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Ta Mok

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The English translation edited by
Youk Chhang and Wynne Cougill
Proofread by Julio A. Jeldres and Rich Arant.

Contributors: Loung Ung, Elizabeth van Schhaack, Kannitha Keo Kim, Nean Yin, Raoul Marc Jennar, It Sarin, and Sokhym Em. **Staff Writers:** Sophal Ly, Sayana Ser, Kalyan Sann. **Assistant English Editor-in-chief:** Kok-Thay Eng. **English Editor-in-chief:** Bunsou Sour. **Editor-in-chief and Publisher:** Youk Chhang. **Graphic Designer:** Sopheak Sim. **Distributor:** Bunthann Meas.

Letter :

Will Justice in Cambodia Remain an Illusion?

I thought of my sister when I heard that the United Nations General Assembly was working on a resolution to rekindle the talks between the Cambodian government and the United Nations. Her horrible death at the hands of the Khmer Rouge has been haunting me for decades. Will this new resolution lead to the kind of justice hundreds of thousands of victims and survivors have been seeking for so long? Or will justice remain an illusion?

Since June 1997, when then co-prime ministers Prince Norodom Rannaridh and Samdech Hun Sen asked the United Nations to help Cambodia bring the Khmer Rouge leadership to justice, I have often thought that a credible tribunal would be set up soon. But reality caught up with me as the relationship between the Cambodian government and United Nations faltered. Will it be different this time? I hope so, because I as well as thousands of other Cambodians have never given up hope. The long quest for justice continues.

The Resolution will lead to renewed talks between the United Nations and Cambodian government, talks that stalled in February 2002. This is a welcome development, but what will matter greatly is the genuine willingness of both sides to seek a solution to their differences. A key difference is the adherence of the tribunal to international standards of justice. Some scholars and legal experts have said that a tribunal in a country at Cambodia's level of development cannot be expected to adhere fully to such standards. But other developing countries have held tribunals to try those accused of crimes against humanity. Both Sierra Leone and Rwanda have tribunals that comply with international standards.

Why should this not be the case in Cambodia? Does Africa have higher standards of justice than Asia?

Another important issue is the need to open criminal investigations against all Khmer Rouge leaders such as Ieng Sary, Noun Chea and Khieu Samphan—perhaps also Ieng Thirith—who are alleged to have been responsible for crimes against humanity. Only two, Ta Mok and Duch, are currently in detention. Others live freely; no restrictions have been put on their movements. By prosecuting only Ta Mok and Duch, justice will not be done. If the tribunal is to have credibility, it should be free to decide which leaders it will investigate. Incriminating evidence—according to many international legal experts—is available from the Documentation Center of Cambodia, among others.

The new United Nations resolution was not adopted unanimously. Thirty-seven countries, almost 25% of those present, abstained from the vote. This is a clear indication of lingering doubt about the prospects for a credible tribunal. Among the abstainers are many of Cambodia's key donors, countries like Denmark, Finland, Ireland, the Netherlands, Norway, and Sweden, which do not have geo-political objectives and which have been helping Cambodia to build a society based on democratic principles. These countries are also the ones that will be expected to make substantial contributions if the tribunal is established. If their doubts remain, they perhaps will not contribute. I hope the Cambodian government and the United Nations will prove that the doubts are unfounded.

Youk Chhang
Editor-in-chief and Publisher

Giving Her Body and Heart to Angkar

Sophal Ly



Taing Sivleng

Taing Siv Leng, a school-teacher at Chak Angre High School, was arrested by the Khmer Rouge and sent to Office S-21 in 1976. The following is her brief biography.

Taing Siv Leng, born on April 20, 1948 in Kratia, is a daughter of Taing Treang and Ly Toek Chhun.

She was an industrious student who was rewarded every single school year. Siv Leng was not only good at studying, but also the performing arts. In 1965, Siv Leng graduated from Ponhea Hok Junior High School in Phnom Penh. In 1967 she entered baccalaureate I in Queen Kosamak High School and in 1967 was accepted into the Teacher Training School at Tonle Bati. During her studies there, she joined a chorus and could sing two songs written by Prince Norodom Sihanouk.

In 1968-69, she left for public service in Kampong Cham province. In 1969-70 she worked for the “Supreme Council of Education.” She spent her free time taking supplementary courses with the intent of obtaining a baccalaureate II. She then became a teacher of geography and history.

In 1970-71, Siv Leng became a first-year student at the faculty of pedagogy, while working for an accounting commissioner in the Student Association of the faculty, which was administered by Pen Soren. In 1972 Siv Leng attended an annual congress. Later she was elected to the position of accounting commissioner under the supervision of Mr. Im Hai You.

On March 17, 1972 Siv Leng visited the United States for 65 days. She also visited Hong Kong, Japan, and France. In 1974 Siv Leng taught students in Chak Angre High School.

She was interested in politics. For this reason, on

September 21, 1974, she worked for Universal Fellowship and in 1975 for an organization called Terre des Hommes, as a distributor and buyer of medicines.

Her Relationship with the CIA

Based on her confession, Taing Siv Leng served the CIA, where she was indoctrinated with political standpoints against the Khmer Rouge, namely the notion that the Khmer Rouge had sold themselves to Russia, Chinese communists and red Vietnamese. The Khmer Rouge killed and burnt down people’s houses without regard for the babies and pregnant women in them. The Khmer Rouge committed heinous crimes, such as slicing open one’s stomach and filling it with grass, removing human fetuses to use in magic, striking people with hoes, and forcing victims to dig their own graves. Educated people were taken to be killed. Infrastructure, such as bridges, roads, and telecommunication, were in ruins. Buddhist monasteries and Buddha statues were smashed, while Buddhist monks were forced out of the priesthood and executed. As for the people, they were relocated, separated from their relatives, and not given enough food to eat or clothes to wear. Prince Sihanouk’s role was just a show to mislead the general public, since the Khmer Rouge needed no prince. The Khmer Rouge intended to do whatever needed to be done to transform Cambodia into a country that was subordinate to the Communist Party of Indochina since Ieng Sary was an adopted child of Ho Chi Minh, while Khieu Samphan was the running dog of Mao Zedong.

In the CIA, Siv Leng did paper work for orphans immigrating to the U.S. She paid much attention to this work. The CIA was satisfied with what she had done and considered her to be patriotic. They promised to meet her needs, pay her travel expenses abroad, and to provide all kinds of scholarships so Siv Leng could pursue studies abroad.

Siv Leng attended meetings with the CIA three

times.

First Meeting: Leu Phnom Restaurant

- ◆ Khe Hopkin Yen King, President
- ◆ Khieu Vorn (Assembly), Deputy
- ◆ San That (Assembly), Member
- ◆ Siv Leng and Sok Thy.

Khieu Vorn funded the paperwork Siv Leng completed to obtain passports for immigrating children. San That supervised the children’s transport from one place to another and helped teach English to orphans.

Siv Leng was in charge of bringing children to process paperwork for their birth certificates and medical checks. The next step was to complete written forms that were signed by Lesin Gadin of the British Embassy. After receiving permission, Siv Leng had to prepare all forms and make dresses for the children in preparation for their departure.

Second Meeting: British Embassy, 1974

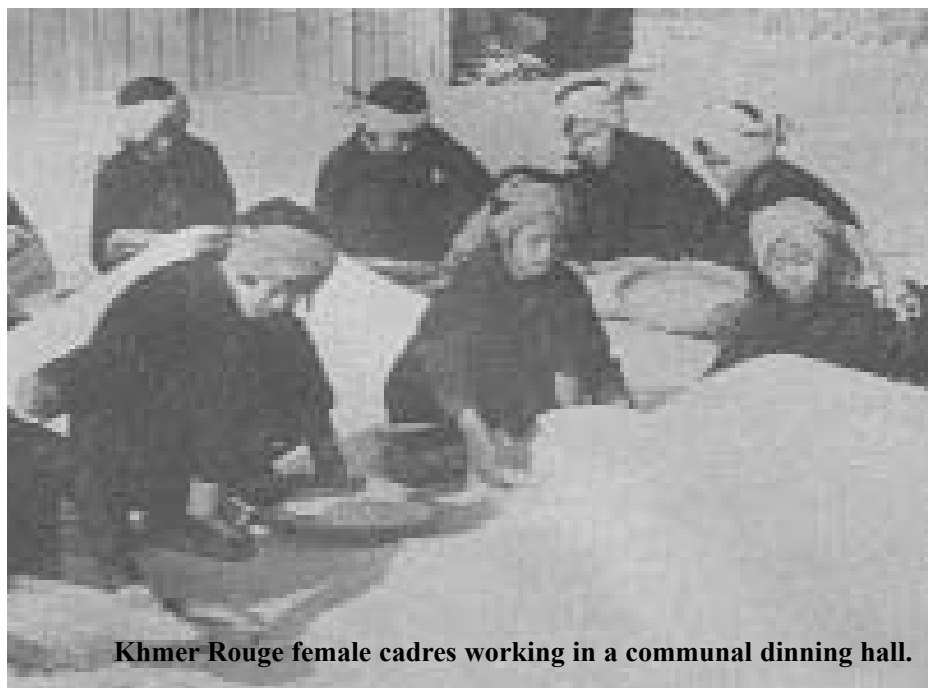
- ◆ Hamilton, Third Secretary, President
- ◆ David, American, Deputy
- ◆ Pope, American, Member
- ◆ John, English, Member
- ◆ Sokh Vong, Khmer, Member
- ◆ Sakhoura, Member
- ◆ Manory
- ◆ Siv Leng.

The main focus of the second meeting concentrated on the CIA’s concerns about the tension in Cambodia, where the Khmer Rouge were capturing important locations in Phnom Penh. The CIA assigned Sokh Vong, Sakhoura and Manory to search and arrest Khmer Rouge chiefs and combatants, and to collect documents of significance, including those showing the locations of food and weapons. They were instructed to catch

or kill the Khmer Rouge wherever they were found.

Hamilton said in 1974 in several schools, students were in commotion—having neither supervisors nor strong standpoints. Every teacher was thinking about his/her own interests, serving the Khmer Rouge and giving up teaching to show their antagonism toward the government. As for the U.S. Embassy, it appealed for humanitarian assistance from organizations to liberate people from starvation and diseases. The CIA wished to reorganize Cambodia because it has fertile soil and a large percentage of uncultivated land. It offered to build good bridges, roads and other sorts of aid. However, the Khmer Rouge destroyed its accomplishments one after the other.

After persuading her, Hamilton assigned Siv Leng to fulfill two tasks: (1) destroying the standpoints of those having sympathy toward the Khmer Rouge and (2) killing or poisoning a student named Loch Soeun, an insurgent on the faculty. Hamilton provided a pistol and poison to Siv Leng, promising that if this task was achieved, she would be given a chance to pursue her studies in Europe and be introduced as an outstanding politician. Siv Leng declined, arguing that she was a Buddhist and could not commit such a felonious act.



Khmer Rouge female cadres working in a communal dining hall.



Siv Leng was thus viewed as a weak woman, believing in Buddhism instead of the [CIA] organization.

Third Meeting: March 18, 1975, British Embassy

Pope raised a question during the meeting, “How can we cope with the Khmer Rouge if they manage to break into Phnom Penh?” Pope answer his own question, saying his embassy planed to withdraw, that is, to surrender for a moment to avoid bloodshed, which might lead to the deaths of [Phnom Penh] city dwellers. He continued that returning to [their] own country did not mean running away from the people. Pope then showed a platinum ring with two “statues of hearts—one was blue, representing liberalism and the other red, representing communism”; the two circles next to the hearts represented their rivalry. The red heart was on the blue one, meaning that it was constantly hoped that the liberal party would win over the communist party based on the educated people in the world who respect justice and humanity. “Anyone with such a ring is the honest one.”

