world countries to cooperate with socialist countries in order to obtain victories at all costs. But, in general, developing countries tried to defend the decision made in Manila.



# Minutes of the June 6, 1977 Meeting with the Chinese Transportation Delegation

(Document D20448)

**Cambodian side:** Brother Vann, Comrade An, Rith and Seyla.

**Chinese side:** Comrade Sun Hav, Cheang Phuong, Ma Sey, two delegates and two translators.

First, Comrade Vann expresses his gratitude and then gives the chair to Comrade Cheang Phuong. He divided his speech into three parts:

- ◆ Protocol
- ◆ Managing commercial activities
- ◆ Training ship crews.

## 1. Protocol has Already been Provided

Discuss, explain, specify and request instructions on what to do.

Trading and training should not be mentioned. Present important points.

**Article 1:** The flag printed on the license of international ships indicates which country the ships belong to. A committee has the responsibility to control and examine the ships and then issue licenses, as follows:

1. A license indicating nationality
2. A license showing the ship's capacity in metric tons
3. A license showing the security system
4. A license indicating spare parts
5. A license ensuring the operation of the radio
6. A license indicating the weight of the cargo.

◆ In China, there is a department dedicated to examining these licenses and having relationships with other countries.

- ◆ Each country has a different sign.
- ◆ France's sign is PV.
- ◆ England's is LIX.

◆ Ships entering Chinese waters are always examined by Chinese officials.

◆ Outside is China's, while inside is Cambodia's.

## Article 2:

- ◆ Invoice
- ◆ Shipping cost
- ◆ Insurance of shipping companies. Buy insurance from China.

a) To take goods from the ship, [the receiver] must have an invoice signed by the ship's captain or the shipping company's representative. If goods are lost during transportation, the owner of the cargo can use the invoice to file a complaint against the shipping company. The Yong Kang [a Chinese cargo vessel] is owned by the shipping company. Therefore, the company must pay for any lost goods.

b) There are three categories of transportation fee. 1) The ship's long-term rent or number of trips is the transportation fee. 2) The shipping company offers the fee according to the type of cargo. A Chinese shipping company offers a fee that varies according to destinations for the Yong Kang. 3) There are special fees for transporting into four countries: Korea, Sri Lanka, Albania, and Tanzania.

◆ The Yong Kang uses this fee table. Every country uses these fees. This table is for China and Cambodia. For other countries 10% or 20% is added. The Chinese cost table is based on China.

◆ The Yong Kang departs from other harbors, like Hong Kong and Kampong Som.

c) Insurance: Navigating through rough seas, one can face unexpected obstacles like colliding with other ships in the sea or the harbors, or changing routes, leaving the ship stranded in shallow water. These problems cause damage to the ship and its cargo. To avoid incidents, buy insurance from insurance companies.

◆ The Yong Kang bought the insurance for USD 1,650,000 to travel China. The company must not allocate to French or English companies.

- ◆ There are two types of insurance:

- ◆ Minor damage
- ◆ Serious damage.
- ◆ The Yong Kang buys the second one and repairs minor damages itself. In doing this, it spends less money. Spend much, receive high compensation. This relates to the maintenance crews of the ship. If they take care of the ship well, it'll cost less for the ship. If they're careless, the ship will spend more.

- ◆ We would like to insure against serious damage. If the accident causes little damage, we'll pay for the repairs ourselves. If the ship gets stranded in shallow water, we'll hire another ship to tow it out. The insurance company will pay for this.

- ◆ No compensation is given during wars.
- ◆ Annual payment to the Chinese insurance company is USD 10,818, covering all incidents.

- ◆ This ship flies the Chinese flag; it must buy insurance immediately.

**Article 5:** The capital of USD 100,000 is for business operations.

- ◆ One fifth is for insurance.
- ◆ Spare parts: paint, steel cable and others.
- ◆ Pay harbor fees. Buy fresh water. The cost of loading and unloading goods is paid by the ship.
- ◆ After the goods are shipped, ask for the fee.
- ◆ From May 12, 1977 to June 17, 1977 spent USD 90,000 and USD 40,000 at the Japanese harbor. Then asked for the shipping fee.

- ◆ Consider that an enterprise, beside fixed capital, must have working capital.

- ◆ Working capital belongs to Cambodia. When trading, it becomes Cambodia's.

**Article 6:** Salary and Allowances by Level

a) The salary of Chinese sailors:

- ◆ According to the Chinese transportation ministry, Chinese cadres and ship crews are in different classes.

- ◆ The ship captains are divided into three classes, according to age and level of expertise. For example:

**Class 1:**

- ◆ Rin: 380 Yuan
- ◆ Min: 350 Yuan
- ◆ By: 280 Yuan.

- ◆ The Yong Kang should pay the average of the above salaries to her crews.

- ◆ On average, a crew working aboard the Yong Kang gets 137 Yuan.

- ◆ They should be paid for their uniforms and health care. The salary should be 201.68 Yuan.

- ◆ Crews have a 2-month holiday a year. Each crewmember leaves for holiday at a different time. This means adding 35% more staff.

- ◆ The salary of the temporary staff is the same as the full-time ones, which is 272 Yuan on average.

- ◆ Salary is paid according to each crew.

- ◆ Kampuchean crews receive the same level of salary. The original payment is described in a table given to Kampuchea.

- ◆ The result of the work must be calculated.

- ◆ Crews sailing across international seas should receive the salary in international currency. They may get 250 Yuan per day after leaving Chinese ports. When entering, no remuneration.

- ◆ Do Cambodian comrades working on the ship receive remuneration? Depends on the Cambodian comrades.

- ◆ A Chinese crew gets 280 Yuan a day for meals according to food prices in different locations. Daily payment aboard the ship varies according whether the boat is traveling by river or ocean, and the distance across the ocean.

**Article 7:** Mentions roles of each staff:

- ◆ Each Chinese crewmember must bring their identification card, as well as passport, to show that they are Chinese.

- ◆ On the Yong Kang, the Chinese transportation ministry issues cards for the Chinese crews.

- ◆ For Cambodian comrades working on the Yong Kang, Cambodia issues the cards.

- ◆ Apart from the identification card, a crewmember must have a card showing his or her role.

- ◆ The Cambodian government issues this card for regular Cambodian crews.

- ◆ The Chinese government issues the card for cadres or technicians.

- ◆ If accidents occur, this card shows a person's



working capacity. Without it, a crewmember must totally accept all consequences, whether he is right or wrong.

**Article 10:** Organizational communication:

**Chinese side:** Most companies in China are communicators. Who are the communicators in Cambodia?

◆ Should have compatible organizations to work together.

◆ The ship should total its one-year operations each year to learn the situation.

◆ Both organizations must work together in order to solve problems.

◆ They must be in agreement on documents in order to make operations smooth.

◆ The Yong Kang, most importantly, serves as the source of international trade for Kampuchea. Inquire regularly for information about new sea routes.

◆ Please, Comrade Deputy [Prime Minister] mention an organization with which we can communicate.

◆ Means of communication: telegram, telephone and letter.

**Article 11:** At the present, Chinese companies take 3% fee from the business.

◆ Normally they take from 3 to 5%.

◆ Managing needs crews. Each ship must have its own crew.

◆ Chinese shipping companies pay for their own telegram expenses.

◆ Should have some money to manage the ship.

◆ This protocol is made known through the above report.

**Our Side:** The Sea Transportation Company accompanies the International Trade Ministry of Democratic Kampuchea (our organization). The representatives of this company are communicating [with us].

**Comrade Chinese:** We request a meeting with some ministries.

**Our side:** Should we meet once every six months?

**Comrade Chinese:** If there is no important issue, [we should meet] once a year. Normally, what kinds of goods do you transport? Which companies do you send your telegrams to? Communication telegrams?

**Our side:** We plan to use telegrams for

communication, too. Presently, [sending messages] through embassies is too slow.

**Comrade Chinese:** Since it first began operating, the Yong Kang has been communicating a lot with Hong Kong [companies]. Before loading goods, the Kampuchean side should inform China. Bad communication leads to problems. The means of communication should be quick.

**Comrade Ma:** Communicating through embassies is difficult. Staffs have their limits. We can only communicate two or three times a day, not continuously.

**Comrade Chinese:** Lines of communication should be established quickly, since the Yong Kang is starting to operate.

**Our Side:** We are preparing. We need more time. We are trying. Please communicate through embassies. We'll meet once a year.

**Comrade Chinese:** If there is no problem, [we] should meet once a year. If there is a special problem, we should have a special meeting. However, telegrams should be sent on urgent matters.

**Our Side:** We agree to this declaration.

**Comrade Chinese:** We want an opinion from Kampuchea.

**Our Side:** Problems 1 and 2 are technical ones. Please, comrade Chinese, analyze these problems. Our side prioritizes policy and ideology. However, we lack technical know-how.

**Comrade Chinese:** Agree with Brother Vann. China also takes policy and ideology as important factors. At present, some technical experts have higher ranks than ship captains. Each person's ideology keeps changing, which we should investigate continually. Before selecting ship crews, do Kampuchean comrades put policy into the requirement?

**Our Side:** Choose comrades from the navy, who have experience at sea.

## 2. Issues of Management and Maintenance

Tasks when cruising on the open sea are as follows:

1. Serve the international trade goals of one's country and other tasks, including international aid and political economy.

2. Gather and save capital for the nation to

increase trade.

3. The tasks of ideological, political and technical indoctrination:

- ◆ Only technology can assist the country's economy.

- ◆ The Yong Kang Ship serves as the vehicle for international trade of Democratic Kampuchea. We should think about this in our first operation.

- ◆ Discuss this problem.

- ◆ Try to make a profit.

- ◆ Good management would lead to some profit.

- ◆ Some options for profitable business:

- ◆ Have a ship and keep it as a productive resource. It should keep operating. Each minute of operation is profit.

- ◆ Do not just cruise, look for something to transport.

- ◆ Consider the following data:

- ◆ Stopping operations for one day costs USD 1,552.

- ◆ Operating for one day costs USD 3,180.

- ◆ Multiply the cost for one day by 365, how much is lost? It should cost approximately USD 500,000 for not operating for one year.

- ◆ Use all measures to keep the ship in operation.

- ◆ The more goods the ship carries, the better it is.

Stopping once in a trip is best, but more than once means a loss. Docking in foreign ports is very expensive.

- ◆ Docking in Vang Pou costs USD 18,624 for 12 days.

- ◆ Docking at Kobe (Japan) costs USD 20,176 for 13 days.

- ◆ Earned a net profit of USD 3,008 for transporting goods to Vang Pou and Kobe.

- ◆ Bringing in goods from Japan costs about USD 80,000 if there are no goods to be transported to Japan. If we carry goods, we earn the above money. In transporting 190 tonnes of goods, we make USD 5,000. But that costs us USD 10,000, which means we lose USD 5,000.

- ◆ The whole trip, from China to Japan, earns us some profit if we have goods on the ship. At the Japanese port we'll lose if we transport too few goods.

- ◆ Concerning this, before bringing goods from any port, [we] have to think about the quantity of the goods. We must transport from 400 to 500 tonnes; otherwise, we'll lose money.

- ◆ The transportation price fluctuates according to the kinds of goods.

- ◆ If we transport gravel, the fee is low. If we transport garment products, the fee is high.

- ◆ The ship should transport a variety of goods to earn more fees.

- ◆ If there is only a small variety and the goods are less costly, we earn only a small profit.

- ◆ The Yong Kang, which will transport goods for Democratic Kampuchea, should be concerned about profit.

- ◆ It should consider which sea it cruises.

- ◆ According to this contract, the Yong Kang is to operate on sea routes between China and Kampuchea and in Southeast Asia. However, now it can sail to Japan. Please limit the framework according to the protocol.

- ◆ When comrade Cambodians buy goods in ports, collect more goods.

- ◆ When we bought goods in Japan, there were two ports, at which there were no goods to be transported. We lost a lot.

- ◆ The ship should not dock in too many ports during each trip, which leads to a loss. Last trip, we collected 3,000 tons of goods from China, Japan, Hong Kong, and Singapore. If we had transported 5,000 tons from the four ports, we would have earned a lot of profit.

- ◆ The Yong Kang should cooperate with Chinese ships.

- ◆ China has many goods to be transported to Kampuchea.

- ◆ The ship should have a clear plan before each cruise—which ports it should dock at and how much is to be transported?

- ◆ Making a plan should be considered.

- ◆ If we earn little from the Japanese port, we should come to Hong Kong more frequently.

- ◆ The Yong Kang alone cannot serve Kampuchea's foreign trade. It needs to cooperate with Chinese ships.





◆ The kinds of goods, quantity and size should be known in advance to avoid exceeding the capacity of the crane.

◆ Be careful with flammable goods or goods that can explode.

◆ According to the first experience, the above factors are not clear.

◆ It is a science.

◆ The job of the captain is loading goods reasonably onto the ship. What is reasonable?

◆ Danger-free goods.

◆ Distribute goods appropriately on the ship to make the ship easy to navigate.

◆ The ship captain should bear this in mind when loading goods.

◆ If there are dangerous substances, the ship should pay special attention to them. These goods should be kept below water level where there is less danger of fire.

◆ Some goods should not be put in the lower

decks so that they can be thrown away easily if problems occur.

◆ At which port should [the ship] stop first? Loading and unloading many times may decrease profit.

◆ The Yong Kang has a freezer, which is used to keep goods that earn a high fee. A crew has the job of maintaining this freezer. The freezer should be used frequently to avoid malfunction. There should always be goods in it. From Kampong Som we should preserve fresh seafood, like crab and lobster, in it. From Hong Kong no need to. Normal goods should not be kept in it. If some goods have a bad smell, the freezer may retain the smell. If the goods are heavy, the freezer may be damaged. In short, use this freezer reasonably.

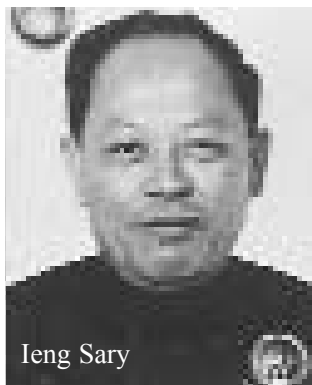
◆ The meeting ended at 5 p.m. We asked about the training of the ship crews.

**Comrade Chinese:** There are many Chinese ships at present.

*[I] will report more news tomorrow, June 27.*

## Conversation between Comrade Ieng Sary and the Vietnamese

*Sophearith Chuong*



Comrade Ieng Sary greeted Comrade Phan Hien on May 19, 1976. The meeting between the two began at eight in the morning. Kampuchea's side consisted of Comrade Mut, Comrade Tauch, Comrade Phan and Comrade Kong, while the Vietnamese were represented by Comrade Nguyen Sung, Comrade Nguyen Thoeung, Comrade Pham Trung Hiv, and Comrade Kiv Minh.

After a brief introduction, Comrade Phan Hien stated the purpose of the meeting:

“We have received tasks from brother Trinh and Le Duc Tho, who, through us, sent you a message asking about your well being and that of all Ministry of Foreign Affairs personnel. He wishes you good health and continued successes in your missions in foreign affairs. Based on the spirit of our parties, our authorities, and the people of our nations, we hope there will be full cooperation between the two ministries of our countries, through which we will exchange information. In the battle of diplomacy, as well as in other battles, we have always sent each other information via either the Kampuchean embassy in Hanoi or the Vietnamese diplomatic corps in Kampuchea.”

During the conversation, Phan Hien gave a presentation to deputy prime minister Ieng Sary on

three points:

1. The situation in Vietnam: the general election
2. The summit of non-aligned nations
3. ASEAN.

### 1. The General Election

Upon meeting Brother Hay and Nam, we briefly informed them about this. Brother Sun Thuy impelled me to provide this information to you, since he was one of the members of the election board.

The recent general election was a great success. The election was scheduled to take place from 7 a.m. to 7 p.m on April 25, 1976. However, at some centers, it was completed as early as 12 p.m., and at 3 p.m. the entire election was completed nation-wide. Centers were set up in all 35 provinces and 3 cities, which the central committee controlled. There was one representative for 100,000 people. All in all, there were 492 representatives, 243 in the south and 249 in the north. In the north, the election was conducted smoothly, whereas in the South, former soldiers and governmental staff had to be approved by commune and district chiefs to gain the right to vote.

There were some complaints in places. Some asked why some citizens were not permitted to vote. We have investigated this obstacle carefully and resolved it justly. The election cards were so vital in South Vietnam that some people bought them after the election. Of these people, there were bad elements, who also needed the cards. We became aware of these activities in time.

Candidates in the north were nominated by the Vietnamese Homeland Front and those in the south were nominated by the National Liberation Front. A great majority of people participated - more than 95% in places. It was carried out under tight security. Most people voted for the [experienced] leaders - 90%. Others, like the Third Power and young candidates, received from 60% to 70%. Amazingly, it was carried out in a contented atmosphere comparable to important national ceremonies.

Foreign journalists from both capitalist and socialist nations observed the election. A large number

of them requested permission to enter the country, but we only had limited ability to greet them. Reports said some foreigners entered our country illegally by parachuting and by plane. Foreign embassies in Vietnam requested for permission for their citizens to enter Kampuchea. Most journalists asked to observe in the south, where they expected trouble. However, they were glad to see that the government handled it perfectly well. The success of the election indicated political unity between both Vietnams, and the need for independence, peace and socialism in South Vietnam. On the other hand, it was a big failure for the remaining reactionaries, who had struggled to slip onto the election board in order to disrupt the election. Also, they had dispersed leaflets before the Election Day. In the end, they totally failed.

Two months after the election, our assembly will hold a meeting to set up a central government for the whole country and examine the draft of the new constitution. Accordingly, our brothers are to meet in order to accomplish these tasks and address other major issues.

In the economic sector, we are preparing food, raw materials, and spare parts for the factories to run. The draft of the Five-Year Plan is being prepared for the assembly.

### 2. The Summit of Non-aligned Nations

As you know, a summit of non-aligned nations is to be held in Colombo in August. We notice that since the summit in Algeria, the non-aligned movement has become a new force to stand against imperialism and old and new forms of colonialism. Additionally, since the one convened in Lima, our movement has played an increasingly important role in international issues. Brother Thong, who joined that summit, knows this clearly. The problem is that the 1973 oil crisis occurred. Economics is an equally important battle against imperialism. In short, day-by-day, this movement is gaining momentum, benefiting our fight against imperialism. However, it does have some pitfalls and complications. In addition to socialist countries like



ours, most countries [in the movement] are controlled by capitalist countries. They are satellites of developed capitalist countries. A small number of nations are constantly oppressed economically and politically by these countries. The Colombo Summit will be held in an exceptional, international atmosphere for Kampuchea, Vietnam and Laos, which have recently acquired victories. These victories will be a long-term contribution to the success of the movement, but we

cannot foresee how great they will be.

Nevertheless, obstacles will arise in the future. The imperialist U.S. is destroying our cooperation and movement. They are using ASEAN as a tool to build up their strength. We are aware that important member countries are vigorously struggling. Sri Lanka is facing economic problems and internal conflict, and is vulnerable to foreign influences. Many countries, such as India, Algeria and Yugoslavia, are preparing to



fight. The Philippines, Thailand and Indonesia are active. Therefore, Southeast Asian issues are among the most important agendas in the upcoming summit. We value participation in this summit. There will be only one Vietnamese delegation, since by August the two Vietnams will have united into one.

Vietnam is getting herself ready to participate with developed nations to:

1. Strive to promote cooperation with non-aligned



nations, from which we will seek support and sympathy for the Vietnamese revolution.

2. Actively endorse national independence movements, and bolster anti-imperialist tendencies. Expand the activities of anti-imperialist forces. Make efforts for the summit to succeed and the movement to progress. Vietnam will gather forefront forces, which will fight against imperialism, old and new colonialism, and significantly, the imperialist U.S. We will reveal the U.S.'s crimes of policy interference and invasion in Southeast Asia, condemn Ford's [U.S President Gerald Ford] theory, and especially demand the elimination of U.S. military bases in other countries and the withdrawal of its troops from all Southeast Asian countries. Support the Korean people in their efforts to expel U.S. troops from their land. Encourage the struggle to eliminate the U.S. base in Diego Garcia. Support the South African people's struggle against racism and the Arab people's fight against Zionism. Uphold the struggle of Asian, African and Latin American people to obtain their basic national rights. Vietnam will also make a contribution toward conserving non-aligned nations' natural resources, stopping the imperialist U.S. from depleting them.

In accepting new members, we determine to stick to the five requirements, especially the points that mention: Do not join any military ally of the imperialist countries and stop these countries from creating military bases in one's country.

In promoting cooperation between non-aligned and socialist nations, we are not discussing disagreements between socialist countries at the summit. We want to create a strong cooperation between non-aligned countries and socialist countries, and between Vietnam, Kampuchea, Laos, Cuba and Korea. The meeting between Vietnam and Kampuchea is traditional. We believe that it is necessary that the delegations of our two countries meet in Colombo. In this period of preparation for the summit, Vietnam and Kampuchea should hold discussions in advance in order to be prepared.

There is a funding program to help Kampuchea,



Vietnam and Laos. The decision to implement this program in Lima served political purposes, reinforcing cooperation between non-aligned nations. We want this decision to be set in motion, with approval from [member] nations, especially Kampuchea and Laos. We suggest that Vietnam, Kampuchea and Laos exchange their points of view on this issue, based on cooperation and mutual respect, so that an appropriate allocation may be made, and, as a result, the summit will see that the three countries are cooperating well. We want you to express your opinion about this.

In fact, the agendas for the summit are broad. In the future, the experts will examine them. Sri Lanka is in our region. Therefore, the result of the summit will greatly influence us.

### 3. ASEAN

The recent ASEAN summit has revealed much about ASEAN. At that time, in U.S. and the ASEAN nations, newspapers published many statements criticizing Vietnam's attitude toward the organization. They said Vietnam had provoked revolutionary movements in Southeast Asian countries. In reality, we have maintained our usual stance toward them. We clearly know that ASEAN was founded in 1967 in order to act against Vietnam, Kampuchea and Laos. Some countries dispatched troops to assist the U.S. in their invasion of our countries. In 1970, they supported the U.S. for its cooperation with Lon Nol at the Jakarta Conference. In 1972, they proposed a solution to the Vietnamese conflict benefiting the U.S.

Following our three countries' victories, they began to fear the influences of our revolutions. Some countries devoted their lands as bases for the U.S. to attack us. Moreover, they sought all measures and tactics, hindering us; disrupting revolutionary movements in their countries; and destroying peace, independence and neutrality movements, which are progressing in the region. The ASEAN summit in February 1976 discussed peace and neutrality issues, but not the withdrawal of U.S. troops. They mentioned primarily economic cooperation. However, they clandestinely

talked about security. They insisted that the U.S. had no influence on their missions. In fact, after Ford's visit to the region, they exhibited Ford's theory. They did this after they visited Indonesia and the Philippines, and had a meeting. Ford said, "ASEAN is an ally of the U.S., and the U.S. will continue to give aid to ASEAN." Moreover, Ford sent more aid to Indonesia. This is the reason why we believe that the U.S. has not abandoned its intentions in Southeast Asia. Since it failed in Vietnam, Kampuchea and Laos, it has been looking for new means to sustain its power, and it uses its satellites to stand against us in Indo-China. Nonetheless, we are aware that ASEAN has economic, political and religious disagreements itself. Its members have problems in suppressing progressive movements in their countries. Indonesia and Thailand demand prominent roles in the organization.

Our stances toward Southeast Asian issues, which we have declared many times already, are that:

1. We continue to act against imperialism, new and old colonialism, especially the U.S.

2. We determine to strongly and absolutely support the movements against the U.S. for independence, peace, neutrality and social advancement in the region. We uphold the tendencies of independence, peace and neutrality in the region.

3. We want to work with these countries by relying upon peaceful co-existence. We have shown this intention to Thailand and the Philippines. For this reason, we may have bilateral relations with ASEAN members. We will not establish a friendship with ASEAN, but we want to learn more about them. Our policy toward Southeast Asia is based on a proper attitude: maintaining close cooperation between Vietnam and Kampuchea, Vietnam and Laos, and among the three countries. The cooperation of our three countries is a major influence on countries in Southeast Asia. With common policies toward Southeast Asia and ASEAN, we will make a proposal asking for the participation of ASEAN in the Colombo Summit.

Our relations with Thailand are the same, as

Brother Thong knows. At present, Thailand has declared that they are having good relations with my country. Thailand said since their new government was formed, the Vietnamese media did not criticize them, probably because Vietnam noticed that they were urging the U.S. to withdraw from their country. If they talk ill of Vietnam, we will respond in kind. Now we wait and observe. As Brother Thong has always reminded us, Thai politicians do not mean what they say. If they keep their word and have the aim to build good relations with their neighboring countries, we approve of them. Thailand is our neighbor; thus, we have to pay attention to them. There is no change for Indonesia. Our party and the government focus primarily on Southeast Asia, for they have direct contact with Vietnam, and doing so is an essential factor for building socialism.

The Kampuchean side has suggested that the Vietnamese delegation take a short break. We informed them that we will let them know our official response. Due to the absence of brother Neay Sarann, comrade Seng Hong and comrade Se, it is our pleasure to notify you that we officially put the meeting off for two weeks in order to handle some urgent tasks. For our meeting, we told them it is logical and for today, our entire country completely agrees. With the absence of brother delegates, we are pleased to tell you that we utterly agree with what you have said. If there is a plane tomorrow, we will leave in order to make a report; otherwise, we will leave the day after tomorrow.

Working with you and achieving impressive results, as the two parties have worked to do, is our first accomplishment. Regarding the schedule of the second meeting, we will let you know through telegrams to comrade Neay Sarann. Previously, we planned to resume our meeting on June 5 or 10. However, we have to travel to Ho Chi Minh City first to meet with the representatives of the Central Committee and then to Hanoi, which may take two weeks or more. The schedule above is just a guide; it won't be a problem if the meeting is conducted earlier or later than the date above. It is up to you.

Yesterday, brother Neay Saran informed us that this issue is relevant to the upper brothers' meeting. Therefore, due to the intensity of the work of both sides, the meeting can be delayed. We will do anything to make the two delegations succeed at the tasks at hand. The meeting of the upper brothers will be considered later."

After a short break, the meeting continued. Comrade Ieng Sary stated:

"On behalf of the party, the government and the people of Kampuchea, we would like to express our gratitude to the Vietnamese delegation, which is working in Kampuchea and receiving favorable results. In this stay, we are trying our best to assist the work of the delegation. However, as we have just come out of the war, we have many shortcomings. In this respect, please excuse us. Also, we would like to express, as comrade secretary has said, you have come to our country in the name of a delegation, but Kampuchea is like your relatives' home. Therefore, feel free; we do not conform to diplomatic protocol.

Frankly, we endeavor to raise our cooperation and friendship to a higher level. Based on the report of our delegation, the discussion has been fruitful, because despite the period of turmoil after the war, which is common for all countries, we manage to express cooperation and friendship between our two nations, especially a friendly attitude toward one another; this is great. As we have discussed, we understand one another's real attitude. Favoring and understanding one another make us a little bit closer. Without meeting, we would not perceive each other correctly, which may result in terrible consequences. Although we have not reached an impartial result, meeting and knowing each more deeply is indispensable. We believe that cooperation and friendship between both countries are essential."

(Continued in the June 2002 issue)

*Sophearith Chuong is a staff-writer for Searching for the Truth.*



# List Of Prisoners Smashed at S-21 (Tuol Sleng)

*Compiled by Nean Yin*

(Continued from the April 2002 issue)

No.	Name	Role	Place of Arrest	Date of Entry	Date of Execution	Others
249	Som Saut	Office K-13	Boeng Trabek	??	May 15, 1976	
250	Mom Mann, aka Rong	Office K-13	Boeng Trabek	??	May 15, 1976	
251	Chea Chey	Chief of Office	[Electricity]	Boeng Trabek	??	May 15, 1976
252	Hang Chhunheng	Train worker	Muk Kampoul	February 13, 1976	May 15, 1976	Died of illness
253	Nob Sarom (F)	Worker	Textile T-5	April 5, 1976	May 15, 1976	
254	Chheng Chounsoeun	Worker's wife	Power plant at Phsar Tauch	April 5, 1976	May 15, 1976	
255	Em Phal	Corporal	Kampong Speu	January 13, 1976	May 15, 1976	
256	Hun Voeung	Worker	Handicraft T-5	January 13, 1976	May 15, 1976	
257	Mao Samaly	Worker	Handicraft T-5	January 13, 1976	May 15, 1976	
258	Trang Vy	Water truck worker	Kampong Speu	January 22, 1976	May 15, 1976	
259	Chheng Rin	Worker	Power plant at Phsar Tauch	April 6, 1976	May 15, 1976	
260	Men Touch	Worker	Power plant at Phsar Tauch	April 6, 1976	May 15, 1976	
261	Lay Bunly	Worker	Power plant at Phsar Tauch	April 6, 1976	May 15, 1976	
262	Ly Sopheng	Teacher	??	April 13, 1976	May 15, 1976	
263	Eng Leanhong	Student	??	February 20, 1976	May 15, 1976	
264	Neak Cheableng	Youth	??	March 22, 1976	May 15, 1976	
265	Chroek Ruos	??	Farm of Region 25	February 13, 1976	May 15, 1976	
266	Um Channtha	Base person	??	February 24, 1976	May 15, 1976	
267	Kong Sarin	Worker	Soft drink factory	February 23, 1976	May 15, 1976	
268	Sok Sreang	Medical staff	??	February 22, 1976	May 15, 1976	
269	My Thol	Rubber plantation worker	??	January 23, 1976	May 15, 1976	
270	Mour Ren	Worker	Power plant at Phsar Tauch	April 6, 1976	May 15, 1976	
271	Keam Puy	Worker	Power plant at Phsar Tauch	March 6, 1976	May 15, 1976	
272	Kuong Lyyoeun	Soldier	??	April 13, 1976	May 15, 1976	
273	Chab Phan	Economics youth	Mukampoul	March 21, 1976	May 15, 1976	
274	Nhoek Saroeun	Post office	??	April 22, 1976	May 15, 1976	
275	Thay Sovanna	Worker	Power plant at Phsar Tauch	February 23, 1976	May 15, 1976	
276	Pok Kanel	Medical staff	??	March 23, 1976	May 15, 1976	
277	Vorng San	Worker	Battery Factory Th-1	April 24, 1976	May 15, 1976	
278	Sam Ham	Soldier	Railway station	??	May 18, 1976	
279	Seng Bunthoeun	Commerce	??	??	May 18, 1976	
280	Chab Bunthoeun	Commerce	??	??	May 18, 1976	
281	Hass Sann	Ethnic Kloeng	Region 25	??	May 18, 1976	
282	Ouv Seng, called Sanh	Committee	Region 22 Th-56	??	May 18, 1976	