Hamilton named several precautions to be taken in case the Khmer Rouge won: (1) making systematic arrangements to counterattack; (2) throwing grenades into military parades; (3) throwing grenades at Ieng Sary, Khieu Samphan, and Chuon Choeun, when they are off from work; (4) killing female chief; (5) hiding weapons; (6) in case of failure, escaping to Thailand; (7) mingling within the red [communist] party in order to eavesdrop on Khmer Rouge plans; (8) throwing grenades onto the homes of diplomats; (9) collecting general forces who refuse to serve the red party so that they can wait for the arrival of United Nations’ reinforcements; (10) overthrowing cadres in terms of morality in order to collect documents and kill the cadres; and (11) preparing files on orphans and putting them in a particular place so they would be ready to depart on a British flight.

On April 13, 1975 the flight carried 200 orphans to the United States. Due to her profound love of her parents, sisters and younger siblings at home, Siv Leng did not join the flight. Siv Leng considered herself an

honest and genuine patriot. Therefore, “political doers who escape from their own country are traitorous.” However, when arrested by the Khmer Rouge, Siv Leng confessed to having been too ambitious and traitorous.

In November 1975, Siv Leng was evacuated to Baray village in Kampong Thom. Siv Leng came to stay at a hospital with Huot Bophana aka Mom. During her stay, Siv Leng knew that Huot Bophana had been a CIA agent through a ring with the above-mentioned signs. Siv Leng and Bophana jointly continued their CIA activities.

In March 1976, Siv Leng was appointed to be chairman of a meeting in a hospital where Mom acted as a vice chairperson. Under the Khmer Rouge administration, Siv Leng knew very well what was referred to as “Angkar’s request,” which meant “being brought in to be beaten with a hoe.” The people were scared at these words, since upon their return, they became victims. Nobody believed in the revolutionary Angkar. They were waiting for death.

Besides Bophana, Siv Leng got to know another woman named Mayura, a former staff member of a humanitarian organization and member of the CIA, as indicated by her ring. That woman persuaded Siv Leng to fulfill two tasks: (1) killing two people—Sin, chief of Sangkat Svay Teap and Set, a former revolutionary in the city; and (2) setting fire to major rice barns.

Siv Leng contacted a man called Vy to aid her in killing the two targeted people. However, her fear stopped her from completing her plan and she tried to find all means to escape from Baray village to Kratie province.

In November 1976, Siv Leng was arrested. In order to save her own life, she admitted everything, giving her body and heart to Angkar, hoping that her plea bargaining would make Angkar sympathetic to her. Instead, after 11 confession sessions, Siv Leng was arrested on May 12, 1977.

Sophal Ly is a staff-writer of the Searching for the Truth magazine.

List of Foreigners Smashed at S-21

Prepared by Nean Yin

(Continued from the October 2003 issue)

No.	Name	Nationality	Occupation	Place of Arrest	Date of Entry	Date of Execution
179	Vo Van Tha	Vietnamese	Spy	Region 25	April 9, 1976	1976
180	Vo Van Thong	Vietnamese	Spy	Region 25	April 9, 1976	1976
181	Ngo Chan Long	Vietnamese	Spy	?	April 25, 1976	1976
182	Dang Van Phu	Vietnamese	Spy	?	April 25, 1976	1976
183	Vat Bu Lam	Vietnamese	Spy	?	April 25, 1976	1976
184	Le Minh Tri	Vietnamese	Spy	?	April 25, 1976	1976
185	Nguyen Lam	Vietnamese	Spy	?	April 25, 1976	1976
186	Nguyen Thi Vang (F)	Vietnamese	Spy	?	April 17, 1976	April 17, 1978
187	Pham Thi Lang (F)	Vietnamese	Spy	?	April 17, 1978	April 21, 1978
188	Qua Thi Ny(F)	Vietnamese	Spy	?	March 4, 1978	April 21, 1978
189	Vo Thi Thuy(F)	Vietnamese	Spy	?	April 1, 1978	April 21, 1978
190	Tran Thi Le Xuan(F)	Vietnamese	Spy	?	April 1, 1978	April 21, 1978
191	Nam Sieu Meng(F)	Vietnamese	Spy	?	April 1, 1978	April 21, 1978
192	Bui Thi Phai	Vietnamese	Spy	Svay Rieng	Nov 2, 1978	Nov 15, 1978
193	Ngo Van Cai	Vietnamese	Spy	Svay Rieng	Nov 5, 1978	Nov 15, 1978
194	Pham Thanh Vet	Vietnamese	Spy	Svay Rieng	Nov 5, 1978	Dec 11, 1978
195	Pham Thanh Cua	Vietnamese	Spy	Svay Rieng	Nov 5, 1978	Nov 20, 1978
196	Giap Van Bach	Vietnamese	Binh Nhy [group]	Svay Rieng	Nov 5, 1978	?
197	Pham Thanh Minh	Vietnamese	Binh Nhy	Svay Rieng	Nov 5, 1978	?
198	Vo Nam Phong	Vietnamese	Binh Nhy	Svay Rieng	Nov 5, 1978	?
199	Nguyen Van Di	Vietnamese	Spy	Svay Rieng	Nov 8, 1978	Nov 20, 1978
200	Nguyen Van Thoc	Vietnamese	Binh Nhy	Svay Rieng	Nov 8, 1978	?
201	Nguyen Van Than	Vietnamese	Thieuky	Mondul Kiri	Nov 8, 1978	Dec 11, 1978
202	Nguyen Han Qui	Vietnamese	Thieuky	Mondul Kiri	Nov 8, 1978	Dec 11, 1978
203	Van Than	Vietnamese	Thieuky	Mondul Kiri	Nov 8, 1978	Dec 2, 1978
204	Ta Thanh Ty	Vietnamese	Thieuky	Mondul Kiri	Nov 8, 1978	Dec 2, 1978
205	Dam Khiech Thich	Vietnamese	Viet Cong	Kratie	Nov 9, 1978	?
206	Bui Hong Hue	Vietnamese	Viet Cong	Kratie	Nov 9, 1978	Dec 11, 1978
207	Tran Long	Vietnamese	Spy	Kampong Som	Nov 12, 1978	Dec 2, 1978

(Continued in the December 2002 issue)

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



Crossing the Khmer Rouge-Controlled Area: It Sarin's Memoirs

(Continued from the October 2002 issue)

At 8 p.m., we heard the president in charge of organizing the meeting welcoming Mr. Hou Yun with a watchword, "Long Live the Excellent Comrade Hou Yun of the Cambodian People!" followed by applause. In the meantime the participants stand up, looking for Hou Yun. We are surprised to see the real Hou Yun, at the front of the stage, raising his hands to acknowledge their greeting. Hou Yun's unprepared, four-hour long speech is delivered following a presentation by the meeting organizer. Hou Yun stresses that "[We] need no negotiations, compromise or withdrawal. [We] struggle until the final result is achieved, no matter how many difficulties would be faced. [We] adhere to a standpoint of prioritizing "independence [and] self mastery." However, [we] have to be consolidated with the people of Laos and Viet Nam in order to drive the American imperialists out of the Indochina."

The speech is followed by consecutive supportive presentations by Buddhist monks, Khmer Rouge cadres, military commandants, political commissioners, and representatives of Chinese-Vietnamese immigrants. They support the revolution, and the way they do it is called "Showing Impression."

A night of performance of revolutionary arts accompanies the participants and the army until five o'clock in the morning. Now we have become bored with their rhetoric, a new language and propaganda distorting the [the nature of] government, the republic regime [and] the Phnom Penh society, which is regarded as an "old society."

May 12-14, 1972

We leave Veal Lvieng village at 9 a.m. after ex-

pressing our gratitude to our brothers and sisters as well as neighbors, who have provided warm support during our twenty-day stay. The Office of Messengers of Comrade Chan assigned one of its colleagues to accompany us. This time we travel by bicycle to the north, crossing small paths and ox-cart lanes along with small, tranquil villages. We see houses in ruins, burned by bombs, coconut and palm trees falling as a result of being hit by rockets, and bamboo and mango trees withering due to Napalm bombs. This is a tragic scene of war.

We reach Chraing Chaot village at 1:30 p.m., then take a rest in a militia and messenger camp built along the mouth of a creek surrounded by a thick forest, approximately 300 meters south of the village. We eat rice we had packed to bring along. Here we meet three more front combatants, who have been working from Saang-Koh Thom to Am Leang. There are two combatants who have just come down from the "higher level" [Higher Organization]. They tell us that their commission is to take luggage and greet the "big guys." Looking at the other side of National Road Number 4, we see a ten-wheel truck waiting to take those higher officials. We are impressed that they are coming to receive Mr. Hou Yun and his colleagues, who came to attend a meeting held at Kat Phluk on May 10.

Comrade San, our guide, and other 10 comrades, arrive at Wat Put Trea, next to National Road Number 4 at 4:30. Four to five militiamen guard this place and show us the way to cross. Five kilometers to the west is a military barracks of our [Khmer] Republic.

At 5:30 we crossed National Road Number 4. The militiamen lead us, as the path is full of buried mines. Then they draw a circle around the dangerous

area and guide us to another sandy path. After 300 meters, we continue to ride our bicycles across rice paddies and creeks.

At 6:15 we rest at Wat Kok Romiet. Kok Romiet village is an old village full of coconut, mango and banana trees, and arecas. Many large tile-roofed houses were closed down. Except for six or seven Buddhist monks, the village is quiet. We sit at the edge of a pond connected to a large natural pond. The soft gold sunlight projects a shadow over the tops of two mountains in the east, making us feel the nostalgia of harmony and happiness vanished by war...[and] the great ambition of Vietnamese communists! Pagodas, fifty-year old coconut trees, mango trees the size of ox-cart wheels, ponds, etc. are the soul of life and happiness of the villagers! They are the symbol of Khmers!

On the night of May 12, we sleep at the “messenger camp” west of Kok Romiet, close to the mouth of Prey Romiet stream. When the morning comes we continue our journey through thick and sparse jungles. Villages or villagers are rarely seen. At half past two we reach Taong Maong Village, about 70 kilometers from National Road Number 4. Along the way we meet North Viet Cong, transporting rice, chickens, and ducks by bicycles, and ammunition by elephants and lorry (GMC). We take the GMC of the North Viet Cong to Am Leang. On the left side stands Oral mountain, which is a long-term, strategic shelter of the Khmer Rouge.

Morning of May 14:

We depart by bicycle from Am Leang to the south, taking a provincial road. Along the way we meet quite a lot of people, either Khmer Rouge combatants or “Angkar” cliques coming up and down to Am Leang. All of them wear in black with scarves around their necks.

At 2 p.m., we arrive at Wat Po. At 4:00 we enter Taing Khmao village, Peam Pram Bei Mum subdistrict, Kampong Tralach district, Kampong Chhnang province. Comrade San, our guide, leads us to the Messenger

Office of Region 305 to have a rest, where he tells us we have reached our destination. We tell a messenger here that we have a letter addressed to and to be delivered directly to Comrade “Hang” of Office 305. The messenger does not allow us to do so. Instead, he takes the letter and delivers it to Comrade Hang. We are waiting for the messenger for almost an hour. He returns with a letter addressed to comrade San. Our guide smiles, showing the letter with a line that contains a message to us. It reads, “Brother Neak, [please] make appropriate arrangements for comrade scholars from the city, since I have no means.” Comrade San adds, “You brothers are lucky to have been directly greeted by the zone Office of Economy.” Comrade San takes us to the Office of Comrade Neak, which is located west of Wat Taing Khmao.

When we enter, we meet a group of females attending a meeting for “political training” under a big chambak tree. There is a table for meal preparation. They are from the garment section. Soon after, we see a cute man of Chinese descent walking toward us and shaking hands with us; he has a friendly appearance. Comrade Neak says hello and apologizes for not having received us by car. [He] further confirms that [he] received a letter from Comrade Chan informing him about our presence. Comrade Neak is none other than Mr. Sieng Po Se, a former engineer and director of the Cadastral Department.

Here, first of all, we are honored and taken care of by Comrade Neak. We have a chance to have coffee with milk occasionally. Comrade Neak orders the garment women to prepare a separate meal for us. Later, we insist on eating together as there is only one dish.

May 14-16

Comrade Neak gives us new nylon hammocks along with advice to keep secret—to hide our original names, positions [and] places of birth, except from the higher Angkar.

May 15:



At 7 p.m., Mr. Hou Yun, Minister of Interior, in charge of Urbanization and Cooperative Management, whom we have already met in a place near Baset district, enters to pay a courtesy visit to us along with another hero named Sok Thok, Deputy Minister of National Security of the Front Royal Government of Prince Sihanouk and President of the Special Zone (Office 305).

At 4 p.m., we have a social conversation with three members of the Propaganda Unit of the Special Zone, namely Comrade Chhorn, Sokh Nguon, an engineer known as “Saom,” Comrade Siek Toek Chhay aka Than, a former secondary schoolteacher, and Comrade Dien Dikan aka Rin, a former schoolteacher. On the same day, Comrade Men Nitho aka Than, a former electricity engineer, comes and pays us a friendly visit. At the zone’s Economic Unit, we meet many Khmer Rouge cadres who are former civil servants, [and] students from Phnom Penh. We are not asked to do anything yet. Every day, we are busy greeting guests and reading documents, including magazine of the front and newspapers such as Revolutionary Laborers [and] Revolutionary People. Our boredom increases remarkably, because we have no freedom to walk about in nearby villages.

At the office we are told that Mr. Cheng Sayomborn is staying merely 500 to 600 meters from us, that is, in the eastern part of Taing Khmao village. He lives with his wife and children. “Angkar” shares the responsibility of raising his family, but hasn’t yet offered any work for him to do.

May 21, 6 p.m.:

Comrade Neak brings us to eat with Mr. Hou Yun on the edge of the river. This time, we manage to meet Comrade Hang (whose original name and former occupation are not identified), Deputy Chief of the Special Zone, Mr. Ros Cheatho aka Cheat, Mr. Nguon Eng aka Ny (former engineer), Mr. Koy Um aka Tip (working at the Cambodian railway station) and three to four other unknown Khmer Rouge core

forces. The wives of Sieng Po Se and Comrade Hang, and women from the garment section prepare this special food.

Mr. Hou Yun has a bodyguard of Khmer Leu ethnicity in Rotanak Kiri.

(Continued in the December 2002 issue)

It Sarin was the commander of a Khmer Rouge military mobile unit of the special zone. Earlier, he had been a military officer of the Khmer Republic. He spent nine months with the Khmer Rouge only to be accused by Angkar of spying. He wrote this memoir in Phnom Penh on 28 July 1973 before he was captured and executed.

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

KHMER ROUGE SLOGANS

◆ Maintain the spirit of alertness in order to absolutely overcome all kinds of enemy tricks, defend the country and protect the revolution, the people and the party.

(Revolutionary Flag, 1976)

◆ In history, the fight between classes resulted in victory for some and the annihilation of others.

◆ Weapons are an important factor, but not a war-winning one; the decisive factor is human, not just materials.

◆ Revolution is people's war and only through provocation can we wage war.

(From the study notes of comrade Nhok Sarun)

LIST OF PRISONERS SMASHED AT S-21 (TUOL SLENG)

Compiled by Nean Yin

(Continued from the October 2002 issue)

No.	Name	Role	Place of Arrest	Date of Entry	Date of Execution	Others
550	Riem Rin	Person	Ferry dock	March 27, 1976	May 27, 1976	
551	Uch San	Person	Prek Kabass	March 27, 1976	May 27, 1976	
552	Yin Bun Hok	Person	Russey Keo	March 27, 1976	May 27, 1976	
553	Kang Nuon aka Heng	Person	Srah Chak	March 27, 1976	May 27, 1976	
554	Yieng Suong	Person	Russey Keo	March 27, 1976	May 27, 1976	
555	Ung Sae	Person	Ferry dock	March 27, 1976	May 27, 1976	
556	Nget Chin	Person	Ferry dock	March 27, 1976	May 27, 1976	
557	Matt Sass	Person	Pochentong	March 27, 1976	May 27, 1976	
558	Prum Duong	Person	Region 25	March 27, 1976	May 27, 1976	
559	Mei Liheat aka Ly Pheap	Person	Region 25	March 27, 1976	May 27, 1976	
560	Sar Ngon aka Aun	Person	Region 25	March 27, 1976	May 27, 1976	
561	Tieng Mit	Worker	Kampong Som	January 8, 1976	May 27, 1976	
562	Samak Karim	Fisherman	Ponhea Leu	January 8, 1976	May 27, 1976	
563	Ho Try	Worker	Chak Angre Kraom	January 7, 1976	May 27, 1976	
564	Ta Chi Veng	Worker	Kampong Som Port	January 29, 1976	May 27, 1976	
565	Pao Huot	Worker	Textile T-5	May 8, 1976	May 27, 1976	
566	But Chorn	Worker	Battery manufacturer	April 11, 1976	May 27, 1976	
567	Heng Oeun	Worker	Battery manufacturer	April 11, 1976	May 27, 1976	
568	Sim Khorn	Worker	Textile T-5	April 11, 1976	May 27, 1976	
569	Thou Mom	Worker	Textile T-5	April 11, 1976	May 27, 1976	
570	Kim Huoy	Worker	Takmao	April 11, 1976	May 27, 1976	
571	Lak Ngech Seang	Worker	Takmao	April 11, 1976	May 27, 1976	
572	Sok Nann	Worker	Textile T-4	?	May 27, 1976	
573	Say Sarin	Worker	Textile T-5	?	May 27, 1976	
574	Chin Son Leng	Worker	Textile T-4	?	May 27, 1976	
575	Ti Sowatha	Worker	Chak Angre	April 11, 1976	May 27, 1976	

(Continued in the December 2002 issue)

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





First They Killed My Father: A Daughter of Cambodia Remembers

Loung Ung

(Continued from the October 2002 issue)

The only thing I am afraid of is my brother Khouy. Sometimes, he waits for me in the kitchen to make me eat proper food—or else. Heading to the kitchen, I poke my head into my bedroom and spy Keav shoving clothes into a brown plastic bag. On the bed, Geak sits quietly playing with a handheld mirror while Chou throws our brushes, combs, and hairpins into her school bag.

As quiet as I can be, I tiptoe into the kitchen and sure enough, there he is. He is feeding himself with his right hand while his left gently touches a slim

bamboo stick lying on the kitchen table. Next to the bamboo stick is a bowl of rice and some salted eggs. Most evenings, the younger kids in the house will gather in the kitchen to study Chinese, and a tutor uses the bamboo stick to point out characters on the blackboard. In the hands of my brother, it is used to educate us about something else entirely. I was taught to fear what my brother will do with it if I do not do as I am told.

I give Khouy my most charming smile, but this time it does not work. He sternly tells me to wash up and eat. In moments like these I fantasize about how much I hate him. I cannot wait until I am as strong and as big as he is. Then I will take him on and teach him many lessons. But for now, since I am the smaller one, I have to listen to him. I whine and sigh with every bite of food. Every time he looks elsewhere I stick out my tongue and make faces at him.

After a few minutes, Ma rushes into the kitchen and begins to toss aluminum bowls, plates, spoons, forks, and knives into a big pot. The silverware clangs noisily, making me jittery. Then picking up a cloth bag, she throws bags of sugar, salt, dried fish, uncooked rice, and canned foods into it. In the bathroom, Kim throws soap,

shampoo, towels, and other assorted items into a pillowcase.

“Aren’t you finished yet?” she asks me, out of breath.

“No.”

“Well, you better go wash your hands and get into the truck anyway.”

Glad to escape from Khouy, who sits glaring at me, I hurriedly jump off my chair and head for the bathroom.

“Ma, where are we going in such a hurry?” I yell out to her from the bathroom as Kim leaves with his

bag.

“You’d better hurry and change your shirt, the one you are wearing is dirty. Then go downstairs and get into the truck,” Ma tells me as she turns away without answering. I believe it is because of my age that no one ever pays any attention to me. It is always so frustrating to have your questions unanswered time and time again. Fearing more threats from Khouy, I walk to my bedroom.

The bedroom looks as if a monsoon has passed through it: clothes, barrettes, shoes, socks, belts, and scarves are strewn everywhere—on the bed that Chou and I share as well as on Keav’s bed. Quickly, I change out of my brown jumper and into a yellow short-sleeve shirt and blue shorts I pick up off the floor. Once finished, I walk downstairs to where our car is. Our Mazda is black, sleek, and much more comfortable than riding in the back of our truck. Riding in the Mazda sets us apart from the rest of the population. Along with our other material possessions, our Mazda tells everybody we are from the middle class. Despite what Ma tells me, I decided to head toward our car. I begin to climb into the Mazda when I hear Kim call out to me.

“Don’t get in there. Pa said we’re leaving the Mazda behind.”

“Why? I like it more than the truck.”

Again, Kim is gone before answering my question. Pa bought the truck to use for deliveries for the import/export business he had briefly gone into with friends. The business never go going, so the truck has been sitting in our back alley for many months. The old pickup truck creaks and squeaks as Khouy throws a cloth bag onto its floor. In front, Pa ties a large white cloth to the antenna while Meng ties another piece to the side mirrors. Without any words, Khouy picks me up and loads me onto the back of the truck filled with bags of clothes and pots and pans and food. The rest of my siblings climb on board and we drive off.

The streets of Phnom Penh are noisier than ever. Meng, Keav, Kim, Chou, and I sit in the back of the

truck while Pa drives with Ma and Geak in the cab. Khouy follows us slowly on his motorcycle. From up on our truck, we hear the booming roars of cars, trucks, and motorcycles, the jarring rings of the cyclos’ bells, the clanking of pots and pans banging against each other, and the cries of people all around us. We are not the only family leaving the city. People pour out of their homes and into the streets, moving very slowly out of Phnom Penh. Like us, some are lucky and ride away in some kinds of vehicle; however, many leave on foot, their sandals flapping against the soles of their feet with every step.

Our truck inches on in the streets, allowing us a safe view of the scene. Everywhere, people scream their good-byes to those who choose to stay behind; tears pour from their eyes. Little children cry for their mothers, snot dripping from their noses into their open mouths. Farmers harshly whip their cows and oxen to pull the wagons faster. Women and men carry their belongings in cloth bags on their backs and their heads. They walk with short, brisk steps, yelling for their kids to stay together, to hold each other’s hands, to not get left behind. I squeeze my body closer to Keav as the world moves in hurried confusion from the city.

The soldiers are everywhere. There are so many of them around, yelling into their bullhorns, no longer smiling as I saw them before. Now they shout loud, angry words at us while cradling rifles in their arms. They holler for the people to close their shops, to gather all guns and weapons, to surrender the weapons to them. They scream at families to move faster, to get out of the way, to not talk back. I bury my face into Keav’s chest, my arms tight around her waist, stifling a cry. Chou sits silently on the other side of Keav, her eyes shut. Beside us, Kim and Meng sit stone-faced, watching the commotion below.

“Keav, why are the soldiers so mean to us?” I ask, clinging even more tightly to her.

“Shhh. They are called Khmer Rouge. They are the Communists.”

“What is a Communist?”



“Well, it means....It’s hard to explain. Ask Pa later,” she whispers. Keav tells me the soldiers claim to love Cambodia and its people very much. I wonder then why they are this mean if they love us so much. I cheered for them earlier today, but now I am afraid of them.

“Take as little as you can! You will not need your city belongings! You will be able to return in three days! No one can stay here! The city must be clean and empty! The U.S. will bomb the city! The U.S. will bomb the city! Leave and stay in the country for a few days! Leave now!” The soldiers blast these messages repeatedly. I clap my hands over my ears and I hide my face against Keav’s chest, feeling her arms tighten around my small body. The soldiers wave their guns above their heads and fire shots into the air to make sure we all understand their threats are real. After each round of rifle fire, people push and shove one another in a panicked frenzy trying to evacuate the city. I am riddled with fear, but I am lucky my family has a truck in which we can all ride safely away from the panicked crowds.

Evacuation

April 1975

After many hours, we are finally out of the city and on the road, though still moving very slowly.

“Where are we going?” I ask Kim repeatedly, after it seems like we have been traveling forever.

“I don’t know, we just passed the Po Chentong airport, which means we are on Highway Four. Stop asking me all the time.”

I burrow under my scarf to hide from the sun and resign myself to sulking.