283	Kuol Thai, called Vuong	Transportation	Boeng Trabek	??	May 18, 1976	
284	Ou Theng, called Sithon	Gunsmith	Boeng Trabek	??	May 18, 1976	
285	Tonh Torn, called Sam-at	Transportation	Boeng Trabek	??	May 18, 1976	
286	Pech Samot	M-5 Telecom.	Boeng Trabek	??	May 18, 1976	
287	Chum Ly, called Yang	M-5 bomb manufacturing	Boeng Trabek	??	May 18, 1976	
288	Chin Chhoeng, called Koeung	M-5 Gunsmith	Boeng Trabek	??	May 18, 1976	
289	Sach Khem, called Khann	M-5 Telecom. technician	Boeng Trabek	??	May 18, 1976	
290	Chak Et, called Sien	M-5 warehouse Guard	Boeng Trabek	??	May 18, 1976	
291	Mak Yi	M-5 Gunsmith	Boeng Trabek	??	May 18, 1976	
292	Ko Kuon	M-5 Gunsmith	Boeng Trabek	??	May 18, 1976	
293	Yang Yon	M-5 Gunsmith	Boeng Trabek	??	May 18, 1976	
294	Preab Kab, called Ky	M-5 Gunsmith	Boeng Trabek	??	May 18, 1976	
295	Sam Saron	M-5 Telephone technician	Boeng Trabek	??	May 18, 1976	
296	Phann Chet, called Ut	M-5 Warehouse guard	Boeng Trabek	??	May 18, 1976	
297	Ieng Marn	Youth (of) 142	Region 25	January 3, 1976	May 18, 1976	died of illness
298	Saom Dim	Chief of sawmill	Region 25	December 23, 1975	May 18, 1976	died of illness
299	Um Synoeun	Tire factory worker	Preahnetpreah	March 27, 1976	May 18, 1976	died of illness
300	Khieu Yuksao	Youth	Pochentong	March 23, 1976	May 18, 1976	died of illness
301	Huot Ham	Youth	Phar Chass	March 23, 1976	May 18, 1976	died of illness
302	Chheang Thai, called Dena	Medical student	Phnom Srok	February 13, 1976	May 18, 1976	died of illness
303	Kov Phirin	Power plant at Chakk Angre	Region 22	February 22, 1976	May 18, 1976	died of illness
304	Yan Kimsun	Teacher	O Reang Ov	January 29, 1976	May 20, 1976	
305	Brakk Sav	Worker	K-1 Tire Factory	May 9, 1976	May 20, 1976	died of illness
306	Oeng Sophaly, called So Sophavy	Worker	Preahnetpreah	February 13, 1976	May 20, 1976	died of illness
307	Tes Chinkeng	Fibre optics station	Srok Mountain	February 17, 1976	May 20, 1976	died of illness
308	Yin Savuth	Teacher	Region 25	December 18, 1975	May 20, 1976	
309	Nuon Pisith, called Nuon Yom	Teacher	Region 25	December 21, 1975	May 20, 1976	
310	Tean Roeung	Teacher	Mukampoul	December 21, 1975	May 20, 1976	
311	Eng Leangheng	Teacher	Mukampoul	December 21, 1975	May 20, 1976	
312	Saom Savuth, called Mak	Teacher	Region 25	December 21, 1975	May 20, 1976	
313	Mom Ty	Teacher	Mukampoul	December 21, 1975	May 20, 1976	

(Continued in the June 2002 issue)

*Nean Yin is the team leader of the Microfilm Project of the Documentation Center of Cambodia.*





# 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	
<b>(Continued from the April 2002 issue)</b>							
455	040410	Trapeang Ta Khlok	40-45	150-200	about 40	150-200	2000
456	040411	Trapaing Arang Kampuoch	no visible pits	80-100	N/A	80-100	2000
457	081101	Munty Pet Vikal Charoek	small grave	130 more than 130	more than 130	more than 130	2000
458	120103	Phteah Lekh 138 (Behind Tuol Sleng Museum)	1	more than 10	1	more than 10	2000
459	180210	Phnom Kraol (Koh Khyang)	N/A	50,000	N/A	50,000	2000
460	200407	Prey Sloek	400-500	5,000	400-500	thousands	2000
461	200408	Veal Svay	N/A	more than 100	N/A	more than 100	2000
462	210201	Wat Sauphy (Wat Ka Koh)	N/A	N/A	N/A	N/A	2000
463	210202	Wat Sauphy (Wat Ka Koh)	more than 1,000	about 20,000	thousands	20,000	2000
464	210203	Wat Troap Kor	N/A	70 families (about 200 persons)	76	30,000-40,000	2000
465	210204	Trapeang Storg and Trapeang Andaung	76	more than 10,000	76	more than 70 families	2000
466	210205	Trapeang Chraneang	scattered	about 100	N/A	N/A	2000

*Note: The mapping project of the Documentation Center of Cambodia did not terminate at the end of 2000. The Center has been conducting more field trip research. As a result, during 2001-2002, DC-Cam has discovered 13 additional locations in the province of Kampong Cham, 10 in Kampong Speu province, 7 in Takeo province, 4 in Kampong Thom province, 3 in Kandal province, and 1 in Svay Rieng province. A total of 38 additional locations have been recorded using the Global Positioning System. The Documentation Center of Cambodia is committed to identifying all remaining locations inside the territory of Cambodia.*

(Continued from the April 2002 issue)

Even when “doing politics” occupied such a privileged position, torture was certain, and “doing politics” might occasionally be overlooked. It is hard to decide whether cautionary injunctions like these were sincere and systematically enforced or whether they were intended to provide bureaucratic cover for Duch and his colleagues should unwelcome excesses at the prison be discovered by the “upper brothers” or an important prisoner be beaten to death prematurely out of “heat” or “greed.” The notebook continues: “Break them with propaganda or break them with torture, but don’t let them die. Don’t let them get so feeble that you’re unable to question them. Defend against the enemy. Keep [the prisoners] from dying. Don’t let them overhear each other.”

Two years later, Chan wrote in a similar vein: “Take their reports, observe their expressions. Apply political pressure and then beat them until [the truth] emerges. Thinking only of torture is like walking on one leg—there must be political pressure [so that we can] walk on two legs.”

The passage suggests that “one-legged” interrogations (those involving lots of torture and little or no politics) were still being carried out. At about the same time, Pon was noting that “problems” at S-21 included “beatings that deprive enemies of strength” and “the problem of torture: still too heavy.” He went on to criticize an interrogator specifically. “He said he beat [a prisoner] a little; in fact, he beat [him] a lot.”

A contradiction in Khmer Rouge thinking that affected the practice of torture at S-21 arose between the notion of “independence-mastery” extolled by the regime and the requirement that followers of the Organization succumb unthinkingly to its requirements.

“Independence-mastery” supposedly meant shaking loose from deferential ties to pre-revolutionary patrons. The process led to empowerment at the price of personal independence because of the demands of revolutionary discipline. People were liberated from dependence into the companionable solidarity of the Party. Empowered men and women became instruments of the popular will, which is to say the servants of the Party. This subtle point was lost on many young recruits, who may have seen permission to torture the Party’s “enemies” or “guilty people” not merely as an assignment but as a right. In these cases the violence implicit in their empowerment overrode the constraints imposed by obedience to the often austere directives of the Party. In the heat of the revolution, however, such “left” deviations, where “enemies” were involved, were often ignored.

**Crimes of Obedience**

The watchword at S-21, to alter Talleyrand’s famous dictum, might have been “surtout, trop de zèle” (above all, [display] too much zeal). As the 1976 notebook put it, “It is necessary to avoid any question of hesitancy or half-

heartedness, of not daring to torture, which makes it impossible to get answers from our enemies. It is necessary to hold steadfast to a stance of not being half-hearted or hesitant. We must be absolute.”

Who could decide, and what did it matter, to the interrogators at least, when being “absolute” shaded into being “excessive”?

The cruelties committed at S-21 and at its killing field at Choeng Ek fit neatly into what Kelman and Hamilton, drawing on the work of Stanley Milgram and others, have called “crimes of obedience.” The interrogators at S-21 who tortured prisoners and the people charged with executing them responded,



**Voices from S-21**  
**Chapter Five: Forcing the Answers**  
 David Chandler



instinctively or not, to orders given by people whose authority they accepted without question, in part because questioning that authority could have led to their own deaths. Zygmunt Bauman, writing about the Holocaust, suggests that “moral inhibitions against violent atrocities tend to be eroded” when violence is authorized and routinized, and when the victims are dehumanized. Tzvetan Todorov holds a similar view. Moreover, when they hurt and killed people, many of the interrogators at S-21 and the executioners at Choeung Ek thought that they were answering to a higher level of morality and a more encompassing discipline than they had ever encountered before. Isolated, bonded, terrified, yet empowered, these young men soon became horrific weapons. The pleasures they derived from cruelty, in some cases, enhanced their satisfaction from surviving at the prison and gaining and holding their superiors’ approval.

Many of them were pleased to serve the revolution as it was embodied by their superiors and the unseen “upper brothers.” To borrow terms from Maoist China, as they gradually became “expert,” the interrogators remained entirely “red.” They would probably have agreed with the Chinese Red Guard who wrote: “It is a small matter to beat someone to death, but it is very important to conduct revolution, to uproot resistance, to preserve redness.”

In the Cambodian case, to be sure, the revolution eventually collapsed, “resistance” sprang up everywhere, and “redness” was discredited. Years later, we are left, as the survivors are, with the echoes and shadows of “excessive violence.” We encounter them as we leaf through confession dossiers or scan a stack of mug shots where people look imploringly or angrily at the people taking their pictures and, long after their own executions, imploringly or angrily at us. All these scraps of paper—photographs, memoranda, rosters, statistics, and confessions—emit images and approximations of the hubris, pain, fear, and malodorous confusion that made up the everyday culture and the everyday horror of S-21.

### Images of S-21

We may get a little closer to what “really happened”

when we visit the Museum of Genocidal Crime. Judy Ledgerwood, who worked at Tuol Sleng for many months on the Cornell microfilming project, has written, “Over time, one begins to see the details. On stairway landings, for example, holes have been knocked in the wall so the stairs can be cleaned by sloshing water down the staircases. Below each of these openings on the building exterior one can still see stains of the blood that ran down the sides, as if the buildings themselves had bled.”

As we draw near to the prison in passages like this, brushing against its walls, we come a little closer to “reading” what happened there on a daily basis. Some of our readings bring us closer than others. Scattered phrases, an interrogator’s doodle, or a prisoner’s expression in a mug shot can illuminate the whole experience of the prison in a flash, although such “illuminations” vary from one person to the next. For me, it was a statement of Nhem En’s that brought the routine horror of the prison suddenly to life. Talking with Douglas Niven, En was asked about his “most frightening memory” of S-21. He replied: “What made me really scared was when I saw the trucks loaded with people and they shoved the people off the trucks and then pushed them when they hit the ground. I was still young and it scared me. These people were blindfolded and their hands were tied behind them.”

By contrast, when prisoners were taken off



S-21 prisoner

from S-21 to be killed, they were lifted one at a time onto the trucks, like pets or children. “They couldn’t get onto the trucks themselves,” Him Huy told Peter Maguire, “because the trucks were too high.”

Nearly all the killings took place in secret and at night. In 1976, Kok Sros recalled, blindfolded prisoners were clubbed to death with iron bars in the field immediately to the west of the compound. They were buried where they fell, in shallow graves that measured only 1.5 meters deep. Although the killings were never openly discussed, the smell of decomposing bodies, mingled with the stench of feces and urine, was over-whelming.

### “Smashing Enemies” at Choeng Ek

During 1977, when purges intensified, the facility at S-21 filled up, and so did the impromptu cemetery nearby. At some point in 1977 a Chinese graveyard near the hamlet of Choeng Ek, fifteen kilometers southwest of the capital, was put into service as a killing field, although important prisoners continued to be executed on the prison grounds. Located near a dormitory for Chinese economic experts, the site was equipped with electric power to illuminate the executions and to allow the guards from the prison to read and sign the rosters that accompanied prisoners to the site. This was where the prisoners Nhem En saw were sent to be “smashed” or “discarded.” After the site was discovered in 1980, it was transformed under Vietnamese guidance

into a tourist site where even today scraps of bones and clothing can be found near the excavated burial pits.

Kok Sros and Him Huy have conflicting memories about the killings. Kok Sros claims that he never went to Choeng Ek. Him Huy admits to driving trucks full of prisoners to the site on several occasions and to performing “one or two” executions there himself. According to Kok Sros and Nhem En, interviewed months apart, by 1978 Him Huy was a seasoned killer, an important figure at the prison and a key participant in the execution process. Vann Nath, shown his photograph in 1996, concurred. In 1978, according to Kok Sros, Him Huy often chose the execution teams, which were made up of “men who were able to do anything. “Those without previous experience of killing prisoners were not selected, and the executioners never talked about the killings.” On many occasions, Kok Sros had to bring prisoners from their cells to the assembly point just outside the prison gates. “When the prisoners heard they were to be taken away,” he said, “they tried to break their locks and struggle with the guards”—to no avail. Soon they were packed into trucks and, in Kok Sros’s words, taken “away to the west”—in Khmer mythology, the direction of death.

Him Huy’s description of the killings at Choeng Ek, repeated with variations in several interviews, is the only firsthand account that we have so far. What follows is drawn from these interviews, which took place between 1987 and 1997.