My body sags and I begin to grow tired. My eyelids struggle to stay open against the glaring sunlight and the dust from the road. The wind whips my hair all about, tickling my face, but I do not smile. I wince as the hot, dry air enters my nostrils. Keav wraps the end of my scarf tightly over my nose and mouth to keep the dust out, and she tells me not to look over the side of the truck.

In Cambodia we have only two seasons, dry and rain. Cambodia’s tropical climate is dictated by the monsoons, which bring heavy rain from May to October. Keav says during the rainy season, the country is a green paradise. She says there’s so much water that the trees grow very tall and the leaves swell with moisture. They take on a dark, metallic green color, looking as if they will burst like a water balloon. Before the monsoons hit in May, we have to endure April, our hottest month, with temperatures often reaching 110 degrees—so hot that even the children stay indoors to avoid the sun. It’s this hot now.

As we move farther and farther away from the city, the high-rise apartments disappear and thatched-roof huts take their place. The buildings in the city are tall and close together, but the huts are low-lying and widely dispersed in the middle of the rice fields. As our truck moves slowly in the crowd of people, the wide, paved boulevard gives way to windy, dusty roads that are no more than wagon trails. Tall elephant grass and prickly, brown brush have replaced Phnom Penh’s blooming flowers and tall trees. A queasy feeling grips me as I watch the villages pass by. As far as the eye can see, there are people marching in the road while huts stand empty and rice fields are left unattended.

I fall asleep and dream that I am still at home, still playing hopscotch with my friends. When I wake we are parked near an empty hut to rest for the night. We are in a world very different from Phnom Penh, yet we have traveled only ten miles or so. The sun has gone down, relieving us of its burning rays. All around us, the field lights up with small fires illuminating the faces of women squatting by them to prepare meals. I can still make out thousands of people milling around or walking to unknown destinations. Others, like us, have stopped to rest for the night along the roadside.

My family scrambles to set up our encampment in the field near an abandoned hut. My brothers gather wood to build a fire, while Ma and Keav prepare our

Pa and Meng disappear to gather firewood. When they return, Pa tells Khouy that it is a good thing that we got out of the city as quickly as we did. He says the people he just talked to told him that the soldiers made everyone leave the city. They emptied schools, restaurants, and hospitals. The soldiers even forced the sick to leave. They were not allowed to go home first to their families, so many people are separated.

“Many old and sick people did not make it today,” Khouy offers grimly. “I saw them on the side of the streets still in their bloody hospital robes. Some were walking and others were pushed in carts or hospital beds by their relatives.”

Now I understand why Keav kept wrapping the scarf around my head, telling me to keep my head down, to not peer above the truck.

“The soldiers walked around the neighborhood, knocking on all the doors, telling people to leave. Those who refused were shot dead right on their doorsteps.” Pa shakes his head.

“Why are they doing this, Pa?” Kim asks.

“Because they are destroyers of things.”

Chou and Kim look at each other and I sit there feeling lost and afraid.

“I don’t understand. What does all this mean?” I ask them. They look at me but say nothing. Yesterday I was playing hopscotch with my friends. Today we are running from soldiers with guns.

After a quick lunch of rice with salted fish, we climb in the truck and move again. I watch as a stream of people seems to follow our trail. Fighting drowsiness caused by the smothering heat, my thoughts race from one subject to another. I question why we had to leave, where we are going, and when will we return home. I do not understand what is happening and long to go back home. The sudden sputtering and choking of our truck halt my daydreaming. It kicks and whines, and finally stops. I climb off hoping it will move again.

“The truck’s out of petrol and there’s no petrol station around here,” Pa says. “Looks like we have to walk the rest of the way. Everybody grab only some

clothes and all the food you can carry. We have a long way to go yet.” Pa then orders us what to take and what to leave behind.

“You!” someone yells. We all stop what we are doing and stand paralyzed.

“You!” A Khmer Rouge soldier comes over to us. “Give me your watches.”

“Certainly.” With shoulders bent to show submission, Pa takes the watches off of Meng and Khouy’s wrists. Pa does not look the soldier in the eyes as he hands the watches over.

“All right, now move,” the soldier orders and then walks away. When he is out of earshot, Pa whispers that from now on we are to give the soldiers anything they want or they will shoot us.

We walk from the break of day until the dark of the evening. When night comes, we rest by the roadside near a temple. We unpack the dried fish and rice and eat in silence. Gone is the air of mystery and excitement; now I am simply afraid.

Seven-day Walk

April 1975

The first sight I see when I open up my eyes the next morning is the glum upside-down face of Chou against the background of cloudy skies as he tugs at my hair. “Wake up. We have to move again,” she tells me.

Slowly I sit up and rub the seeds out of my sleepy eyes. All around me, a sea of people wake: babies cry, old people groan, pots and pans clang against the sides of wagons whose wheels grind the dirt beneath them. There are many more people than the numbers I know to count them with. My eyes follow Khouy and Meng as they walk into the temple with big silver pots to fetch water. Keav says there is always a well near a temple. Moments later, Khouy and Meng return visibly shaken with their empty pots.

“We went into the temple but found no monks there, only a Khmer Rouge soldier,” they tell Pa. “They yelled for us to stay away from the temple well. We stopped and came back but other people went in

“I don’t know why we have to save it!” I stand still in the road, letting go of the rice pot to wipe dirt and tears from my cheeks. “Our three days will soon be over. We can return home. Let’s just go home. I want to go home.” The words somehow come out between halting sobs. My forty-pound body refuses to walk any more. The red dust from the road and the sweat on my body has mixed to create a layer of mud on my skin making it dry and itchy. Pa walks over to Keav and takes a ball of sticky rice out of the pot she is carrying. He comes over to me and hands me the food. My eyes look down at the ground in shame, but I take the food from him anyway. Silently, he strokes my hair while I eat my rice between choking sobs. Bending down, Pa looks me in my eyes and says softly, “They lie, the soldiers lie. We cannot go home tonight.” His words make me sob harder.

“But they said three days.”

“I know. I’m sorry you believed them, but they lied.”

“I don’t understand why they lied,” my voice quivers as I say it.

“I don’t know either, but they lied to us.” My hopes crushed, I wipe my forearm across my nose, dragging snot all over my cheek. Pa gently cleans my face with his hand, then takes the rice pot from me and says I only have to carry myself for the rest of the trip.

With Geak on her hip, Ma walks over to me and wraps my scarf around my head to protect me from the sun. I wish that I were a little baby like Geak. She doesn’t have to walk at all. Ma carries her in her arms all the way. I am miserable, but at least I have shoes. Some of the people walk barefoot in the scorching heat, carrying their life’s belongings on their backs or heads. I feel sorry for them, knowing they are worse off than I am. And no matter how far we go, there are always more people along the way. When night falls, once again we make the road our home and sleep, along with the hundreds of thousands of other families fleeing Phnom Penh.

Our fourth day on the road starts the same as the all the other days.

“Are we there yet?” I keep asking Kim. When I receive no attention, I proceed to sniff and cry.

“Nobody cares about me!” I moan and keep walking anyway.

By noontime we have reached the Khmer Rouge’s military checkpoint in the town of Kom Baul. The checkpoint consists of no more than a few small makeshift tents with trucks parked beside them. There are many soldiers at this base, and it is easy to recognize them because they wear identical loose-fitting black pajama pants and shirts. All carry identical guns slung across their backs. They move quickly from place to place with fingers on the triggers of their weapons, pacing back and forth in front of the crowd, yelling instructions into a bullhorn.

“This is Kom Baul base! You are not allowed to pass until we have cleared you! Stand with your family in a line! Our comrades soldiers will come and ask a few simple questions! You are to answer them truthfully and not lie to the Angkar! If you lie to the Angkar, we will find out! The Angkar is all-knowing and has eyes an ears everywhere.” This is the first time I hear the word “Angkar,” which means “the organization.” Pa says the Angkar is the new government of Cambodia. He tells us that in the past, Prince Sihanouk ruled Cambodia as a monarch. Then in 1970, unhappy with the Prince’s government, General Lon Nol, deposed him in a military coup. The Lon Nol democratic government has been fighting a civil war with the Communist Khmer Rouge ever since. Now the Khmer Rouge has won the war and its government is called “The Angkar.”

(Continued in the December 2002 issue)

Loung Ung is National Spokesperson for the “Campaign for a Landmine Free World,” a program of Vietnam Veterans of America Foundation.

Revolutionary Female Medical Staff in Tram Kak District

Sokhym Em

(Continued from the November 2002 Issue)

The 12 morality points were created to help all cadres build themselves into perfect citizens in the new and pure society. The sixth point concerned sexual relationships between men and women: “Do not do anything violating to women.” Clandestine love was regarded as a crime and was punishable, since “violating sexual morals is a nasty behavior belonging to the enemy and may put the revolution at risk.”

Riel San revealed that a number of nurses in Tram Kak did not obey the 12 points. He added that they violated the established morals, carried out illicit activities with men, spoke inappropriately to patients, were careless, and disobeyed organizational discipline. He said that a woman named Han who committed moral offenses was sent to Krang Tachann prison, tortured and detained. Khoeun was removed from the hospital to a mobile unit for her misconduct with military patients. Vy was removed from her post as the chief of Prey Lvea subdistrict hospital for a moral offense.

Female medical staff who were base people often spoke rudely to April 17 patients. Neang said that in the Khmer Rouge regime good-hearted nurses were hard to find. Sun also said that only two or three among twenty nurses were compassionate. Phan revealed that medical staff discriminated against April 17 patients. Patients had no rights to argue with the staff. “The revolutionary medical staff were still partisan; all societies are like that. Those staff were completely uneducated,” said Phan.

In addition to their daily tasks, the staff had to attend daily livelihood or self-criticism meetings. The

purpose of the meetings was “eliminate [enemies] and build forces; destroy feudalism, capitalism and imperialism and build socialism; destroy the class system and build the internal solidarity of the revolution.” In the minutes of the second central committee meeting dated May 31, 1976, Pol Pot ordered all offices and ministries to have a meeting once every month in order to examine the overall situation in each ministry so as to reinforce them so they could become as brilliant as the slogan “Great Leap Forward” expressed. However, the lower levels had to conduct meetings every day, or at least three times a week.

Decorating one’s body with jewelry and fashionable clothes, wearing long hair, and perfuming oneself were totally banned, for “cosmetics belong to feudal people.” Vuth was condemned by the hospital chief for having a feudal attitude because she wore shirts with short sleeves. She was eventually sent to Phnom Sanlong prison for further education.

Angkar did not permit nurses to have love affairs or choose their spouses. Before marrying people, Angkar scanned their biographies to determine their morals and political backgrounds. Prior to April 17, 1975, the marriage age was 25 or older for women and 35 or older for men. After April 17, men could marry at 25 and women at 20. The purpose of marriage was not “personal happiness and having children. Marriage is for the revolution. It is done for the purpose of achieving the honorable tasks of liberating the nation, the people and poverty-stricken classes, and bring socialism and communism to the country.”

Relatives had no right to know in advance or get involved in the marriage process. Angkar took care of everything.



There was no exception for nurses in Tram Kak. They had no right to decide who they would marry and live with for the rest of their lives. Everything could be done only when Angkar permitted. Angkar married people of the same class—middle-class peasants to middle-class peasants, poor peasants to poor peasants, educated citizens to educated citizens.

In Democratic Kampuchea, many female

medical staff married soldiers, high-ranking cadres or fellow medical staff. Women never knew in advance when they were to get married or to whom. Angkar kept everything secret. Women could only do what they were told to, and were not to complain. In his interview with a Belgian delegation, Pol Pot said that “youths marry voluntarily and when problems arise in the family, the public helped to solve the problems.



Khmer Rouge medical women producing local tablets.

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Black Yellow Magenta Cyan

However, if the couple cannot live together any longer, a divorce is their choice.”

In marriage, Angkar called the grooms and the brides out to hold each other’s hands. Then it read the biographies of the grooms and the brides to the participants. After that, the brides and the grooms swore “I shall live with my spouse for the rest of my life.” That was the end of the wedding ceremony. Afterward,



the new couples lived in pre-prepared houses. Five to ten or more couples were married at a time. At night, soldiers eavesdropped on the new couples. If a couple refused to accept each other, Angkar would immediately summon them to be reeducated. If they did not change their minds, the couple would be punished or disappeared.