The number of prisoners executed at Choeng Ek on a daily basis varied from a few dozen to over three hundred. The latter figure was recorded in May 1978, at the height of the purges in the Eastern Zone. Normally, “once a month, or every three weeks, two or three trucks” would go from S-21 to Choeng Ek. Each truck held three or four guards and twenty to thirty “frightened, silent” prisoners. When the trucks arrived at the site, Huy recalls, the prisoners were assembled in a small building where their names were verified against an execution list prepared beforehand by Suos Thi, the head of the documentation section. A few execution lists of this kind survive. Prisoners



were then led in small groups to ditches and pits that had been dug earlier by workers stationed permanently at Choeung Ek. Him Huy continued, with an almost clinical detachment:

“They were ordered to kneel down at the edge of the hole. Their hands were tied behind them. They were beaten on the neck with an iron ox-cart axle, sometimes with one blow, sometimes with two. Ho inspected the killings, and I recorded the names. We took the names back to Suos Thi. There could not be any missing names.”

Him Huy remembers prisoners crying out, “Please don’t kill me!” and “Oeuy!” (my beloved). He recalls telling one prisoner whom he knew that if he didn’t kill him as ordered, he would be killed himself. Asked if he felt “sadness or fear” when he was at Choeung Ek, Him Huy replied, “No, but I sometimes thought, ‘I ought to run away from this, but if I ran where would I run to, and where could I go without a weapon? If I had a weapon and a vehicle to drive. I thought about it a lot in those days.’”

Killing people he had worked with in S-21 was particularly difficult for him, and before they died, he said, these victims “could see how sad I was.” When the prisoners were dead, he remembered on another occasion, some of their bodies were stripped of useful items of clothing. Female corpses were not stripped.

When we deal with the culture of S-21, it is tempting to rush to judgment, but it is also easy to judge the interrogators, guards, or executioners too severely. They could disobey orders only on pain of death. Without similar experiences, temptations, and pressures, it is impossible for any of us to say how we might have behaved had we been interrogators ourselves, locked in a cell facing a helpless and devalued “enemy” alongside a pair of colleagues, either of whom might report us to the authorities for failing to inflict torture or for “counterrevolutionary” hesitation. Similarly, we cannot say what we would have done at Choeung Ek if a superior gave us an iron bar with which to smash the skull of a kneeling victim.

Faced with so many threats and ambiguities, did the torturers and killers hesitate, barge ahead, or make

choices on a case-by-case basis? No refusals to inflict torture or to execute prisoners have surfaced in the archive. Once prison personnel began to torture people, it seems, they were too callous, bonded, empowered, or terrified to stop or question what they were doing. Few constraints came from those above them, from the victims, or from others in their teams. The real horror of S-21 may lie outside the violence itself, embedded in the administrators’ indifference and the indifference of the Party Center to what they were doing to other human beings. In a sense, some of the people who were tortured at Tuol Sleng may have been fortunate not to have survived, if we consider the continuous, traumatic after effects of torture that afflict so many of its victims and that led many survivors of the Nazi concentration camps, for example, to kill themselves long after they had been set free. Similar sad endings awaited many of the people who were humiliated and attacked in the Chinese Cultural Revolution; perpetrators, as a class, seem to be more thick-skinned.

Two examples of such victims may suffice. Jean Améry, a prominent Jewish intellectual in postwar Europe and a survivor of Auschwitz, committed suicide in 1978. His friend and contemporary at Auschwitz, Primo Levi, threw himself out of his own apartment in Turin a decade later. In his eloquent short book, *At the Mind’s Limits*, Améry may have foreshadowed his own death while describing torture when he wrote: “Anyone who has been tortured remains tortured. Anyone who has suffered torture will never again be at ease in the world; the abomination of the annihilation is never extinguished. Faith in humanity, already cracked by the first slap in the face, then demolished by torture, is never acquired again.”

(Continued in the June 2002 issue)

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# Prey Sar Prison

*Vannak Huy*

Prey Sar was a prison situated in Prey Sar sub-district, Dangkao district, Phnom Penh. This prison was used as a concentration camp for detaining prisoners believed to have unclean backgrounds and enemy tendencies, or who had conducted anti-revolutionary activities. In the Pol Pot regime, this prison was named “Office S-21 Kh” or “Office 24.” This prison was a branch of S-21 (Tuol Sleng Prison). It also grew food to support S-21 and its branches.

Office S-21 Kh was under the close supervision of Nun Huy, alias Huy Sre. As the office’s chief, Huy Sre fulfilled many tasks for the party. These included farming, carrying out the party’s policy, and smashing the enemies of the revolution.

On September 19, 1976, he attended a meeting with division secretaries and logistics cadres. The meeting’s agenda was: the condition of the prisoners, agricultural works, flood issues, health care, food supply in each division, and the party’s ideology, politics and assignments. Regarding the condition of the prisoners, Huy Sre told Son Sen (Brother 89) in a meeting, “Last month there was no significant problem, except escapes, quarrels and provocations, demands to stop working, and demands for more food to eat.” At the same time, Huy Sre made a presentation about the health of the combatants, noting that there had been 400 patients, but no one had died yet.

Huy Sre did not have full authority to determine the fate of the enemies of the revolution. He always requested advice and decisions from the upper brothers. When Tanat, former secretary of Division 12, oversaw the Santebal works at S-21, Huy Sre regularly dispatched reports on the enemy situation to him. On January 19, 1976, Huy Sre sent a report to Tanat (Brother 03) describing three combatants in Units 11 and 13 of S-21 Kh. Huy Sre wrote, “These youths are carefree and lazy; they are not doing any work. Two combatants of Unit 13 were detained, while the other one was kept in the ‘release group.’” Huy Sre asked the advice of

Brother 03 on this situation.

After being transferred from Santebal to become an assistant on the army staff, Huy Sre sent a report to Duch, chief of S-21. On May 10, 1977, he prepared a list entitled “people to be pulled out of 21,” which he sent to S-21. Most of these prisoners were former teachers. Uon Thul, an elementary school inspector, was sent to S-21 Kh on April 12, 1977. One day later, his two daughters were arrested and sent to the same prison. Teacher Ly Sam-at was arrested with his wife and daughter on March 30, 1977. The families of Ly Sam-at and Uon Thul and other prisoners were destroyed the same day following the orders of Huy Sre.

Huy Sre was born in March 1951 in Tunle Bati village, Tunle Bati subdistrict, Bati district, Takeo province. He joined the revolution on April 7, 1970 and worked in Division 12 (which later became Division 703). In the Sangkum Reastr Niyum (Sihanouk regime), he was a lower-middle class farmer. His wife Brok Samot, called Brok Khoeun, was introduced to revolutionary life in March 1972 by So Sokha, the chief of Tnaot subdistrict, and Ta Nath, the secretary of Division 12. Brok Khoeun intended to “join the revolution to rescue the poor classes.” In March 1977, the party appointed her to S-21 under the supervision of Duch, Ho and Huy Tauch (Him Huy).

Huy Sre was arrested on December 5, 1978. Angkar accused him of conspiring to overthrow the Communist Party of Kampuchea (CPK). No document has been found that mentions the date of his execution. He completed his last confession on December 7, 1978.

You Pengkry, alias Mon, was a deputy chief of the prison. Mon was a teacher from 1958 to 1970. He was very close to Ta Nath of Division 12 and Sok Butchamroeun, the secretary of Region 25. In 1975 he commanded a company of Division 12. In May 1976 the upper brothers transferred him to work in the field with Huy Sre as S-21 Kh’s deputy chief.

Mon was arrested on November 16, 1977, at the

age of 40, and killed in early 1978. He left behind a 96-page confession. At the end of the confession, he begged Angkar: “Respected Angkar! The confession above is made with my deepest sincerity, without any secret left in my head. Please, spare my life and my family’s so that we can continue to witness the glory of the revolution. Even though I am to live as a prisoner doing hard labor, I am satisfied and I shall never betray the revolution again. With my greatest respect. Written on January 21, 1978. You Pengkry, alias Mon.” This earnest request reveals that Mon knew exactly what would happen after his death: his family would also be executed. This followed the principle of the Khmer Rouge slogan, “To dig up grass, one must dig up the roots.”

According to his confession, Mon said to Srou, the chief of the hundred-member unit 13 at Prey Sar, “You can see, Srou, we were almost killed during the war. The revolution needed us to fight the war, but when it was over, it forgot us and let us do agricultural work at S-21 Kh. Important tasks are handled by the base people, despite the fact that these people never joined the battlefield. It seems you and I are waiting for death in the revolution, since S-21 Kh is a prison, except that we are not in the cells.”

The prisoners in S-21 Kh were luckier than S-21’s prisoners, most of whom were killed. S-21 Kh’s prisoners were considered enemies Angkar thought to be capable of reform. Roath Nim, a combatant in Division 703, was sent to S-21 Kh because one of her brothers had been a Lon Nol soldier. She said that battalion secretary Sary loaded her along with 300 other men and women onto a truck headed for Prey Sar. Sary did not give her any reason. Cadres in S-21 Kh forced her to grow food virtually without rest. Roath Nim had a secret talk with Phat, a female youth brought to the prison with her, and said, “We must be bad elements if Angkar brought us here. When we fought in the war, we almost lost our lives; we slept in the forest, but in peacetime, Angkar does not let us stay in Phnom Penh. Thus, we must be considered bad elements.”

By the end of 1978, Yon, the chief of the women’s unit, ordered Roath Nim to have her

photograph taken for her biography. She recalled that Yon summoned to the photography room when she was carrying water for cooking rice. After being photographed, each of person had to fill out a one-page biography and then hand it to their group leader.

Tuy Kin, a combatant in Division 703, revealed



Mam Nai aka Chan

Chan’s wife

Du

that after the liberation of Phnom Penh, Yon, the chief of a women’s battalion, selected her for the task of growing vegetables at Prey Sar. Angkar did so because her father had been a captain serving at Pochentong Airport. She said she was not alone. One hundred other female combatants were also brought

there.

Ven Heang voluntarily joined the red female youths of Division 703 in April 1973. From the fall of Phnom Penh on April 17, 1975 to the collapse of the Khmer Rouge regime, she never visited her family. After 1979, some youths reunited with their families. Every



day at dusk, elder Lach Phann, Ven Heang’s father, stood under a tamarind tree in front of his house awaiting his beloved daughter.

Ven Heang’s mother recalled, “He stood under the tree and forgot to eat.” In a short time he fell ill. He died in 1983 without seeing his daughter again. In

1992, along with other people living in refugee camps along the Cambodian-Thai border, Ven returned home with her husband and two sons. The Khmer Rouge at S-21 created her one-page biography, which was similar to Rath Nim’s and Tuy Kin’s.

In 1977, Meas Pengkry, a youth working as a driver on the military staff of Division 703, was arrested and sent to S-21 Kh. His confession reveals the reason for the arrest: “I capsized the car somewhere near Bekchan. Him Huy, a deputy chief of the prisoner guard unit of S-21, said that in 1978 he met Meas Pengkry driving a truck full of vegetables to Prey Sar. Meas Pengkry’s biography was prepared at Prey Sar, just like those of other prisoners. It states: “Date of entry into the revolution: August 5, 1977.” Under the heading “Associating” (the crime that led to one’s arrest) was written: “capsized a car.”

After the collapse of the Khmer Rouge regime, S-21 was turned into a national museum. Since then, Tuol Sleng Prison has been known as the “Tuol Sleng Genocide Museum.” Numerous photographs of both prisoners and cadres hang on the walls of the museum.

Tuy Kin’s photograph, which was taken at Prey Sar in late 1978, was also hung there. Because of this photograph, she was imprisoned for 18 months in 1984 after being convicted in Kandal Provincial Court of murdering hundreds of people in Tuol Sleng Prison. This photograph also created suspicion among her neighbors about her activities during Khmer Rouge regime. Tuy Kin denies the accusations, insisting that she “did not kill people.”

The biographies of Tuy Kin, Rath Nim and Ven Heang were made at the same time and place: S-21. The three of them were sent to S-21 Kh on the same day as “Entry: December 23, 1975.” Their photographs were attached on the top left of the biographies. Their photographs, along with that of Meas Pengkry, were enlarged and exhibited on the wall of Tuol Sleng Museum along with those of many other victims and perpetrators.

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២២ ព័ត៌មានប្រជាជន  
សម្រាប់ប្រទេសកម្ពុជា

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ឈ្មោះ មេ ឪពុក	ស្រី ឈន់ ធីតា
សញ្ជាតិ	កម្ពុជា
ថ្ងៃខែ ឆ្នាំ	១៩៥៥
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២៥ ព័ត៌មានប្រជាជន  
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ថ្ងៃខែ ឆ្នាំ	
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	ឈ្មោះ	ស៊ីម, លីន
	ស្រី ឬ ប្រុស	ស្រី
	សំបុត្រស្រី/ប្រុស	០១២៣
	ក្រុមប្រឹក្សា	ស.ស.ក
	ឈ្មោះ	
	ស្រី ឬ ប្រុស	
	សំបុត្រស្រី/ប្រុស	

ស្រី ឬ ប្រុស	ស្រី
ឈ្មោះ	លីន
សំបុត្រស្រី/ប្រុស	០១២៣



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	ឈ្មោះ	ស៊ីម, លីន
	ស្រី ឬ ប្រុស	ស្រី
	សំបុត្រស្រី/ប្រុស	០១២៣
	ក្រុមប្រឹក្សា	ស.ស.ក
	ឈ្មោះ	
	ស្រី ឬ ប្រុស	
	សំបុត្រស្រី/ប្រុស	

ស្រី ឬ ប្រុស	ស្រី
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សំបុត្រស្រី/ប្រុស	០១២៣

# East Timor's Special Panel For Serious Crimes

*Suzannah Linton*

**(Continued from the April 2002 issue)**

Cambodia has been the subject of many reports about the lack of integrity of its judiciary. Concern about the lack of judicial integrity was the main reason why the Group of Experts rejected a Cambodian-controlled process and recommended an ad hoc international criminal tribunal. There is also an article of the existing criminal procedure that institutionalizes political control over the prosecution, posing great danger for the integrity of the KR Tribunal process. Article 55 of SOC Law is one of the remnants of Cambodia's socialist past and obliges prosecutors not just to inform the Minister of Justice about "exceptionally serious cases" but also to follow the minister's instructions on the matter.

A different but related problem is that while the intimidation of witnesses is criminalized, Cambodian law does not recognize interference with the course of justice as a crime (Article 55 of UNTAC Law only deals with the coercion of witnesses). Criminalization of any willful attempts to obstruct, pervert or interfere in the course of justice would be a significant step towards remedying a systemic problem and setting the tone for a more impartial and fair process. However, the need to protect professional independence should not be used to prevent an administrator from taking a proactive role to address problems arising from professional misconduct or mismanagement. A culture of accountability needs to be established from the start and prompt remedial action to deal with any emerging problems.

This requires an independent and impartial Supreme Council of Magistracy, one that will also be capable of having an open and transparent selection process. It is of utmost importance that both local and international appointees are persons with the necessary competence, moral integrity, impartiality and independence. Civil society needs to be particularly vigilant in monitoring the selection and appointment process. It is also important

that international staff are of the highest caliber and integrity, and have the required expertise. The vast wealth of experience developed at the ICTY and ICTR must be called on to assist in the KR Tribunal, perhaps by way of seconded personnel and developing close ties with these institutions. As they will be in a minority, these representatives of the international community will have to distinguish themselves through the quality of their work and their independence from undue influence. Securing the involvement of high-caliber staff is also important because there are incidental, but crucial, aspects of institution and capacity building that will come out of the proposed Cambodian-international collaboration.