Sok Kim said that no one knew who they would be married to and they could not reject the other, regardless of how they felt.



Sok Kim



Ing Vuth

In 1977, Ing Vuth was forced to marry a man who she had never known. Angkar took her by vehicle to Tram Kak district office without informing her about what was going on. When she arrived, she was surprised and complained, but Angkar proceeded. After they were married, she and her husband were unable to live together. They tried to avoid seeing each other by going to work sites. Seeing this, Angkar gave them a long ideological session. Eventually, she accepted him because she was afraid of death.

The hard work and strict regulations of Angkar made medical staff become fearful. Their apprehension decreased their productivity. They tried their best to fulfill what they were ordered to do. Food, clothes, accommodation, family life and other personal issues were all the responsibilities of Angkar. Even the breaths they took belonged to Angkar and they were to live or die as Angkar determined; no one had the right to complain.

Sokhym Em is a staff-member of the Project to Promote Accountability.



Accountable for Human Rights Abuses

Elizabeth van Schaack

(Continued from the October 2002 issue)



F. El Salvador

The UN established, staffed and paid for a Truth Commission as part of the peace agreement between the government and the Farabundo Marti National Liberation Front (FMLN) in 1991 after a bitter civil war. The Commission was given eight months to conduct its investigation and prepare a report outlining the extent of human rights violations that occurred during the twelve years of civil war. No Salvadorans were appointed to the Commission. It ultimately named 40 violators, all of whom were ultimately granted amnesty despite the fact that the peace agreement in El Salvador explicitly called for an “end to impunity.”

The Commission possessed no prosecutorial powers. It could only investigate and advise, but it could refer cases to the Attorney General. Its mandate authorized it to investigate only “serious acts of violence” and as a result it only examined 33 symbolic cases, although more than 22, 000 cases were brought to its attention. UN secretary General Boutros-Ghali appointed the commissioners in order to guarantee the Commission’s credibility. As a stipulation by all parties to the peace agreements, the Commission’s recommendations were formally binding on the government. It publicly named individuals identified as having committed serious crimes and recommended the dismissal of military officers or other public officials and prevented those implicated in the report from reassuming public office. Since the Truth Commission’s inception, the level of violence has decreased appreciably, and it does not appear that the Commission disrupted the fragile peace.

G. Ethiopia

In 1991, a new transitional government under



President Meles Zenawi came to power in Ethiopia following the overthrow of the repressive 27-year long rule of the Dergue regime led by Mengitsu Haile-Mariam. The Mengitsu regime’s rule had been marked by a record of serious human right abuses, including extensive arbitrary detention, torture, “disappearances,” and extrajudicial executions. In addition, the military committed substantial violations of international humanitarian law in connection with the country’s internal conflict, and the regime’s military and resettlement policies resulted in large numbers of famine-related deaths.

Upon coming to power, the transitional government announced its intention to bring to justice those officials of the former regime responsible for the human rights violations between 1974 and 1991. The government currently holds approximately 1,750 officials and soldiers of the former regime whom it intends to try on charges including genocide and crimes against humanity. The number of defendants detained for prosecution may grow even higher, although Human Rights Watch suggests that the large number of potential defendants and the legal system’s limited resources may force the government to consider plea bargaining or granting amnesty to some offenders.

The government intends to try the detainees in three phases: 1) policy and decision makers, senior government officials, and senior military commanders; 2) military and civilian field commanders; and 3) actual perpetrators of the atrocities. Among the first group of defendants is former President Mengitsu who, along with many other defendants, is being tried in absentia. Although the government had held many of the detainees since 1991, the lack of a functioning court system and of resources delayed trials of the

first group of defendants until December 1994, and the trials are likely to continue for several years. The charges brought against the first group include both international crimes under international instruments and as codified in Ethiopian law, and common crimes under Ethiopian law. Those convicted will be subject to imprisonment and, in most cases, the death penalty. The government has indicated its intention to seek the death penalty, particularly for those convicted of the most serious offenses.

The government has established a special prosecutor's office to carry out the prosecutions of former regime members. In addition, the office will also function as a quasi-truth commission insofar as its mandate includes the creation of a historical record of the former regime's human rights abuses.

The office is divided into four teams roughly corresponding to the main categories of crimes being prosecuted and, as of May 1994, it had a staff of 400, including 45 Ethiopian prosecutors and 8 foreign advisors. However, the office's relative lack of experience and resources have hampered and delayed the prosecution's work. The prosecution has made significant progress in training personnel and will benefit from the availability of substantial documentary, eyewitness, and other evidence of the former regime's activities.

In 1993, the government created a new independent court system, separated into national and regional systems. Like the prosecutor's office, a severe lack of resources has hindered the new judicial system's development, and it is too early to assess the new system's effectiveness, fairness, and independence. Many experienced judges fled the country during the Mengitsu regime, and many who remained are ineligible to serve due to their connections to the former regime, though the latter group may serve as a source defense counsel for defendants.

The government's prosecution of Mengitsu regime officials has been marked by a high degree of attention

and involvement by the international community. The prosecutor's office has received technical and personnel assistance from a number of governments and NGOs, and foreign assistance has also funded the provision of defense counsel. Foreign consultants have played an important role in assisting with the collection and computerized indexing of evidence and in advising on matters of international law and trial strategy. Trials are open to international observers and several NGOs are monitoring the proceedings.

While defendants enjoy the right to defense and appeal, human rights groups have criticized the government's handling of the prosecutions on a number of counts. NGOs have criticized the authorities for holding detainees without charge and accused them of violating the rights of defendants to communicate with their counsel on a confidential basis. Human Rights Watch has expressed concern that Ethiopian criminal procedure does not yet conform fully with international standards and that not all defendants will have access to adequate defense counsel, due in part to the public defender's office's lack of adequate resources. The organization has also raised concerns over the extent to which defendants will be given access to prosecution evidence. While it is too early to assess the fairness of the trials, Ethiopia's efforts to bring former regime officials to justice are unlikely to be fair and effective unless the international community is willing to devote greater resources to those efforts.

H. Hungary

The Communist Party assumed control in Hungary following the end of World War II. After a decade of friction between Moscow and would-be political reformers, a popular march in Budapest incited a revolution that eventually ousted the prime minister and returned a more liberal-minded leader to power. The reaction from Moscow was swift, as Soviet troops invaded Hungary and installed a more hard-line ruler, who quickly



purged the regime of reformers and reinstated widespread repressive measure. Individuals, including minors, who were suspected of participating in the revolution were tortured and executed in post-revolution purges. This repression ebbed and waned over the next decades until the late 1980s, when demands grew for political and economic reform and three reformist parties eventually formed a coalition government under a new constitution.

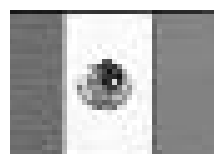
In 1991, the parliament passed a law (the so-called Zetenyi-Takacs law after its sponsors) restarting the expired statute of limitations for crimes committed in 1944-90. The law was particularly concerned with the more brutal crimes arising out of the abortive 1956 revolution that had not been for political reasons. The law engendered a divisive debate. Proponents were concerned that in a state of widespread immunity, victims were forced to live alongside their former tormentors. Opponents feared that the law would provoke a massive witch-hunt and destabilize the entire legal system. Conversely, proponents argued that the bill provided for the prosecutions of only the worst offenders and that lighter sentences than normal could be passed. Others argued that the law was in violation of the promises of immunity made by the opposition to the reformist Communists during the discussions preceding the peaceful transition. From a legal perspective, some jurists argued that the law was retroactive and as such violated the principle of *nullum crimen sine lege*. Others maintained that the statute for the crimes had effectively tolled, because prosecutions were impossible during the previous years, and that the revival of the statute of limitations was not a true retroactive law, because homicide was illegal in 1956 and thus the law did not create criminal liability for a new offense.

In 1992, nine of ten justices of the Constitutional Court found the law unconstitutional as an *ex post facto* law contrary to the “principle of the security of the Law,” which demands, among other things, the

protection of rights previously conferred and the noninterference with the creation or termination of legal relations. The Hungarian constitution prohibits punishment for “an action that at the time...it was committed was not a criminal offense under the Hungarian law.” From this the Court found that “it follows that the statute of limitations, too, must be determined in accordance with the law that was in effect at the time of the commission of the offense.” In other words, when the statute of limitations of the crime expires, so too does the criminal liability of the offender.

As a backdrop to the constitutional issues, the Court considered the dilemmas faced by the transitional regimes in knitting together the predecessor and present legal systems. In this endeavor, the Court explained that, “an evaluation of the State measures necessitated by the ‘change of system’ cannot be understood separate from the requirements of a State under the rule of law, as crystallized by the histories of constitutional democracies and also posited by the 1989 Hungarian constitutional revision.” As such, the transition must be premised on legal continuity, and a state under the rule of law cannot violate the rule of law even to respond to a “just demand.”

In October 1993, however, the same court upheld a revised version of the law which cast the 1956 acts as war crimes and crimes against humanity, for which there is no statute of limitations under international law. The new law was based upon three international treaties: the Geneva Conventions Relative to the Treatment of Prisoners of War and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. This version of the law survived constitutional scrutiny because the Constitution explicitly incorporated international law into the domestic system.



I. Mexico

In 1990, President Carlos Salinas de Gortiori established the National Human Rights

Commission (Comision Nacional de Derechos Humanos), which was later constitutionally elevated to the status of an autonomous, nongovernmental body. The same legislation empowered individual Mexican states to create their own human rights commissions. These state-level commissions, and their national predecessor, have been criticized for being largely ineffectual because they lack the power to prosecute violators and to compel government agencies to act on their recommendations. Thus far, criminal charges have been brought against only a fraction of the government employees investigated by the Commission.

On a practical level, the decentralization of the human rights apparatus has made it difficult to monitor ongoing investigations. For many, the Commissions are merely public relations vehicles designed to improve Mexico's image abroad; these skeptics consider it no coincidence that the commissions were formed about the time the negotiations surrounding NAFTA were being conducted. Other factors render the Commission's commitment to improving human rights in Mexico questionable: none of Mexico's human rights organizations was consulted during its formation and, upon its inception, it was located within the Interior Ministry, which is responsible for internal security. Human right abuses, such as disappearances, torture, unlawful detentions, extrajudicial killings, etc. have continued throughout the country since the establishment of the Commission. The result is what some have described as a culture of impunity, since violators of human rights continue to go unpunished while the rest of the world believes Mexico is cataloging past atrocities.

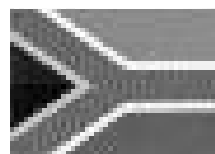


J. Rwanda

Before the outbreak of widespread genocide in 1994, Rwanda was already investigating human rights violations that occurred during the Rwanda civil war. The violence between the Hutu, the Tutsi and the Twa had been ongoing since independence

and eventually led to a cease-fire in July 1992. As part of the Arusha Peace Accords negotiated in late 1992, the government agreed to the establishment of a truth commission. Rwandan human rights organizations had pushed for such a commission in the past and subsequently asked four NGOs from the United States, Canada, France and Burkina Faso to establish the commission. This government-supported and NGO-led truth commission was the first of its kind. The commission's report was widely dispersed, and it was potent enough to convince Belgium and France to reevaluate their policies toward the Rwandan Government. The commission was considering whether to investigate the atrocities of the rebel force when its work was cut short by the death of President Juvenal Habyarimana and the eruption of the country into violence in April 1994.

The Security Council responded to the subsequent melee by creating another Commission of Experts, similar to the one charged with investigating human rights abuses in the former Yugoslavia. The Commission recommended the creation of another ad hoc international criminal tribunal. The Security Council followed this recommendation and established the Rwandan Tribunal under Chapter VII. In addition to eyewitness testimony, this tribunal has considered physical evidence to help establish genocidal intent. This physical evidence takes the form of lists of people to be executed, maps showing the location of the homes of people targeted for eradication, radio broadcasts inciting Hutus to kill Tutsis, and documents regarding how arms were to be distributed.