## **Criminal Procedure**

The drafters of the KR Law chose to impose Cambodia's famously unsatisfactory criminal procedure on the Extraordinary Chambers. However, it provides that if necessary and if there are lacunae in these existing procedures, the co-investigating judges may seek guidance in procedural rules established at the international level.

The existing procedure will require examination of the Constitution, UNTAC Law and SOC Law. In many instances it will indeed be necessary to look beyond Cambodia, for as the various Special Representatives of the Secretary-General to Cambodia and NGOs have pointed out, there are a great number of problems with the existing procedure. For example, SOC Law and UNTAC Law contain contradictory rules on arrest without warrant. Once arrested, a suspect must be brought before an investigating judge within 48 hours, but the judicial police interpret this as meaning investigations must be completed within that time; otherwise, the case must be dropped.

Cambodian law does not expressly recognize the right not to incriminate oneself, and accused persons

are frequently bullied or even tortured into self-incrimination. For historical reasons, there is much focus on confessions as the main, sometimes only, means of proof. As noted in the first installment of this paper, there are no safeguards for an accused who admits guilt, apart from the (usually ignored) provisions that confessions extracted through any form of duress are null and void, and that confessions must be corroborated before they can be used as evidence of guilt. And while the Constitution grants every accused the right to defend him or herself, Cambodian procedural law recognizes no defenses, merely mitigating factors.

Cambodia's current criminal procedure puts many obstacles in the way of fair trials for ordinary crimes, let alone complex international crimes. One way to deal with the problem would be to speed up the drafting and adoption of the new Criminal Procedure Code that has been worked on with French assistance for quite some time now. Another option would be the adoption of special Rules of Procedure and Evidence along the lines of those used at the ICTY and ICTR (drafted and adopted by the judges).

#### **Due Process and Fair Trial**

The extreme conditions under which the Serious Crimes Project operated contributed to problems in meeting international standards of human rights. Some of these have now been addressed; others remain. Concerns about violations focused on the areas of deprivation of liberty, due process and fair trial. There were serious problems arising from unlawful detention in the early days of the project.

In one case, a decision of the Special Panel suggested bias and prejudging of the role of Indonesia in the September 1999 violence because there was no evidence or litigation by the parties. There remain questions about whether the international judges and prosecutors were validly appointed. Poor and inadequate interpretation/translation during the multi-lingual criminal process impacted on accuracy of court records, the understanding of the accused and the court, and caused delays in proceedings. According to the United Nations Basic

Principles on the Role of Lawyers, accused persons have a right to competent defense counsel. Given that the prosecution was laboring under tremendous limitations in developing cases, the fact that there have been no acquittals of persons accused of serious crimes in East Timor could be seen as a reflection of inadequate training, mentoring and general support given to the inexperienced East Timorese defenders.

The fair trial and due process problems arising from the reliance on Cambodia's current criminal procedure, and the dominant role of its judiciary have already been discussed.

A key human rights issue is the continued detention of Duch and Ta Mok. The two have been held in detention well beyond the UNTAC Law's six-month limit within which a trial must be held. The Law on Duration of Pre-Trial Detention was passed by the National Assembly on 12 August 1999 to deal with their situation, extended the maximum period of detention to three years in cases of genocide, war crimes and crimes against humanity. The existence of the law does not prevent there being violations of the right to expeditious trial and excessive pre-trial detention. Likewise, the existence of confessions does not mean that pre-trial detention can continue indefinitely until a tribunal is established. The authorities will have to consider carefully their obligations under domestic and international law to prosecute international crimes expeditiously and to respect basic human rights in the process.

A lesson from East Timor is that the choice may be between having to release the accused due to excessive detention or proceeding with charges under the applicable domestic law, namely the 1956 Penal Code, which enables an expeditious investigation and trial process. Fair trial at the KR Tribunal requires that there be competent and experienced defense counsel who are able, willing and provided with the means to defend persons facing severe punishment for their alleged perpetration of the most heinous crime recognized by the international community. There must be provision made for indigent accused who are unable to fund their own defense to be given

competent legal representation—due in part to the shortage of members of the Bar, many accused regularly appear in Cambodian courts without legal representation.

Few, if any, local lawyers have the expertise to defend persons accused of the most serious international crimes. UNTAC Law permits foreign lawyers to practice in Cambodia if they furnish proof of Bar membership or authority to practice in their own countries. However, the Law on the Bar is stricter: only Khmer nationals can be registered to practice, although foreign lawyers may do so if permitted by their own professional organizations, provided they grant reciprocity to Cambodian lawyers. Furthermore, this restricts foreign lawyers to working as co-counsel with Cambodian lawyers and prohibits them from being the sole representatives of clients. These rules should be liberalized and the Cambodian Bar opened to international defense counsel and younger Cambodian lawyers who should be permitted to defend those accused before the Extraordinary Chambers.

#### **Strategic Prosecution: Focusing on the Leaders and Those Most Responsible**

East Timor's Serious Crimes Unit has faced a genuine problem with focusing on the architects of the carnage in East Timor. Partly due to grossly inadequate resources and Indonesia's refusal to surrender indicted Indonesian nationals, the unit has to date only prosecuted low-ranking East Timorese militiamen. Regulation 2000/15 is not directed at leaders or those most responsible, and placed all serious crimes within the jurisdiction of the serious crimes institutions. This was tantamount to "opening the floodgates." The Serious Crimes Unit's scant resources were therefore utilized in prosecuting the many low-ranking militia members already in detention and who were continuing to be arrested and detained. This apparent investigative/prosecutorial strategy, which appeared to deplete resources through its focus on "small fry," rather than developing cases against the responsible leaders, was highly controversial.

With the KR Law focusing on the leaders and those most responsible, a strategic decision has already been made as to the target group. Most of the surviving

Khmer Rouge leaders now hold senior citizen status and there will not be many trials at the KR Tribunal if it does go ahead. If the project is to provide answers to the enduring search for the truth, the investigations need to follow a strategy that endeavors to examine the full range of the crimes committed by the Khmer Rouge, understand the philosophy and goals of the movement, and identify the correct emphasis to be placed on the role and significance of those standing trial. There is always a danger in such trials that one or two persons will be demonized and will carry the burden for the larger group, whilst others who are equally or more responsible are able to evade liability for reasons such as political expediency. The Group of Experts also cautioned against getting caught up in important but peripheral issues that may detract from the unique nature of the Khmer Rouge atrocities perpetrated on its own citizens, for example, war crimes trials that will entail examinations of armed engagements with neighboring countries, as well as the role of other states in the conflicts preceding and following 1975-1979.

With each delay in getting the tribunal started, the already elderly suspects are getting older and older. There is thus a serious risk that some may not survive the trials, denying the opportunity of an open trial with a judicial testing of evidence. At the ICTY, the accused Slavko Dokmanovic committed suicide three days before the Trial Chamber's judgment was to be delivered, after a trial that lasted several months. The circumstances obviously did not permit publication of the chamber's decision on the charges against him. The judges also did not agree to issue findings of fact about the background circumstances of the breakup of the former Yugoslavia, and the brutal capture of the Danubian town of Vukovar with the subsequent killing of 200 sick and wounded persons removed from its hospital. The decision not to release the verdict was probably correct. However, given the aims and purposes of the ICTY, it is arguable that the wider purposes of bringing reconciliation through justice to the Balkans and some satisfaction to the families of victims and

survivors of Vukovar could have been served by releasing findings of fact that had no bearing on Slavko Dokmanovic personally. Cambodian law allows for “summary judgment” when a person has deliberately evaded attempts to secure his or her attendance. Like many other countries, it too, has no procedure for findings of fact that have no bearing on innocence or guilt to be made in circumstances where an accused dies after the conclusion of the trial process but prior to the delivery of judgment. This may be an issue that is appropriate for further consideration given the particular circumstances at hand.

### Reaching Members of the Public

The wide purposes of achieving reconciliation through the judicial mechanism were unfortunately neglected in East Timor. Serious crimes cases were originally dealt with exclusively by the East Timorese prosecutors and judges, and were taken away from them when the Serious Crimes Project was established, causing much resentment. Since then, East Timorese participation in the process—beyond appearing as witnesses, victims and accused—has been minimal. An East Timorese prosecutor was assigned to the prosecution, but has had a marginal role and has spent most of the time in Portugal receiving training. The East Timorese judges on the Special Panels are in a minority of 1:2. From the start, there was a failure to engage in outreach activities to the East Timorese, and to explain the justice mechanism and the work being done on serious crimes. Linked to this were allegations of cultural insensitivity and arrogance on the part of UNTAET’s foreign personnel, said to have alienated the East Timorese from the process even further. All of this has contributed to the negative perception of the Serious Crimes Project and a lack of awareness of how much has in fact been achieved in spite of tremendous odds.

It is crucial that the Cambodian public has a sense of ownership and involvement in the judicial process. One of the reasons for optimism about the internationalized domestic tribunal is the role that it gives to local judges, prosecutors and defense lawyers. The empowerment of

members of the affected nation in achieving a judicial reckoning can, in the right circumstances, be a highly effective way of reaching the public. In post-conflict societies where a decision had been made to pursue individual criminal responsibility, it is crucial that the public understands that decision and the steps being taken to implement it. If trials are to be a means of achieving reconciliation through justice, the ordinary citizen has to be informed about the judicial process. This will require close monitoring of the trials and dissemination through unbiased and objective media coverage and public education on the importance of the rule of law, due process and fair trial. The trials would also offer the opportunity to have wide-ranging public discussion about the Khmer Rouge years, as well as the years that preceded and followed. This public coming to terms, rather than the trial process itself, may be what is more likely to heal some of the wounds that continue to fester in Cambodia today.

These then are some of the ways that Cambodia may benefit from the experience of the East Timor project. The KR Law may be passed, but justice is still a very long way off. The overall lesson is that political will is what is ultimately needed to make an internationalized domestic tribunal work. After so many months of staff laboring under intolerable conditions to bring a semblance of justice to East Timor, there are suddenly meaningful resources and support being provided to the Serious Crimes Project and it is being given a real chance to fulfill its promise. It is clear that if the powers that be want an institution to succeed, they will provide it with the means and support to do so.

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**Presentation by:**  
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Task Force for Cooperation with Foreign Legal Experts  
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Khmer Rouge Leaders, to the Stockholm International  
Forum on Truth, Justice and Reconciliation**

*23-24 April 2002*

*Your Excellencies, Diplomatic Representatives and Participants in this third Stockholm International Forum.*

Firstly, I would like to thank the Swedish government for making it possible for the Cambodian delegation to participate in this Forum, giving us the valuable chance to meet and exchange views with scholars, diplomats and legal experts from around the world. Learning from others' experiences and sharing our own is a precious opportunity for us. I would like also to pay tribute to the support that the government and people of Sweden have given in the reconstruction of Cambodia beginning in 1979 when so few stood by us, and continuing through until today. We deeply appreciate this testimony of friendship, and we hope that it will be manifested also in concrete participation in and support for the forthcoming trials.

In the month of April twenty-seven years ago, along with my fellow compatriots, I found myself at the beginning of a journey. It began with a nightmare lasting three years, eight months and twenty days. With friends at our side we struggled to awake, to throw off that horror, and to reconstruct our country and rebuild our people's shattered lives. But even now, although we find ourselves at peace for the first time in over thirty years, we Cambodians have still not yet fully emerged from the hangover of that nightmare, and neither have the people of the world yet been able to say that they have done their best to

work with us to achieve a just closure.

After we managed to overthrow the Khmer Rouge in January 1979, unfortunately very few members of the international community helped us to rebuild. I wish today to reaffirm our eternal gratitude to those, including Sweden, who did assist our efforts. But to our great amazement and distress, those who had carried out horrendous crimes, two of whom had actually been convicted in the world's first trial for genocide in August 1979, continued to be accorded the right to represent Cambodia in the United Nations General Assembly throughout the 1980s, and were given political, economic and even military assistance in their efforts to overthrow the government at that time.

As a result of this support, hundreds of thousands of Cambodian people lost their lives and suffered from mine accidents, despite the fact they had been liberated from the Khmer Rouge genocidal regime. The ideology and interests of certain powerful countries caused the international community to forget truth, justice and human rights, and to ignore the tragedy and the deaths of millions of Cambodians. Instead of justice, the prize awarded to Cambodia was life in a situation swinging between peace and civil war, of stunted economic development and the laying of millions of land mines that still threaten our poor people in the remote rural areas.

The Paris Peace Agreement of 1991 accorded political legitimacy to the Khmer Rouge and, when

UNTAC left Cambodia in 1993, the new coalition government had to cope with the Khmer Rouge’s continuing policy of civil war and destabilization. We then launched a multifaceted strategy involving political, legal, economic and military campaigns, including the 1994 legislation to outlaw the Khmer Rouge, and efforts to encourage its members to defect and split. What Prime Minister Hun Sen has described as a “win-win” policy that has formed the bedrock of the political platform of the Royal Government of Cambodia involved five facets: “divide, isolate, finish, integrate and develop,” in which the Khmer Rouge political and military structure was ended, but those Khmer Rouge who defected were assured of their physical safety and survival, the right to work and to carry out their professions, and the security of their property.

By the end of December 1998 we had managed to put an end to the Khmer Rouge political and military structure, and were faced with the twin tasks of national reconciliation and justice. Cambodia can perhaps offer the lessons of our experience in the long and complex process of reconciliation. Today former Khmer Rouge have put down their guns and have recommenced their lives within the general community, and the former factions have taken up the challenge of working together to develop the country.

In Cambodia reconciliation has not meant amnesia. Important efforts to uncover and document the truth of what happened under the Khmer Rouge have been taken since the very first days after their overthrow. In early 1979 the notorious S-21 prison was turned into the Tuol Sleng Genocide Museum, and the killing field on the outskirts of Phnom Penh where over 15,000 of its inmates were slaughtered became the Choeng Ek Memorial where their remains are respected and honored in a memorial stupa. Significant oral and physical evidence of the crimes committed (including exhumations and forensic analysis) was gathered as the basis for the 1979 People’s Revolutionary Tribunal. In the early 1980s a massive research effort compiled testimony in petitions from over one million Cambodians from almost every province in the country.

In his presentation Mr. Youk Chhang will no doubt

describe the valuable work carried out since 1995 by the Cambodian Genocide Program and the Documentation Center of Cambodia in painstakingly assembling and analyzing documents as well as mapping genocide sites throughout Cambodia.

Mindful of the need to preserve these sites, in December 2001 the government issued a circular concerning the preservation of remains of the victims of the genocide committed during the regime of Democratic Kampuchea, and preparation of the former Khmer Rouge stronghold of Anlong Veng to become a region for historical tourism and for education of present and future generations of Cambodians, as well as foreign visitors.

We must acknowledge, however, that Cambodia’s achievements in the fields of truth and reconciliation have not been paralleled by advances in the matter of achieving justice for the victims of that genocidal regime. It is a task that has been on our minds since 1979 when we established the People’s Revolutionary Tribunal, which I mentioned above. Unfortunately, due in part to weaknesses in that process but, above all, due to the political isolation of our government at the time, the testimony and the verdicts were simply ignored outside our country, and the task is one that we have had to engage in again over the past years. Now as we throw our efforts into this quest for justice, we keep in our minds firmly that this must not damage the process of reconciliation that I have described above. In Cambodia we seek restorative justice to heal the wounds in our society.

In June 1997 the then Cambodian Co-Prime Ministers asked the United Nations for assistance in organizing the process for a Khmer Rouge trial. This led to the adoption of a resolution in the General Assembly in December and later the establishment by the Secretary-General Kofi Annan of the Group of Experts. I wish to take this opportunity publicly to express my appreciation for the pivotal efforts in that process of our Moderator today, His Excellency Thomas Hammarberg, then Special Representative of the Secretary-General for Human Rights in Cambodia.

In the second part of my presentation today, I





want to share with you the perspective of the Royal Government of Cambodia on these ongoing efforts to achieve justice regarding the crimes of the Khmer Rouge, in which we have been guided by three fundamental principles.

The first is the respect for and search for justice. We condemn the crimes of the Khmer Rouge as crimes of genocide and crimes against humanity. We seek justice for their victims, and for all of the Cambodian people, and we wish also to contribute to the development of international humanitarian principles, condemning genocidal crimes and seeking to prevent their recurrence. The Cambodian people express their deep thanks to the international community for joining this justice-seeking process over the last few years, although they had turned their heads away during the Pol Pot regime and immediately afterwards.

The second principle is maintaining peace, political stability and national unity, which Cambodia has only just achieved. Two months ago we held local elections throughout the country, and last week we celebrated our new year—both events were conducted in an unprecedented atmosphere of optimism and relative absence of violence—in stark contrast to our previous situation, even though we have not yet ensured 100% social law and order, and 100% security. That would be impossible in the light of the recent traumatic past. We are, however, proud of moving forward in the process of strengthening political stability, peace and security in Cambodia, and this is a valuable achievement for our beloved motherland. Whatever we do must not damage our peace and stability, and throughout the process over the past four years of designing the Khmer Rouge trials, we have always sought to gain consensus, based on respect for the highest national interests.

Some have criticized the slow pace of the process, but to achieve national consensus is a difficult task, one whose success was demonstrated by the unanimous vote achieved in both houses of our legislature. The Law was promulgated on 10 August 2001 almost exactly two years after the first draft was placed on the negotiating table - by no means a long time to develop unprecedented

legislation on such a sensitive and important issue.

The third principle is respect for national sovereignty, enshrined as a fundamental principle in the Charter of the United Nations. Our raising the principle of respect for our national sovereignty is reasonable, and we have struggled hard for this principle. The Royal Government of Cambodia did not accept the recommendation of the Group of Experts, proposing a trial held entirely outside the country, with no Cambodians participating, except as defendants or spectators. As our Prime Minister Samdech Hun Sen remarked at the time, the only jobs the Secretary-General would like to give to Cambodians would be to “go into the jungle to capture the tiger,” and to be “the watchdog for the UN.”

It has been our consistent view that Cambodia has the primary obligation to prosecute under Article 6 of the Genocide Convention, and could proceed with a trial within the domestic courts. Let me remind critics of this approach that the principle of subsidiarity is fundamental to the International Criminal Court, of which Cambodia is proud to have been one of the 60th member states to ratify and bring into reality just over ten days ago.

However, despite the fact that we were fully entitled to prosecute the Khmer Rouge in a national court, we sought international involvement in the process, preferably through the United Nations. Why? On the one hand because we were all too acutely aware of the weaknesses in our judiciary, and we wanted help to make certain this trial was able to meet internationally accepted standards. On the other hand, and let me be frank here, we felt that it was important for the international community to share in carrying out this task in order to clear its own record of previous support for the Khmer Rouge. This was our reasoning when in 1997 we asked for assistance, in 1999 when we reached an in-principle decision with the UN to hold a national trial with international participation, and it is still our reasoning today.

In 1999 and 2000 the United Nations sent three delegations to Cambodia, all led by high-level experts from the Office of Legal Affairs (Their Excellencies

Hans Corell and Ralph Zacklin). As a result of the efforts made by both sides during the course of these negotiations, we agreed on a number of fundamental principles, through a process that involved five significant steps along the way:

1. When we held wide differences between the notions of an international tribunal and a trial in the national courts, then we made a step forward to agree on a national trial but held in extraordinary chambers of the existing court structure following Cambodian procedures. These Extraordinary Chambers would, most notably, include foreign judges. At that time, in 1999, this was an unprecedented concept internationally.

2. After we agreed on foreign participation, a deadlock arose concerning which side should hold the majority among the judges. The United Nations wanted foreign judges to be in the majority, while we insisted that the chambers must be composed of Cambodian judges in the majority. This deadlock was broken by the second compromise—Cambodian judges in the majority and foreign judges in the minority, but the minority would be a “blocking minority,” without whose vote the majority could not convict. Again we worked our way out of a deadlock by adopting another unprecedented arrangement with this “super-majority” formula.

3. The third compromise concerned the concept of co-prosecutors. The United Nations wanted to have an international prosecutor while we wanted the prosecutor to be a Cambodian national. So we compromised on co-prosecutors. This formula was followed also in regard to the investigating judges.

4. The fourth significant compromise related to the resolution of differences between the co-prosecutors regarding bringing indictments. The United Nations wanted each prosecutor to work autonomously. We maintained that we had agreed on the concept of “co” —prosecutors; in principle they should cooperate in a common endeavor. But a problem arises if they cannot reach agreement. This too was settled by the development of a mechanism known as the Pre-Trial Chamber, to resolve any differences between the co-prosecutors, and likewise between the co-investigating judges.

5. The fifth compromise arose because the United Nations wanted the Law explicitly to exclude the possibility of any amnesty or pardon for those who may be indicted or convicted. According to our 1993 Constitution, the King has the right to give amnesty and pardon, and we did not wish this law to contradict our Constitution. As a compromise we agreed to state in the law that the Royal Government of Cambodia will not request the King to grant any amnesty or pardon. Our Prime Minister and I have repeatedly stated that no one is above the law, and it will be entirely up to the Extraordinary Chambers to decide who shall be indicted or convicted.

At this stage, in mid-2000, we understood that our negotiations with the United Nations had reached agreement on all the fundamental principles and structures. We then moved forward in our legislature, and the Law on the Establishment of the Extraordinary Chambers in the Court of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea was passed by the National Assembly and the Senate in January 2001. After a technical amendment, His Majesty King Norodom Sihanouk signed it into law on 10 August 2001.

I must emphasize here that this Law is itself a result of the negotiations with the United Nations, and differs markedly from the original drafts placed on the table by both sides in August 1999.

It was to our greatest amazement and dismay that some six months after the Law’s promulgation we received the letter from His Excellency Hans Corell, dated 8 February 2002, conveying the message that the United Nations will no longer negotiate with the Royal Government of Cambodia towards the establishment of the Extraordinary Chambers.

It was particularly surprising to read that the UN Secretariat believed “it is not likely that we would resolve it through further negotiations,” considering how far both parties had come precisely through the process of negotiation. It has by no means been an easy task to sail through uncharted waters and design an unprecedented national court with international participation. Compromises were made on both sides

along the way, but I believe that the model we designed, and which was promulgated into Cambodian law on 10 August 2001, forms a sound basis. I believe that the Law establishing the Extraordinary Chambers based within the Courts of Cambodia with international participation embodies all the fundamental principles agreed to between the two sides during the negotiations, including meeting internationally accepted standards.

After promulgating our Law we expected to move forward to finalize the process, but instead the UN announced its withdrawal. While there is not enough time for me to go into the details of the exchanges between myself and His Excellency Hans Corell, I should say clearly we consider one of the issues raised as being insurmountable. I could direct those interested in the details to look at the web site we have established containing all the major documents generated by the Cambodian side in the negotiations, as well as related materials. ([www.cambodia.gov.kh/krt](http://www.cambodia.gov.kh/krt) main)

It is, however, probably necessary for me here to address one point, as this seems to be the major cause for the United Nations withdrawal. This concerns the relationship between the Cambodian Law establishing the Extraordinary Chambers and the proposed Articles of Cooperation to be signed by both parties. In our view the Law, which was adopted by the Cambodian legislature under the Constitution of Cambodia, has determined the jurisdiction and competence of the Extraordinary Chambers as well as their composition, organizational structure and decision-making procedures, while the Articles of Cooperation are to determine the modalities of cooperation between the Royal Government of Cambodia and the United Nations in implementing those provisions of the Law concerning foreign technical and financial support. We thus see the two documents as being complementary to each other, and we see no need to establish a hierarchy between the two.

We are now, in April 2002, standing at beginning of the last stage of our long journey. We are not sure whether, as so often before, Cambodia will be forced to walk this stage without the support of the United Nations. Let me reiterate clearly that on the Cambodian side the door remains open to a resumption of

negotiations with the United Nations, and our Prime Minister has stated we are willing to wait for a change of heart on their side.

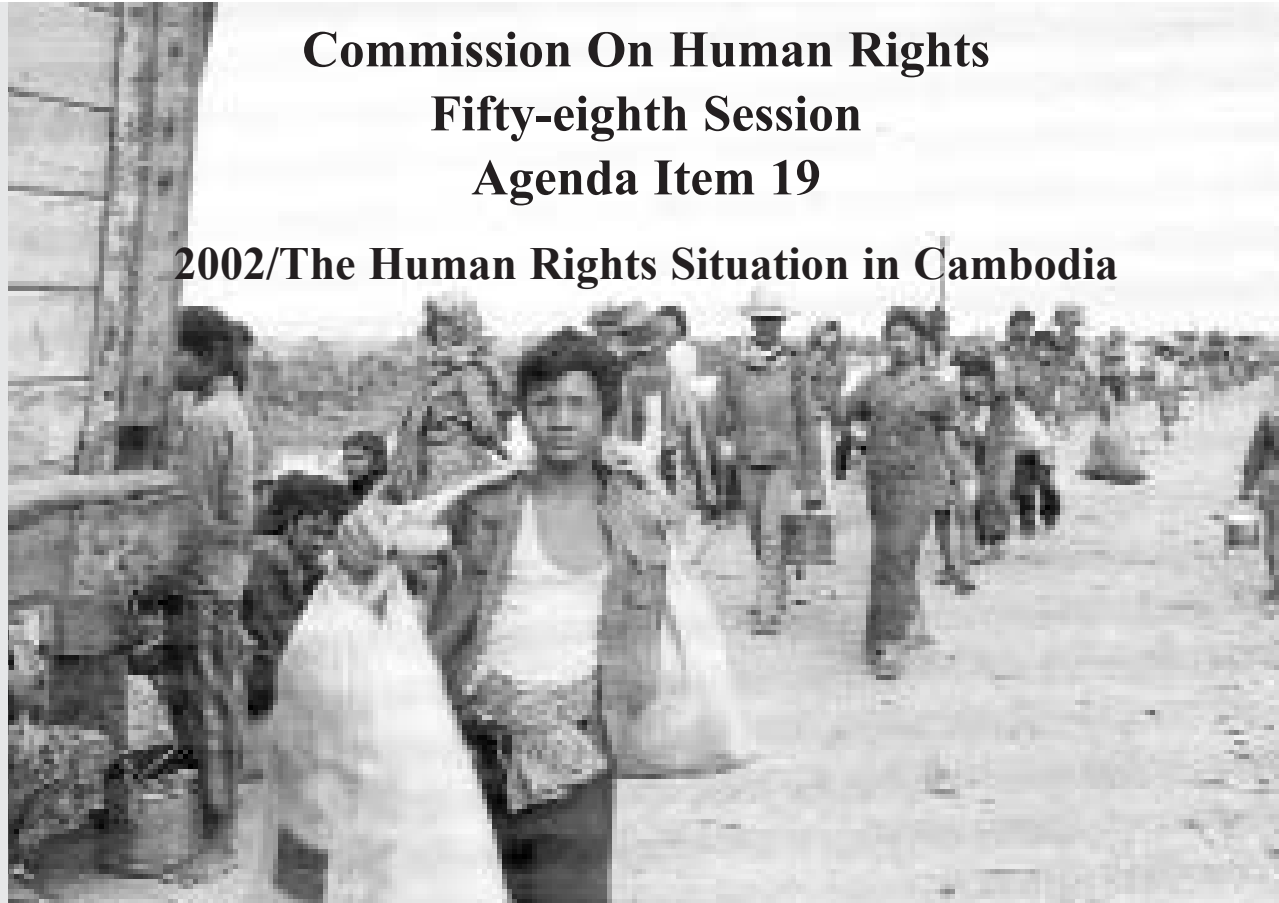
But we cannot wait forever. Article 46 of our Law makes perfectly clear that, while primacy is given to United Nations participation in the process, if it pulls out, Cambodia is entitled to go ahead to establish the Extraordinary Chambers without the United Nations, hopefully with the participation and support of individual member states and foreign legal personalities, or in the last resort to carry out the trial entirely on its own. I would like here to pay special tribute to the Prime Minister of the Republic of India (where I once had the privilege of serving as Cambodian Ambassador) who has just pledged to send a judge. India has once again shown itself to be a close friend of Cambodia in our hour of need.

May I emphasize that the Royal Government of Cambodia remains committed to seeking justice for the crimes perpetrated by the Khmer Rouge on behalf of the Cambodian people and of humanity as a whole. Our seriousness in this effort can be measured by the large amount of time and energy we have expended over the past three years since the Prime Minister established the High-Level Task Force for Cooperation with Foreign Legal Experts and Preparation of the Proceedings for the Trial of Senior Khmer Rouge Leaders, of which I have the honor to be appointed Chairman. I should point out that this is time and energy that has been diverted from the many pressing tasks of our national reconstruction, but we are ready to make such a sacrifice in the interests of achieving justice. As I stated in my letter of 15 February 2002 to His Excellency Hans Corell, we believe that the Law negotiated by us and promulgated on 10 August 2001 provides a sound foundation, and we hope that the United Nations will join with us in its implementation.

One of the themes of this year's forum is the consequence of inaction in prosecuting crimes against humanity. Cambodia knows all too well that justice delayed is justice denied. We have waited twenty-seven years and must not wait any longer. Please join with us in carrying out this task.