K. South Africa

South Africa's political transition to democratic rule has been accompanied by several attempts to document and apportion blame for human rights abuses committed by both past government forces and former opposition members—primary members of the African National Congress (ANC). Given the perception that the trade-offs between justice and



democracy in South Africa are particularly acute, the commissions' work has been very delicate. Documenting abuses has generally taken precedence over punishing those responsible for the atrocities. Since 1990, four separate commissions have been established to investigate human rights abuses within South Africa and in detention camps in neighboring countries. The first, established by President De Klerk, investigated both the government and opposition party abuses. The middle two, established by the ANC in 1992 and 1993 respectively, are the only examples of truth commissions established by nongovernmental entities. Legislation establishing a fourth commission, the Commission of Truth and Reconciliation, was introduced by President Mandela and passed by the legislature in mid-1995.

1. Goldstone Commission

In the face of increasing domestic violence and in accordance with the September 1991 National Peace Accord, President De Klerk appointed the Commission of Inquiry into Public Violence and Intimidation. This standing commission, commonly known as the Goldstone Commission, operated from October 1991 through October 1994. The Commission did not conduct its own investigations, but instead relied on reports from police or independent human rights groups. It received regular requests to investigate outbreaks of violence that threatened the ongoing political negotiations. Its reports uncovered numerous abuses, apportioned blame, and investigated sources of provocation while developing the Commission's reputation for evenhandedness. The violence, however, continued, and the Commission could only "begin to scratch the surface" of the abuses. The Commission continued its inquiries as international involvement deepened and it was able to help coordinate the UN observers who arrived in 1992. The U.N. Secretary General, after visiting in 1992, commended the Commission's work and recommended that its powers and resources be increased. The Secretary-General also proposed granting amnesty to all political offenders. The Goldstone commission supported this

suggestion as did the ruling National Party as they believed broad amnesty was necessary for the continuance of democratic reforms and to avoid aggravating internal conflicts. Subsequently De Klerk, in December 1992, enacted the Further Indemnity Act, which gave the President power to grant amnesty for all political actions. The ANC opposed this move as they believed it would be used primarily to the benefit of the former government security forces. At the same time, however, the ANC was beginning to acknowledge and address human rights abuses within its own ranks.

2. Skweyiya Commission

The ANC itself set up a truth commission in response to the complaints of 32 former detainees who formed the "Returned Exiles Committee" to publicize their claims of abuse. The Commission on Inquiry into Complaints by Former African National Congress Prisoners and Detainees, was officially established in early 1992. It is often referred to as the Skweyiya Commission after its Chair Adv. T.L. Skweyiya S.C. Three commissioners were named and given a mandate to investigate reports of torture and abuse in ANC camps in South Africa, Zambia, Angola, Tanzania and Uganda. The appointment of ANC members to two of the three commissioner positions was roundly criticized as creating bias within the commission. In addition, those accused of perpetrating the abuse also criticized the Commission for failing to allow sufficient opportunities for them to defend themselves. The report, when it was released in October, shocked the nation with its documentation of systematic abuses. The report was published and Nelson Mandela, as the current ANC President, accepted "ultimate responsibility" for the failure to monitor effectively and "eradicate [e] such abuses." His acceptance of responsibility, notwithstanding the fact that he was in jail and thus unable to control his supporters during most of the years in question, was designed to reduce pressure on the leadership to identify

individual perpetrators of the abuses. The report did not name the individuals responsible; nonetheless, its distribution was subsequently limited as the ANC questioned some of the commission's findings. Amnesty International reports, released shortly after the release of the Commission's report, disclosed further abuses not documented by the Skweyiya Commission and indicated that detainees might still be held in ANC camps. Amnesty International had also investigated killings in the camps, something the commission was not allowed to do under the terms of reference set by the ANC.

3. Motsuenyane Commission

In anticipation of the Amnesty International report and in response to the suggestions of the Skweyiya Commission, the ANC soon appointed a tribunal to investigate allegations of the original commission. The Commission of Inquiry into Certain Allegations of Cruelty and Human Rights Abuses Against ANC Prisoners and Detainees by ANC Members was thus created in early 1993. This commission, also known as the Motsuenyane Commission, held five weeks of public hearings in the summer of 1993. The proceedings were similar to formal court hearings. Counsel was present to represent both sides, and the accused were given the opportunity to confront and question their accusers. The Commission attempted to both uncover additional information and implement disciplinary proceedings. This combination, in practice, proved awkward. The final report submitted in August 1993 concentrated on descriptions of the cases brought before it, but also described specific events, the types and prevalence of abuses, and looked at structural causes and patterns of such abuse.

4. Commission of Truth and Reconciliation

Despite these various investigations, both the ANC and the National Party continued to call for a formal governmental commission to address past human rights abuses. The Inkatha Freedom Party, the white right-wing Freedom Front and the security forces

stridently opposed any such move. Nonetheless, President Mandela introduced legislation that was passed in mid-1995 establishing the Commission of Truth and Reconciliation. The Commission will be composed of three committees:

- 1) a panel to consider applications for amnesty for individuals who confess previous human rights abuses;
- 2) an investigatory commission with powers of subpoena, search and seizure; and
- 3) a commission to investigate possible payments of reparations by the state to certain categories of victims.

The Commission has broad powers to terminate judicial proceedings and to grant amnesty to those who come forward, admit and apologize for wrongdoings. The first committee with the power to grant amnesty has been the focus of most of the debate surrounding the establishment of the Commission. The committee was established, in part, because of the discovery in January 1995 that De Klerk, shortly before the election that brought Mandela to power, used the 1992 Further Indemnity Act to grant immunity to 3500 police officers and former ministers. Mandela has declared that these amnesties will not be recognized, however, that perpetrators will not necessarily have to face trial if they confess and explain their actions.

The government appears to be taking steps to force those responsible for the atrocities to choose between coming clean before the panel and facing formal prosecution. An example of this is the decision by the KwaZulu-Natal Attorney General to prosecute former Minister of Defense Mangus Malan. Malan, like all other political actors, is eligible for indemnity from the truth commission. However, an application for indemnity would necessarily involve a confession of past actions which he continues to deny. The action against him is seen as an attempt to encourage other offenders to choose the lesser of two evils, face the truth commissions and acknowledge their involvement in past atrocities.

The credibility of the Commission will be further

tested when the temporary indemnities granted to many ANC members in 1990 are reviewed. Some South Africans fear that the Commission will be biased toward ANC members and their confessions will not receive the same exhaustive review as those of the members of the security forces. Traces of any such bias would taint the Commission and weaken its credibility.



L. Uruguay

Uruguay’s new government took an exceedingly cautious approach to prosecuting violators of human rights from the previous regime. Before the hearings on over 180 military officers had commenced, President Julio Sanguinetti proposed a sweeping amnesty law that abrogated all official recognition and disclosure that such abuses had even occurred. The law was ultimately upheld by a citizen plebiscite contesting the grants of amnesty. The government-sponsored truth commission, the Investigative Commission on the Situation of “Disappeared” People and its Causes, was criticized for concentrating on disappearances, despite the fact that disappearances were less a part of Uruguay’s repressive methodology than were torture or arbitrary detention. Moreover, few in Uruguay even knew of the Commission’s existence.

M. Yugoslavia

In 1992, the Security Council established a Commission of Experts to investigate allegations of breaches of the Genocide Convention and international humanitarian law in the former Yugoslavia. The Commission found numerous violations of international law, including: (1) mass murders, torture, rape, sexual and other physical assault associated with a policy of “ethnic cleansing”; (2) arbitrary arrest, confinement, and mistreatment of civilian prisoners and POWs; (3) forcible deportation of civilian populations; (4) attacks on hospitals; and (5) destruction and expropriation of

property. In response to the Commission’s findings, the Security Council established, under Chapter VII of the U.N Charter, an international tribunal responsible for prosecuting violations of international humanitarian law in the former Yugoslavia since 1991.

After the Nuremberg and Tokyo trials, the Yugoslav War Crimes Tribunal is the first modern international criminal tribunal. The tribunal’s organizational structure and rules of procedure were developed by a team of judges from various countries in consultation with United Nations members and international NGOs; thus it has been called “an organ of the whole international community.” The substantive law of the tribunal is based upon “rules of international humanitarian law that are beyond doubt a part of customary law so that the problem of adherence of some but not all States to specific conventions does not arise.” Specifically, the tribunal draws upon the following authorities: (1) the Geneva Conventions; (2) the Hague Conventions; (3) the Genocide Convention; and (4) the Charter of the International Military Tribunal. The Tribunal is empowered to try individuals accused of grave breaches of the Geneva Conventions, genocide, violations of the laws and customs of war, and crimes against humanity.

The creation of the Yugoslav War Crimes Tribunal presented the international community with a unique opportunity to cooperate in developing rules of procedure and evidence. The implementing statute of the Tribunal established a panel of eleven judges, divided into a permanent Appeals Chamber of five judges, and two permanent Trial Chambers of three judges each. It also provided for a Chief Prosecutor with broad-ranging powers to initiate investigations, collect evidence, file indictments, and conduct prosecutions at trial. The panel’s investigation includes the gathering of evidence through interviews of refugees and other witnesses, and through forensic analysis of exhumations of mass graves.

The Tribunal adopted rules of procedure that



attempted to take into account the nature of the ongoing conflict in Yugoslavia at the time: constant clashes between the warring factions, ethnic cleansing, sexual assault, and the recognition that people may decline to testify out of fear of retaliation. The members of the Tribunal therefore determined that:

1. Plea bargaining, which is allowed in common law but not civil law, will not be explicitly permitted. However, an individual’s sentence may be commuted in exchange for cooperation with the Tribunal’s proceedings.

2. No trials in absentia will be permitted, although the Tribunal may consider an indictment and supporting evidence in the case of an absent defendant.

During the first year of its existence, the Tribunal was largely ineffectual, plagued by a chronic shortage of funds and a lack of political will on the part of U.N. member states to assist the prosecutors. The real work of the Tribunal began in July 1994 with the appointment of Richard Goldstone, a Supreme Court Justice from South Africa, as Chief Prosecutor. Goldstone quickly launched aggressive investigations of both Serbs and Croats suspected of genocide, torture, and other war crimes. To date, 46 Serbs, 3 Bosnian Muslims and 8 Croats have been indicted, including the leaders of the Bosnian Serbs, Radovan Karadzic and Gen. Ratko Mladic. However, only two individuals are currently in the Tribunal’s custody.

One unique characteristic of the Yugoslav War Crimes Tribunal has been its endeavor to prosecute individuals for human rights violations in the midst of ongoing conflict. As a result, the work of the Tribunal and Security Council support of it, have been complicated by a host of political considerations; and the Tribunal itself has often been accused of “playing politics” in its decisions regarding indictment and investigation. From its inception, the Tribunal was the object of criticism by some Security Council members, who feared that its work would jeopardize efforts to negotiate and maintain a peace settlement.

The work of the Tribunal figured prominently in the peace talks convened in Dayton, Ohio, in November 1995, when Goldstone urged the U.S. to make the surrender to the Tribunal of indicted suspects a condition to any U.S.-brokered peace agreement. Instead, the peace agreement bars indicted persons from holding office in any government within the former Yugoslavia, and requires only that all parties “cooperate” with the Tribunal. It remains unclear whether the Europeans and the U.S. will pressure the parties to extradite war criminals still at large within their respective territories. A further problem is that those currently under indictment, if extradited and brought to trial, could implicate Serbian president Slobodan Milosevic and Croatian President Franjo Tudjman, whose cooperation is crucial in implementing the Dayton accords and maintaining peace in the region. Nevertheless, the Tribunal has the continued support of the Security Council, and the work of the Tribunal is expected to go forward for the foreseeable future.

Elizabeth van Schaack is Co-editor of a Teaching Manual for the Cambodia Genocide Justice Project at Yale University.