## Commission On Human Rights Fifty-eighth Session Agenda Item 19

### 2002/The Human Rights Situation in Cambodia



*The Commission on Human Rights,*

*Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights.*

#### **Khmer Rouge Tribunal**

Reaffirms that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government have paved the way for the restoration of peace, stability and national reconciliation in Cambodia, and the investigation and prosecution of the leaders of the Khmer Rouge;

Appeals to the Government of Cambodia to ensure that the senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia are brought to trial in accordance with international standards of justice, fairness and due process of law, in this connection recognizes the need for the Government of Cambodia and the United Nations to cooperate, appeals to the parties to resume discussions on the establishment of a tribunal for such a purpose and also appeals to the international community to provide assistance in this regard.

# Reflection on the Fate of a Genocide Tribunal for Cambodia

*Susan Cook*

The United Nations recently announced its withdrawal from a proposed Cambodian genocide tribunal. Whatever the reasons for its shift in policy, the implications for the survivors of the Pol Pot regime are far reaching. Thus, how do the victims of Pol Pot's brutal policies find justice, comfort, and some closure in the midst of enduring physical and mental scars? How are their children to be educated about their country's infamous history?

The UN decision is based in part on their determination that the Cambodian court would be biased and unfair. Unfortunately, it is unlikely that they will

reverse their decision. A tribunal endorsed by the international community would ideally have aggressively sought indictments, arrests, and convictions against the surviving leaders of the Khmer Rouge, those who presided over so much death and destruction. The United Nations is in a strong position to assist in the design and implementation of such a court, given its considerable experience in trying genocide perpetrators in Arusha, Tanzania, and The Hague. Yet, the UN withdrew from the process because it felt it had no choice.

The Cambodian government insists that it will proceed with a genocide tribunal with or without UN





# Anticipating Justice in Cambodia Will End in Disappointment

*Sophearith Chuong*

The United Nation's February 2 withdrawal from negotiations with the Royal Government of Cambodia on establishing a so-called "mixed tribunal" for prosecuting top Khmer Rouge leaders shocked the world. Countries expressed their reaction differently. Some blamed the UN, saying that it lacks the will to seek justice for Cambodian victims of the Khmer Rouge. Others blamed the Royal Government of Cambodia, saying that after the withdrawal, it thought it had conflicts over the tribunal's creation, and that the government negotiated without paying much attention, in order to evade the establishment of the tribunal, which it no longer needed and would not be able to control.

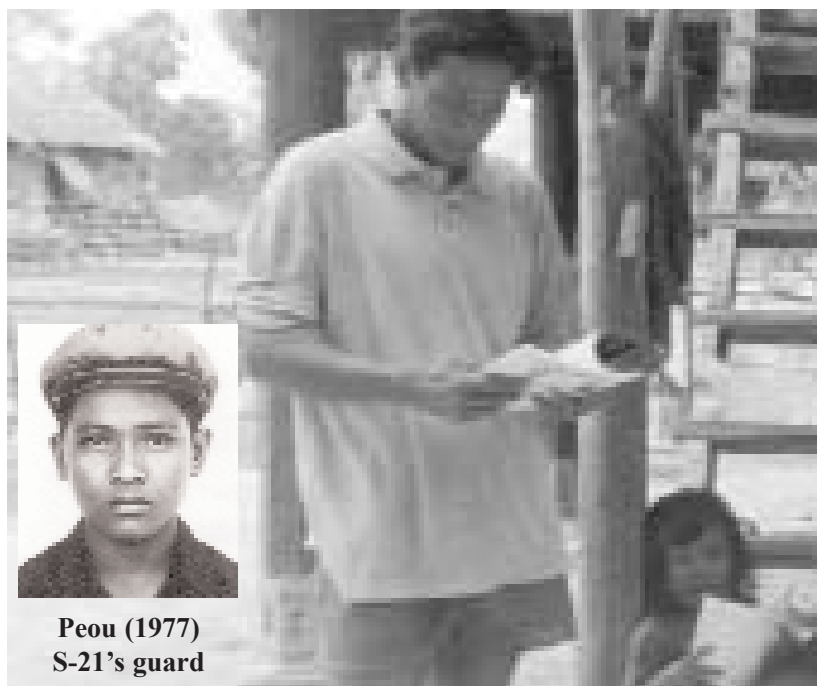
Many victims also expressed their views, such as, "It seems the tribunal will be created after all the Khmer Rouge leaders die of old age." This frustration was a result of 23 years of waiting. Some have speculated that the tribunal could be established without the UN, but without the victims receiving full justice. "Justice" here refers to a genuine justice for the majority of Cambodians who were victims of the regime, and is acceptable to them. People are concerned about this because of the political environment of the Royal Government of Cambodia and the incapability of the Cambodian judiciary. However, the most significant question is how long will the Cambodian people have to wait?

I, too, am concerned about the aging of these genocide leaders, who are now living in full freedom among their victims. These few people led our country into tragedy, causing more than two million innocent people to perish through overwork, starvation, restriction of access to modern medical care, torture and execution after being labeled "enemies betraying the revolution."

Some Khmer Rouge leaders who survived after 1979 are already dead. Son Sen, alias Khieu or Brother

89, was a full-fledged (rights) member of the Committee of the Communist Party of Kampuchea (CPK) and its Standing Committee, and also the regime's defense minister. His wife, Yon Yat, alias At, was the minister of culture and information. In June 1997, Pol Pot had Son Sen, Yon Yat, and other members of their family killed in Anglong Veng. Pol Pot accused Son Sen of being an internal enemy working for the Phnom Penh government.

On April 15, 1998, Pol Pot died after evading international justice. But he lived long enough to see his dreams shattered. He died when his revolution was in its deepest decline in 30 years, with only a few soldiers and a small piece of land under his control. He died in front of the watchful eyes of the most powerful body in the country, the Cambodian People's Party, his life-and-death enemy. He died when almost everyone around him, including those he had suspected of disloyalty and those in whom he had



**Peou (1977)**  
S-21's guard

placed his deepest trust, had abandoned him.

Keo Pauk, the secretary of the North and Central Zones, was infamous for his merciless killings in Kampong Cham. He died of liver disease and stroke soon after leaving a hospital in Sarin province, Thailand. Keo Pak never stood trial.

Kang Kech Ieu, alias Duch, the chief of the notorious S-21 prison (Tuol Sleng) is now being detained, but his detention period is ending. Ta Mok, the former secretary of the Southwest Zone, who is also known for his ferocious killings, was arrested and detained, waiting for an internationally accepted tribunal to be set up. His detention period expired while the tribunal was being delayed.

Other top Khmer Rouge leaders, like Nuon Chea, Khieu Samphan, Ieng Sary and his wife, Ieng Thirith, are living in full freedom to the dismay of millions of Cambodians. What are the differences between individual Khmer Rouge leaders? Will Cambodian victims be able to live along with these bloody criminals?

To obtain an acceptable justice for victims of the killing fields, the United Nations and the Royal Government of Cambodia must fulfill their obligation of seeking a new solution as soon as possible, for a great

deal of time has already been spent on the creation of this tribunal. Should this be the time for agreement or will we continue to wait until all those leaders die? Obtaining justice is not difficult if the negotiations on the establishment of the tribunal are not related to political issues, and legal issues are given priority.

The successive deaths of the Khmer Rouge leaders have a negative impact on the victims. More and more of them will die if the tribunal continues to be delayed. The unsolved crimes will give yield endless suffering and suspicion for their Cambodian victims.

As long as there isn't any sign that the Khmer Rouge tribunal will be set up and true justice will be obtained soon, Cambodia will continue to be the historical hostage of the Khmer Rouge regime.

The pursuit of justice is an obligation of all of us, the victims of world history. Like other victims of the Khmer Rouge regime, I hope the United Nations and the Royal Government of Cambodia will not let this gloomy history continue to depress its victims.

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*Sophearith Chuong is a staff-writer for Searching for the Truth.*





# A Chronology: History of the Negotiations on the Khmer Rouge Tribunal Between the United Nations and Cambodia

*Prepared by the United Nations Office of Legal Affairs on 8 February 2002*

## ***First Phase: Request from Co-Prime Ministers Hun Sen and Prince Rannaridh***

### **21 June 1997**

A joint letter addressed to the Secretary-General by the two Prime Ministers of Cambodia requesting the assistance of the United Nations in bringing to justice persons responsible for genocide and crimes against humanity during the Khmer Rouge regime from 1975 to 1979.

### **23 June 1997**

By letter of 23 June 1997, the Secretary-General transmitted the letter of the two Prime Ministers to the Presidents of the General Assembly and the Security Council, respectively (A/51/930-S/1997/488 of 24 June 1997). No action was taken by any of these organs.

### **13 July 1998**

Pursuant to General Assembly resolution 52/135 of 12 December 1997, the Secretary-General appoints a three-member Group of Experts for Cambodia to evaluate the existing evidence, to assess the feasibility of bringing Khmer Rouge leaders to justice, and to explore options for bringing to justice Khmer Rouge leaders before an international or national jurisdiction (A/52/1007 of 7 August 1998).

### **14-23 November 1998**

The Group of Experts visits Cambodia and Thailand.

### **15 March 1999**

The Report of the Group of Experts for Cambodia Pursuant to General Assembly Resolution 52/135 is submitted to both the Security Council and the General Assembly. In its report, the Group recommends the establishment of an international tribunal to try the Khmer Rouge officials for crimes against humanity and genocide committed from 17 April 1975 to 7 January 1979 (A/53/850-S/1999/23/1).

## ***Second Phase: Request by Prime Minister Hun Sen: The Concept is Changed***

### **17 June 1999**

A request from Prime Minister Hun Sen for the UN to provide experts to assist Cambodia in the drafting of a Cambodian Law allowing foreign judges and prosecutors to participate in the proceedings of the Tribunal.

### **19 July 1999**

In a meeting with the Cambodian Permanent Representative, the Office of Legal Affairs presents the UN proposal on the establishment of a mixed tribunal for the prosecution of Khmer Rouge leaders. (A note setting the main elements of the mixed tribunal is handed out.)

### **2 August 1999**

In its response to the 29 July note, Cambodia restates its position on an existing national tribunal for Cambodia, welcoming the assistance of legal experts

from foreign countries, and reiterates the request for assistance in drafting the law and sending foreign judges and prosecutors.

### **26 August-1 September 1999**

The first UN mission to Cambodia to conduct negotiations on the legal and practical aspects of establishing under Cambodian Law a mixed tribunal for the prosecution of Khmer Rouge leaders. A model of a mixed tribunal meeting international standards of justice is proposed, and comments on the draft Cambodian Law are submitted.

### **20 September 1999**

In an Aide-Mémoire to the Secretary-General, Prime Minister Hun Sen outlines three options for UN involvement in a Khmer Rouge tribunal: 1) provide a legal team and participate in a tribunal conducted in Cambodia's existing courts; 2) provide a legal team which would not participate in the tribunal; 3) withdrawal completely from the proposed tribunal.

### **20 December 1999**

The draft Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea is submitted to the Office of Legal Affairs by the Cambodian Permanent Representative, with a note that it will be submitted to the Council of Ministers for adoption on 24 December 1999.

### **23 December 1999**

In a letter of 23 December 1999, the Legal Counsel, Mr. Corell, expresses concerns at some key provisions of the draft Law relating, in particular, to the composition of the Extraordinary Chambers, the Office of the Prosecutor, the role of the investigating judge, and the question of financing.

### **28 December 1999**

A revised draft "Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea" is transmitted to the Office of Legal Affairs, with a note that it will be

submitted for the second and last time to the Council of Ministers on 6 January 2000.

### **5 January 2000**

In a letter to the Permanent Representative of the Cambodian Mission, Mr. Corell submits for the consideration of his Government a paper summarizing the UN's concerns.

### **18 January 2000**

A further revised draft Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea is submitted to the Secretary-General. (An analysis of the text reveals that with the exception of minor drafting changes, the new text does not address any of the concerns raised in the Office of Legal Affairs' paper of 5 January 2000.)

### **8 February 2000**

In a letter from the Secretary-General to Prime Minister Hun Sen, four key issues are identified: guarantees for the arrest and surrender of indictees; amnesty and pardon; the appointment of an independent, international prosecutor; and the appointment of a majority of international judges.

### **10 February 2000**

In a letter addressed to the Secretary-General, Prime Minister Hun Sen does not welcome the gap in the positions between the UN and Cambodia, in particular, in light of the positions taken by other Member States.

### **16-22 March 2000**

A second UN mission travels to Cambodia to conclude the discussions on the draft Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia and the UN cooperation in the establishment and operation of the Chambers.

### **21 March 2000**

Letters exchanged between Messrs. Corell and Sok An on the questions of amnesty, co-prosecutors and their power to act independently in case of disagreement; the question of the dispute-settlement mechanism is still pending.



**8 April 2000**

The Cambodian Chargé d’Affaires submits a letter from Mr. Sok An relating to the “disagreement of co-prosecutors’ opinions” (six options are presented).

**19 April 2000**

The Secretary-General’s letter to Prime Minister Hun Sen comments on the options presented by Mr. Hun Sen, and puts forward a proposal of the United Nations regarding the pre-trial mechanism for resolving disputes between the co-prosecutors/investigating judges.

**22 April 2000**

Prime Minister Hun Sen responds to the Secretary-General’s letter of 19 April in which he states that the exchange of letters between the UN and Cambodia could not be executed before the Law is adopted. He proposes a “special chamber” formula to settle disagreements between the co-prosecutors.

**25 April 2000**

A second letter from the Secretary-General to Prime Minister Hun Sen in response to his letter of 22 April urges him to accept the UN proposal.

**27 April 2000**

Prime Minister Hun Sen responds to the Secretary-General’s letter of 25 April requesting an extension of the temporal jurisdiction of the Extraordinary Chambers beginning in 1970.

**17 May 2000**

The Secretary-General’s letter to Prime Minister Hun Sen seeks confirmation that Mr. Hun Sen accept, through Senator Kerry, the proposal made in the Secretary-General’s letter of 19 April regarding the mechanism to resolve any differences between the co-investigating judges and the co-prosecutors, and that the temporal jurisdiction of the Extraordinary Chambers be limited to 1975-1979.

**19 May 2000**

Prime Minister Hun Sen confirms the understanding regarding the mechanism to resolve differences between the co-prosecutors and co-investigating judges.

**4-7 July 2000**

A third UN mission travels to Cambodia to finalize the Agreement between the UN and the Government of Cambodia on the UN cooperation in the establishment and operation of the Extraordinary Chambers. On 7 July, the Legal Counsel presents a draft Memorandum of Understanding governing the cooperation between the UN and Cambodia in the establishment and operation of the Court, and a marked-up copy of the Law to ensure its conformity with the MOU.

**9 January 2001**

An unofficial translation of the Law as adopted by the National Assembly on 2 January 2001 is received from the UN Human Rights Office in Phnom Penh. In a letter of 9 January 2001, Mr. Corell raises concerns with regard to some of its provisions.

**9 February 2001**

Mr. Corell requests an official translation of the Law as adopted.

**25 May 2001**

A letter from Mr. Sok An regretting the delay in the process of finalizing the amendment “necessitated by the Constitutional Council decision on the Draft Law as adopted by the National Assembly” (a “mistaken” reference to the death penalty in the Law).

**8 June 2001**

In his letter to Mr. Sok An, Mr. Corell reiterates the need for an official translation of the Law. He also reiterates the need for consistency between the two instruments.

**26 June 2001**

Mr. Sok An informs Mr. Corell that the Council of Ministers revised the text of Article 3 of the Law in order to comply with the ruling of the Constitutional Council, and adds that the Law is being transmitted to the National Assembly for adoption, to the Senate and the Constitutional Assembly for review, and for promulgation by the Head of State.

**2 July 2001**

In his letter to Mr. Corell, Mr. Sok An expresses

his understanding of the relationship between the Law and the Agreement. While accepting the principle that they should be in conformity with each other, he rejects the notion of “imposition.”

### 6 July 2001

In his response, Mr. Corell reiterates the need for consistency between the two documents.

### 18 August 2001

Mr. Sok An submits the Law on the Establishment of the Extraordinary Chambers, as adopted on 10 August 2001, in its Khmer version, with a note that the unofficial translation of the Law, in both English and French, is being finalized.

### 31 August 2001

The English and the French translations of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea are submitted to the Office of Legal Affairs under cover of a letter from Mr. Sok An of 30 August 2001.

### 2 October 2001

Mr. Sok An extends an invitation to Mr. Corell to come to Cambodia to finalize the Articles of Cooperation.

### 10 October 2001

In his letter to Mr. Sok An, Mr. Corell sets out his comments and suggestions with respect to the Law and the Memorandum of Understanding designed to bring the two instruments in line with each other.

### 23 November 2001

Mr. Sok An acknowledges receipt of the letter and revised draft Agreement, stating that his response is still partial; he raises in this connection an objection to the primacy of the Agreement over the Law.

### 18 December 2001

In his letter to Mr. Sok An, Mr. Corell indicates that a comprehensive response will be sent once the Cambodian team completes its review of the UN comments.

### 22 January 2002

Mr. Sok An sends a detailed response to Mr. Corell.

### 8 February 2002

Mr. Corell informs Mr. Sok An that the United Nations is no longer in a position to continue the negotiations. [End]

## Khmer Rouge Slogans

- ◆ Based on self-reliance, we must strive to cooperate with the Marxist-Leninist Party, the revolutionary forces and progressive forces; we love independence and all justice in the world; and we are against imperialism, territorial expansionism and all other reactionary acts for the sake of peace, freedom, democracy, equality, justice and true social development.
- ◆ Provoke the revolutionary spirit of the masses, defend the country, build the country, stage socialist revolution continuously in order to create, to judge, to screen and to select dedicated cadres from the masses.
- ◆ Practice democracy and work together based on the principle of collective leadership, resoluteness and individual responsibility, especially intensive fighting.
- ◆ Leadership requires being a model for the public, while ideology, task assignment, livelihoods, morals, solidarity and agreement must conform to the party's guidelines.
- ◆ Definitely reject and eliminate individual working style, using personal relationships, tangible tools or authority to entice the masses to comply and follow one's orders, and to intimidate them.

*(D13792)*

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# May 20: The Day I Miss my Grandfather and Uncle

*Kalyan Sann*

When I was young, the May 20 commemoration was just a vague event in my mind. I had never put much effort into understanding the importance of this day. Through radio and newspapers, I learned that this is the day on which Khmer people meet, share and recall their sufferings and the separations of their families during Democratic Kampuchea (DK). I did not even know who Pol Pot was. I did not comprehend what the DK regime, which Khmer people call the Pol Pot regime, really was, despite the fact that I was born when the Khmer Rouge began evacuating people from the cities. I did not understand why this regime killed millions of its own people.

Bit by bit, the curiosity to know about the DK regime, individuals named Pol Pot, Ieng Sary, Khieu Samphan, Nuon Chea and others began to take shape when I was studying at the Royal University of Phnom Penh. I am now well aware of the magnitude of the historical tragedy of Cambodia, which was caused by these few people. No family can ever forget or want to experience such events again.

Because I was born at the beginning of this regime, I could not remember anything that happened during that time. My father told me that he lost his father and youngest brother to the regime. My uncle died in a children's mobile unit due to starvation. My grandfather died of illnesses caused by malnutrition and overwork. My affection toward them is not deep, since I never knew them. However, my father's remorse over losing his beloved father and brother is indescribable. His anger at the regime rises up every time he recalls his past.

May 20 was the day on which the Khmer Rouge began establishing cooperatives, in which people were ordered to eat and live together. But in reality, it was the beginning of the people's starvation. It was the day the Khmer Rouge began to kill people by forcing them into labor-intensive work with little food, and the day my grandfather and uncle began to suffer from the hunger that eventually resulted in their deaths.

Khmer Rouge leaders! Answer my question, why did you kill my relatives? Why didn't you provide them food to eat when they needed it desperately?

May 20 is coming closer, again. I do not want this day to arrive, for it is the day which makes me feel sad about the past. Yet, I never want to forget this, as long as my father does not receive just compensation for the loss of his father and brother. The Cambodian government and the United Nations should not ignore the establishment of the Khmer Rouge tribunal and allow the worst criminals in Cambodian history, whose hands are soaked with blood, to live freely among the people. I want the tribunal to be born on May 20, 2002. I want justice, as do my father, the Cambodian people, and the world.

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*Kalyan Sann is a staff-writer for Searching for the Truth.*



in peace. We did not know where the Khmer Rouge buried his body. All we could do was sit and cry in grief.

The death of my father depressed my mother, causing her to become confused and unable to think clearly for several months. Shortly after the death of my father, my youngest brother fell ill due to malnutrition and lack of adequate medical care. He died at 4:30 a.m. in the Mesarchrey subdistrict hospital on my mother's lap. At dawn, the medical staff wrapped his body with a sleeping mat, put him onto a bicycle, and rode off to the graveyard without letting my mother go along.

In late 1975, about a month after my brother's death, my younger sister fell ill and was sent to a hospital in Kampong Cham. We have not seen her since, and do not know whether she is alive or dead.

After that my family was sent to another village, which was called Cham village, in the same subdistrict. Probably no base people had lived there before, since in this village we could see only April 17 people, who had been sent from many different areas. The people there had just moved in, like my family.

Cooperatives were created after the village was inhabited. People began to eat and work together. All of their household belongings were collected and used as shared property. People were grouped according to age. My mother had to walk to work at places far away from home and returned home at nightfall. My three small younger siblings were enlisted into a children's unit, where they were forced to collect cow dung, slash bushes for making compost for the field, and collect one basket of rice bundles a day; otherwise, they were not allowed to rest.

During the Khmer Rouge regime, no one lived without expending tremendous physical strength. Only very young children who had not learnt to speak could escape. However, these children did not have the good fortune to receive affectionate caresses from their parents, because their parents were struggling to survive themselves. Children older than seven years old had to do a variety of tasks and they were not allowed to go to school.

My older brother, younger brother and I were in the age group that was separated from its parents and made

to live in mobile units in far away places. My daily tasks were constructing dams and water channels, and cultivating a rice field. Only once in a while did the head of the unit allow us to visit home for one day. In the period of more than three years, I visited home only three times.

Every morning at four, the unbearably loud sound of the whistle woke up every female youths in the camp from their deep sleep, telling them to quickly run out to form lines without washing their faces first. Those who were too slow to respond to the whistle would receive corporal punishment. The situation was the same for the male youths: once the head of the unit blew his whistle, they had to form lines so that they could be counted before setting off to work at various work sites.

During the Khmer Rouge regime, there were no personal relationships between men and women, even among siblings, since Angkar regarded the relationship between men and women as an "immoral act." Those who had love were "destroyed." The word "study" had nothing to do with education. People who were requested by Angkar to "study" somewhere never returned. Male and female youths lived separately. They were forced to do intensive work and were given inadequate food. Therefore, during rest time, we ventured off to collect wild fruits and other edible plants to eat in order to reduce our hunger. Theft was considered as "betraying the collective."

Today, Lai Heang still cannot forget what happened to her, her family and her fellow countrymen during the regime. Even though the Khmer Rouge regime collapsed more than twenty-three years ago, the agony her family experienced during this period received will stay with her always.

Lai Heang presented an earnest request to the Royal Government of Cambodia and the United Nations to establish an independent tribunal at all costs in order to prosecute top Khmer Rouge leaders, bring justice to her father and younger siblings, as well as to the two million innocent Cambodians who perished under this dictatorial regime.

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*Veng Chheng is a member of the DC-Cam's Database Project.*

*Khmer Rouge Novel:*

# The Sacrifices of our Mothers

(Continued from the April 2002 issue)

For some reason, the soldiers released my mother six months later. She spent another three months under intensive medical care before she recovered fully.

In early 1968 the first shot of our revolution was fired. Uncle Noeun invited my brother to join the army. My mother was blissfully happy about this. She hurriedly packed some shabby clothes for him. Before he departed, she reminded him, “Don’t forget the blood of our poverty-stricken countrymen and your dad. You must take revenge!”

Two years passed. Mom and I did not receive any news from him. Whenever she heard of the victories of the revolutionary army in any battlefield, she always presumed her son was there. She strongly believed that where there was a battlefield, there was her son. She told me, “Your brother must be ready to devote his life to the revolution and our poor people! He has to be stern like your father!”

When Uncle Noeun visited us, mom never forgot to ask him about her son. Uncle Noeun usually told her he was fine, but eventually, he told us the truth. My brother had sacrificed his life a year after he left home. Mom criticized Uncle Noeun for not understanding her true feelings. She was overjoyed to receive this news, since it was an honor for her son to die on the battlefield. Mom told Uncle Noeun that she did love her children, but only those who served the revolution and poor people. She said to him, “I do not resent the party at all. Death goes together with revolution. To liberate oneself, one must be ready to devote one’s life. If Angkar permits it, I’ll send my daughter to the battlefield.”

Following the coup d’état on March 18, 1970, Uncle Noeun allowed me to join the army. The day I departed is a day I will remember for the rest of my life. Mom accompanied me to the gate. I wanted to hug her as tightly as possible during this very last moment. But Mom embraced me and then pushed my shoulders away from hers. She looked hard at me without blinking her eyes. I could see her tears filling them, but she managed to smile softly at me and said, “You are my daughter, the daughter of poor people; you must determinedly fulfill the tasks of the revolution and keep your fighting spirit strong at all times to continue the ferocious fighting tradition of your dad and brother.” Whenever I engaged the enemies, this last advice sounded in my ears. It always fired up my national and class anger toward the enemies.

I received letters from mom regularly. In her letters, mom never forgot to advise me not to be careless, but stay alert, to be brave in exterminating the enemies, and not to care about her; she was fine.

On April 17, 1975, Cambodia was completely liberated. I asked for permission from my grandfather to visit mom. He seemed to hesitate. After pondering my request for a while, he approved it. I was very delighted. I prepared countless questions to ask my mother. Upon arriving at the village, I strode toward home. I had been away for five years. Now the village looked better than before. People were already living and working collectively in cooperatives. As I got closer, I ran even faster. Reaching the house, I climbed up two steps at a time to be quick. Unexpectedly, Aunt Kroem and Uncle Tra’s wife and her three grandchildren were in the house. I looked around, but I could not find mom. Aunt Kroem suddenly said, “It’s you!” Then she ran to hug me in tears. I



asked Aunt Kroem, “Where is my mother?” She replied, “Sit down and relax, niece! Drink a glass of water first!” “No! I’m not tired or thirsty at all. I want to see mom,” I said. She asked me in surprise, “Didn’t your grandfather tell you? Your mother died three years ago;

she died two years after you went away.” Upon learning this shocking news, I almost fell to the floor and cried. But I had become accustomed to death. I managed to avoid crying. This was also what mom taught me.

I stood in front of her tomb. I only knew that two years after we were parted, she fell seriously ill. She knew clearly that she wouldn’t live long enough to see the final victory of the revolution and her daughter. But she knew this victory would eventually be attained. Therefore, she wrote a number of letters reminding me and blessing those fighting on the front line. She left those letters with my grandfather, telling him to send them to me one by one, so that I did not worry about her. This made me believe she was alive until liberation day.

Even though my mother was dead and tens of thousands of our people sacrificed their lives, they left behind a most marvelous treasure, the invaluable heroic revolutionary attitude, their unconditional devotion to the revolution and poor people, and our farmers’ traditional resolute fighting attitude. In the 24 years of struggle, tens of thousands of our mothers made all kinds of sacrifices courageously, without a single word of complaint.

We, the revolutionary youths and children of our mothers, solemnly determine to follow our mother in promoting this glorious tradition to become even more magnificent. Also, we continue to fight with the highest intensity, tenaciously, and with our hearts and souls in the new revolution to defend our country and bring prosperity to it in the shortest time. Nothing can ever stop us.

*The End*



*The Reader of Searching for the Truth Magazine:*

## **Letter from Bek Chan Lower Secondary School in Angsnuol District, Kandal Province**

**Object:** To express gratitude for the free distribution of the magazine Searching for the Truth.

As mentioned above, I would like to inform Mr. Director that on November 30, 2001, our school received two magazines, Issue 23 of November 2001, from Khuoy Visalmony of the Documentation Center of Cambodia (DC-Cam).

Upon reading it, we recognize that this magazine contains meaningful writings and original documents. It especially reminds the Khmer Rouge survivor-readers of their past experiences in the genocidal regime, and the inhumane acts and atrocities committed by the Khmer Rouge. Cambodian children think these acts are unbelievable and that the magazine's contents are fictional, but this is real.

Therefore, the magazine Searching for the Truth possesses historical, legal and educational value. The criminals must be prosecuted appropriately for the multitude of their crimes. The prosecution would become an example for people of the next generations, who are to lead the country.

If it is possible, please dispatch to us all the issues of your magazine for our library for the public and students to read.

Please accept my deepest respect and gratitude. I hope your mission of Searching for the Truth will be accomplished as you planned.

*Bek Chan, January 5, 2002*

*Nhoeb Ly*

## **A Letter from the United States, Dated April 10, 2002**

Your Excellency,

I am most delighted after receiving a report from [our] homeland that the remains of the Khmer Rouge victims are respected.

Recently, the skull-map exhibited at Tuol Sleng Prison has been removed and a traditional ceremony was conducted to send the lingering souls of the victims to rest in peace. This righteous act was full of true nationalism and without flaws.

As you know, both our majesty and I wished to have and see the above activity; moreover, we often sent letters requesting that the Royal Government of Cambodia have the map removed.

I hope that in the future the government will not let the bones of the victims remain scattered all over the country.

Please accept my deepest respect.

*Pang Suon*

*President of the King's Support Committee for Cambodia.*

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The Documentation Center of Cambodia would like to appeal to governments, foundations and individuals for support for the publication, *Searching for the Truth*. To contribute, please phone (855) 23 21 18 75 or (855) 12 90 55 95 or Email: [dccam@online.com.kh](mailto:dccam@online.com.kh). Thank you.

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