Khmer Rouge Slogans

- ◆ Combat enemy movements and stir up the masses to stand up to conquer our enemies and master our territory. (*Excerpts from notebook 200 KNH*)
- ◆ Unconditionally and highly self-consciously respect the disciplinary organization of the Kampuchean Communist Youth League. (*Excerpts from notebook 26KNH*)
- ◆ Be committed to strengthen and extend stance of absolute struggle in the current and future revolutionary phase. (*Notebook Yus So*)
- ◆ Every individual, unit, and the whole country has to model upon the highly revolutionary heroism of battlefield. (*Notebook 076 KNH*)



The Constitutions Of Cambodia: Ambitions, Continuities, And Ruptures

Raoul Marc Jennar

The current Cambodian constitutional law is 50 years old. The first draft was written in 1946 by a Franco-Khmer commission, then adapted and adopted by King Norodom Sihanouk. By a royal proclamation of 13 April 1946, the monarch expressed his intention, before deciding on the definitive text, to consult with an elected assembly. The assembly was born from the first-ever authentically democratic elections organized in the country on 1 September 1946.

The elections saw the triumph of the Democratic Party, which, with its absolute majority, refused the consultative role which the King had intended for the new assembly. The latter, like the States General of 1789, proclaimed itself the constituent assembly, refusing to take the constitution submitted for its approval as the basis for discussion. As J. Larché notes, the elected representatives intended “to act really as a matter of fact as veritably as the constitutional deputies.” From that will and the accommodations the constituents accepted in order to avoid conflict with the King, the Constitution of 16 May 1947, the constitutional foundation of contemporary Cambodia, was born.

Fifty years. It is very short as regards Cambodian history, of which the first known Khmer inscription goes back to 604: 1,343 years before the granting of the Constitution of the State, which H. M. Norodom Sihanouk today calls “the first Kingdom of Cambodia.” For more than fifteen centuries, the Khmer Kingdom had been governed by fundamental laws that were neither promulgated nor, most often, put into writing. But as Jean Imbert emphasizes, “they exist nonetheless with certainty.” However, five decades are sufficient to cast an overview on the whole series of texts, and to measure at the same time the ambitions, continuities

and ruptures they turn up. Before engaging in that exercise, it is proper, however, to verify the significance of the text and, hence, study the perception the Cambodians have on the constitutional text.

Acknowledging that the study of a constitution does not exhaust the materials related to constitutional law, we wish the reader to be so kind as to accept that the limits of present communication prevent us from going beyond the examination of the constitutions themselves.

As Claude-Gilles Gour writes in his remarkable book dedicated to the constitutional and political institutions of Cambodia, “a constitutional law never represents only the responses given by the positive law of a country to general problems of not only technical, but also sociological or political order.” That assertion raises the question of the reality of a Cambodian positive law, which directly leads us to question the nature of the relations of the Cambodians who hold power.

In the presence of a people—and more particularly, a political class in this representative case—which offers the spectacle of a nearly natural incapacity, or if one prefers, a nearly systematic refusal to submit themselves to the commonly accepted rules, one can only doubt the effectiveness of a positive law. Unlike today—except perhaps during the short-lived Lon Nol Republic—Cambodia has offered during its contemporary history an illustration of the denial of law. Without a doubt, it is proper to add that the country is confronted with the Herculean task of reconstruction in the most devastating context of economic liberalism, with an extreme shortage of qualified people, and in a context that remains profoundly marked by the greatest tragedies a people could suffer.

Article 131 of the 1993 Constitution recalls the juridical value of the constitutional text and confirms the principle of the hierarchy of norms, which is one of the foundations of the rule of law (*l'état de droit*). It indicates that: "The Constitution is the supreme law of Cambodia. All the laws and decisions of the organs of the State must be consistent with the Constitution."

The notion of "fundamental law," born from wisdom, seems very strange to the Cambodian constitutional tradition. In Cambodia, the Constitution is not a text equipped with a particular value that is categorically imperative to all and that is modified only at the expense of very dissuasive procedures. And yet the idea of "fundamental law" is to be found inscribed in the seven successive Constitutions in force since 1953 and implicitly in the Constitution of Democratic Kampuchea. That certified report furnishes the first indication of the gap between the legal norms and effective practice.

The constitutional prescription is not considered as a constraint here. On the contrary, it is perceived as a potentiality, an ideal which we try hard to ally ourselves with and which we are devoted to realize if need be. There is a very pragmatic approach to the provisions of the Constitution, which is totally different from the authority conferred upon similar documents in a number of Western democracies.

In 1965, Professor Gour formulated the same observation about the 1947 Constitution and its successive revisions. His observations have not been contradicted by the country's constitutional history. Today they are still quite relevant. "The Cambodian Constitution," he wrote, "is not a fixed, unchanged framework which imposes its juridical imperatives on a political life in perpetual evolution... It is a very stable, general framework that modifies and adapts itself in detail to the demands of reality. The very simple and rapid procedures of revision allow the Constitution to never become a brake capable of leading toward a legal impasse, but on the contrary, to follow

very closely the transformations of political life - and sometimes to facilitate them by going ahead of them —and draw on the lessons of certain failures and to multiply experiences."

This pragmatic manner of reading the Constitution is no stranger to a very weak sense of the idea of general interest. The notion of public goods owned jointly by each citizen is completely absent. Therefore, we will not be surprised by the near non-existence of a distinction between the public and private spheres. Indeed, we observe in the minds of those who assure the functioning of institutions, confusion between common property and private interests. That confusion weakens the notion of an impartial state, or perhaps destroys that notion. The concept of public power is confused with the authority of the persons who assure the actual functioning of those powers.

Surely, here as elsewhere, the Constitution consecrates and organizes the State, determines its divisions and structures, gives precision to the way power is exercised, and fixes the rules that will permit the selection of persons who will be entrusted with power. But in Cambodia, more than in other countries, we observe a series of gaps between interpretation and application, which give free rein to practices that are more in conformity with traditions, but quite far from the great fundamental principles of the rule of law.

Those practices, qualified earlier as tendencies, must be clearly identified if we want to understand something of the life of this country, and to avoid repeating the mistakes committed by the authors of the 1991 Paris Agreements and battalions of UNTAC lawyers arriving here with a constitutional show imported from the West in order to provide to the "aborigines" the juridical version of Nirvana. In constitutional law as in other things, dogmatism of thought is as dangerous as being lax in principles.

In Cambodian constitutional practice, what transcends the texts and the regimes they identify is first and foremost the patron-client nature of social



relations. In the absence of a legal framework, the Cambodian people, for centuries, have sought protection and promotion through relational networks within a given institutional system. That search progressively transforms itself into a system that possesses its own codes and rules, which are not written but are profoundly inscribed in actions. Nepotism, favoritism and misappropriation of public funds follow directly from this system. Nowadays if the protection of a party, a clan, a family, or a man is more important than respect for the law, it is the result of centuries in which the system has been deeply rooted in the Cambodian mentality. No attempt has been made under national authority, colonial power, or the Cambodian State to substitute this system with the equality of citizens before the law, otherwise called “the rule of law.” The patron-client relation has been maintained since 1953 through all regimes, including that of the Khmer Rouge. That relation still weighs so heavily that it has become an obstacle to social and political integration, and slows down the establishment of a modern state.

Another observable permanence in the social behaviors of the Cambodians is a relation to the government that responds to what is the subject of the politic. We are in the presence of a major cultural phenomenon, which is imperative to take into consideration in order to understand, with the least risk of mistake, the Cambodian realities. Cambodia belongs to the tradition of the Theravada Buddhist States of Southeast Asia. That cultural world is as foreign to Western legal values, issued from Roman law, as from the Chinese administrative habits of the Mandarin tradition. The “Srok Khmer,” the Khmer country, has seen the spreading of that fundamental conception, issued from Theravada Buddhism, that the supreme chief, the king, is a just man, benefactor of his people and source of moral law. He incarnates the harmony between nature and the world. All political and social life is thus articulated around the monarch, his court, pretenders to the throne, and the

Sangha, which confers legitimacy on them. It is from that center that the patron-client networks are organized, and that use, to different degrees, family bonds, and that nourish factional struggles and individual confrontations. The most egoist interest is the rule of action.

Lastly, the third permanent characteristic of Cambodian society is that we are not in the presence of a society of writing. An agreement done verbally in customary forms is more constraining than an accord defining in writing the obligations of the parties. Those oral and customary traditions give rise to the notion of contract with different values from those in a society with a written tradition, where the idea of rules is applied to the parties, rules that are negotiable and amendable via common agreement. That tradition results in the written codification of the rules that inscribe themselves in time with the force of permanence. It does not favor the emergence of the notion of the law that there is a written contract between the State and its citizens.

Warned thus of the specific real weight of the Cambodian constitutional prescription, it is proper now to identify the ambitions and particularities, the continuities and ruptures, which characterize each of the seven Constitutions that the successive regimes had.

Let’s recall that the first Constitution was granted before independence, in 1947, within the framework of what was then the French Union. That Constitution marked the passing from an absolute monarchy of divine right, clearly identified as such by the Kram No 9 of 17 March 1945, to a constitutional monarchy. The reforms introduced in 1956 consecrated a new change, as they put into place a system that confines national representation in the framework of a unique party, and confers important powers to the Head of State in such a way that it was no longer possible to recognize in the 1956 Constitution the proper characteristics of a

constitutional monarchy. An original system, *sui generis*, replaced it. The 1972 Constitution ratified the changes made on 18 March 1970 and proposed a republican model, which the military dictatorship of Marshal Lon Nol never implemented. Next, as a result of the collapse of that regime on 17 April 1975, the national-Maoist regime of the Khmer Rouge and its Constitution of 1976, was succeeded by a classical system called “people’s democracy,” successively incarnated by the People’s Republic of Kampuchea (Constitution of 1981), then by the State of Cambodia (Constitution of 1989). Lastly, by virtue of the Agreements signed in Paris on 23 October 1991 and the deliberations of the Constituent Assembly elected in June 1993, a Constitution was promulgated on 24 September 1993, and gave birth to what H. M. Norodom Sihanouk calls “the second Kingdom of Cambodia,” that is, again, a constitutional monarchy.

A. AMBITIONS AND PARTICULARITIES

Let’s consider first the main features, the main ambitions of each of those constitutions.

The Constitution of 1947

The Constitution of 1947 proceeds from the French will to democratize institutions within the framework of the softened colonial system, as stipulated in paragraphs 16 to 18 of the Preamble of the Constitution of the 4th French Republic.

“16. France forms with the overseas peoples a Union founded on the equality of rights and obligations, without distinction of race or religion.

17. The French Union is composed of nations and peoples, who put into the common good or coordinate their resources and their efforts to develop their respective civilizations, increase their well-being and ensure their security.

18. True to its traditional mission, France intends to lead the peoples under its charge to liberty in administering themselves and to manage democratically their own affairs; discarding any system of colonization founded on the arbitrary; it ensures to all the equal

access to public functions and the individual or collective exercise of rights and freedoms proclaimed or confirmed above.”

The French Constitution of 1946 was the principal source of inspiration for the authors of the draft that will be submitted, after modifications brought about by the King, to the National Assembly.

Desired by the King, that Constitution was actually the work of the Assembly elected in 1946. It reflects the ambition to establish a constitutional monarchy within the framework of a parliamentary democracy. It introduced what I have called, elsewhere, “the first democratization of Cambodia.”

The Constitution of 1947 reproduced the classical elements of a parliamentary system: bicameralism (incomplete: the National Assembly elected by universal suffrage having the primacy over the Council of the Kingdom), ministerial countersignature for all royal acts, and a government responsible before the Assembly.

Under the cover of ministerial countersignature, the King, who had power of initiative in the legislative field, nominated the President of the Council of Ministers and presided over the latter. He nominated the magistrates, conferred civilian and military grades, designated Ambassadors, and nominated two members of the Council of the Kingdom and two members of the High Council of Magistracy. One would find oneself in the classical outline of a constitutional monarchy if, as a result of compromise made with the King, an Article 21 would not state that “all the powers emanate from the King; they are exercised in the manner established by the present Constitution.” By virtue of that, the Constitution was “granted” by the King. Those provisions put into perspective the notion of ministerial countersignature and of the constitutional monarch: “the Constitution that limits in principle the powers of the King isn’t itself a free grant of the latter,” as C-G. Gour notes. It is all the more so, because as nowhere else, it is stated that the national sovereignty emanates from the people. As Philippe Preschez observes, “a



fundamental distinction is thus posed between the essence of all the power that is recognized to the King and the exercise of those powers, which can as a matter of fact be attributed to other personalities or other constitutional bodies.” The ambiguity created by the first paragraph of Article 21 and confirmed by the principle of granting of the Constitution is going to unavoidably lead to the crisis between the Assembly and the Sovereign.

I do not think it exaggerated that the Constitution of 1947 is a matrix of Cambodian constitutionalism. In the institutional upheavals that took place afterward, institutions transcended the regimes. For example, the Council of Ministers. That formula, which is characteristic of systems within which the President of the Council would only be a *primus inter pares*, a “chairman” as the Anglo-Saxons put it, is preferred to the notion of “government” led by a “prime minister” whose personality, too strong, would hamper both the Head of State and the Assembly. Another institution that survived for a time in the Cambodian constitutionalism is bicameralism; there are indeed many analogies between the Council of the Kingdom of 1947, that of 1956, and the Senate of 1972. However, that bicameralism did not survive in 1975, even though there were efforts to reintroduce it in 1993.

The Constitution of 1956

After the Democratic Party had won three times more votes than needed for an absolute majority, the crisis between the Assembly and the King exploded. On 18 September 1949, the latter dissolved the Assembly and postponed the elections set for November. He nominated a government responsible to himself alone. After 23 months of freezing the parliamentary institution, the elections of 9 September 1951 gave, for the fourth time, the absolute majority to the Democratic Party. On 15 June 1952, the King dismissed the democratic government and took full powers for a period of three years.

On 13 January 1953, after the National Assembly

had refused the special powers he asked for, he proclaimed the nation in danger and dissolved the Parliament. The Constitution was *de facto* suspended. He embarked upon his “crusade” for independence, which he obtained, by avoiding war and partition, on 9 November 1953. On 7 February 1954, he submitted the actions he had carried out since 1952 to a referendum, and obtained the support of 99.8% of the voters. On 19 February, he presented a vast plan of constitutional reforms, which was rejected by the Democratic Party. On 3 March, the King abdicated and founded, twenty days later, the “Sangkum Reastr Niyum,” the people’s socialist community that introduced itself as “a national gathering largely founded on fidelity to the national leader, the son of the King and former King himself.” The Sangkum won all of the seats at the elections of 11 September. On 14 January 1954, a set of constitutional reforms was promulgated that was so important that one could talk about a new Constitution.

That Constitution has one hundred and twenty-two articles in twelve chapters. The listing of modifications brought about indicates the extent of the changes made:

1. Harmonization of the text as a whole to the new reality created by the independence of the country;
2. Granting of the right to vote to women;
3. Creation of Assemblies elected by universal suffrage in each province as well as in the capital city;
4. Increase of legislative attributions of the Council of the Kingdom.

Later on, other reforms took place that completed the transformation of the constitutional fabric of 1947:

1. The constitutionalization of the national Congress introducing an element of direct democracy (1958);
2. The creation of the institution of Head of State (1960);
3. The creation of a people’s tribunal (1964).

If the reforms brought about in the 1947 text contributed to the realization of one of the major themes of the Sangkum—the direct participation of

elections with universal suffrage of the president and the parliamentary assemblies.

The Constitution established a presidential regime: the president was elected by universal suffrage, and the government nominated by the president was responsible only to him. The powers of the prime minister were thus limited.

The president nominated ambassadors, the members of the State Council, the governors of the provinces, the general officers, the deans of the University, the directors of the central administrations, and the members of the Council of the Armed Forces. He was the Supreme Commander of the Armed Forces.

The Parliament was formed by the Senate and National Assembly. The latter had the power to express its no confidence toward one or many members of the government. That bicameralism gave pre-eminence to the National Assembly.

The great originality of the 1972 text was the construction of a judiciary power that was remarkably independent. A short-lived construction, it was a testimony of the will its writers had to differentiate this constitution from the previous system. The status of the magistrates, the composition of the Supreme Court and of the High Council of Magistracy, and the conditions of the nomination of their members conferred upon the judiciary power and independence one would like to find in the operative paragraphs of the constitution adopted in 1993. Credit should be also given to the authorities of the time: all the by-laws for the implementation of the constitutional provisions related to judicial power were adopted during the five months following the promulgation of the Constitution.

New specialized institutions were created in order to reinforce the separation of powers and to allow the implementation of the fundamental rights recognized for citizens: a Constitutional Court, High Court of Justice, State Council, Chamber of Audit, National Council of Education and Culture, and Economic and Social Council.

Some provisions of that Constitution were implemented for the election of the president, National Assembly and Senate.

The unfolding of military events did not allow that Constitution to undergo the test of practice. As an expression of the will of the country's small minority of intellectuals and social elites, the 1972 Constitution seems advanced for its time. It thus expressed an ambition less compatible with the capacity and will of the immense majority to accept the exigencies of rule of law. This, in a way, confirms why it was shelved eleven months after its promulgation.

The Constitution of 1976

A few weeks after the taking of Phnom Penh, a kind of national congress gathered, from 25 to 27 April 1975, in the former sports center. On that occasion, a constitutional committee was created to write a draft of the Constitution. That draft was approved by the Council of Ministers and later by a gathering of 700 cadres who were assembled for six weeks at the Olympic Stadium in November-December 1975. The text was promulgated on 5 January 1976 and presented on the radio by Hu Nim, Minister of Information and Propaganda. A commentary by Khieu Samphan was broadcast the next day. Such was the formal genesis of that text presented by Khieu Samphan as "the path cleared by the still-fresh blood of the workers, the peasants, the Revolutionary Army and the people of Kampuchea."

Let us note what is not found in that text. As surprising as it seems, one does not find the words "Khmer," "socialism," "communism," "Marxism," or "party" in that document. As for the absence of the word "Khmer," it is all the more surprising as the theme of the "Khmer race" was becoming more and more frequent in the speeches and writings of the Khmer Rouge. A former party cadre told me that in the early days of Democratic Kampuchea, the use of the word for the ultra-nationalistic ends of the Lon Nol regime was still in the minds of all. As for the

absence of other words, David Chandler explains it by the wish to create a kind of ideological distance between Democratic Kampuchea and its more classical revolutionary neighbors. That explanation is not contradictory with the one that has my favor: the concern to dissimulate the true identity of the political force hidden behind what was known as Angkar. It was not until 30 September 1977 that Pol Pot revealed that Angkar was nothing other than the Communist Party.

The Constitution had a preamble and twenty-one articles in sixteen chapters.

The preamble recalled the dominant role played in the victory by “the workers, the poor peasants, the lower level of the middle-class of peasants and other strata of workers of the countryside and of cities who compose more than 95% of the nation as well as by the three categories of the revolutionary army of Kampuchea.” The architects of the victory aspired to a society “without rich or poor, without an exploiting class or an exploited class.” The identification of those actors of the victory give an indication of their refusal to consider the whole social body as the entire nation. Right away, one part of the population was ignored. No reference whatsoever is made to traditional social groups: the family, the religious communities, or ethnic minorities. Immediately, an egalitarian vision of the new power was proclaimed.

The first Chapter/Article provides the name of the new State and indicates that it is the workers, peasants and other workers who are the owners of that State.

The second Chapter/Article states, in its first paragraph, that the means of production are the property of the people’s State. A second paragraph indicates that the properties for daily use remain at the disposal of each.

David Chandler has noted a strong semantic difference between the emphasized words in the two first Chapters/Articles that signify “to possess.” The Khmer term used is stronger and designates at Article

2/1 the State as the owner, rather than workers, peasants and laborers (Article 1), of personal property (Article 2/2).

No definition is given for the understanding of “properties for daily use.” One can only infer that it is not the means of production. What about properties (such as the homes, vegetable gardens, orchards, and family mementos) that are neither for daily use nor the means of production? The Constitution does not recognize their existence.

The third Chapter/Article deals with culture, which must be “national, popular, progressive and sound” [not harmful] in opposition to the “depraved and reactionary culture of various exploiting classes, of colonialism and imperialism” that must be absolutely fought against. That combat implies the refusal of not only of foreign languages, French and English, but also of ideas contrary to the revolution: individual property, individual rights, and personal dignity.

The fourth Chapter/Article confirms the integral collectivism.

The three articles of Chapter V deal with legislative power. An Assembly of the representatives of the people of Kampuchea, elected every five years, comprised 150 representatives of the peasants, 50 representatives of the workers and 50 representatives of the army. That assembly decided on internal and external policies. The election of that assembly, in March 1976, was limited to the confirmation by the voters of a choice made beforehand by the Angkar. It seems that the assembly, formally vested with huge power by the Constitution, met only once, from 11 to 13 April 1976. It was presided over by Nuon Chea, number two in the political hierarchy. Called upon, by virtue of the Constitution, to nominate the government, the people’s judges, and the Presidium of the State, the Assembly has never exercised its mandates.

The two articles of Chapter VI deal with the executive body, which was “entrusted with implementing the laws and political lines of the Assembly,” and was

nominated by and responsible to the Assembly. The practice, however, was totally different, with the executive body being only the executive agent of the leadership of the Cambodian Communist Party.

Chapter VII devotes two articles to justice, a State justice intended to protect the State in power. This was accomplished by “people’s courts,” which “punish any activity against the people’s State,” that is, “the hostile activities that threaten the State,” with the latter being punished “in the most severe manner,” others being the subject of “constructive re-education.” The judges were nominated by the Assembly.

Article 11 of Chapter VIII deals with the leadership of the State: a Presidium composed of a President and two Vice-Presidents, nominated by the Assembly for a period of five years. The function of that Presidium was exclusively one of representation.

Chapter IX describes in three articles the rights and obligations of the citizen: the right to “a material, spiritual and cultural life in constant improvement,” to “the means of existence” and the disposal of their factories by the workers and of their lands by the peasants. The text indicates their “masters,” and as David Chandler has noted, the term used indicates that they are not their owners. That provision should be seen in its historical context if one wants to understand the intention, which was to put an end to the crushing rights of the landlords, usurers and merchants. One also knows that actually the new master, imposing itself upon everybody and that is not mentioned anywhere in the Constitution, is indeed the party. The right to work and the non-existence of the jobless are also proclaimed. But it should be understood that the last provision is more an interdiction of inactivity than a right to work. This is the same for the absolute equality of all citizens, of women and men, equality that means first identical submission of all to the revolution. A double interdiction is added to these rights, that of polygamy and polyandry.

Article 15 of Chapter X indicates that Phnom

Penh remains the capital city. Article 16 of Chapter XI describes the national flag whose central drawing in yellow on a red background—a temple with three towers—evokes Angkor Wat temple which, in the Constitution, “symbolizes the national tradition.” This tradition must be understood as a reference to the general mobilization of the entire population to achieve such great projects. One will notice that that flag is hardly different from that of the communist wing of the Khmer Issaraks, who were fighting against the French presence at the end of the 1940s and beginning of the 1950s. Except for one point: the temple has three towers instead of five.

Article 17 of Chapter XII describes the national coat of arms: canals symbolizing modern agriculture, a factory, and the whole encircled by two paddy bundles and the name of the country. The coat of arms is much simpler than the previous ones, but does not make any reference to Buddhism.

Article 18 of Chapter XIII indicates that the national anthem is a song glorifying the victory of 17 April 1975, an event more glorious than the Angkor period, according to the text. It is actually a military song to the glory of the army more than that of the country.

Article 19 of Chapter XIV is dedicated to the revolutionary Army composed of regular, provincial and guerrilla forces. Formed by the sons and daughters of the groups identified in Article 1, the revolutionary Army ensures the defense of the State’s power and participation in the country’s development. This suggests that it is the major instrument for the exercise of power.

Article 20 of Chapter XV indicates the right to believe in a religion and especially that of “not having any belief or any religion.” The latter was presented by Khieu Samphan in his radio broadcast as considerable progress, as the introduction of a “new liberty.” Any reference to Buddhism is absent, which is in strong contrast to the other Constitutions.

The last Article, the 21st, is much longer. It is

entirely devoted to external policy. It recalls the will to sovereignty, territorial integrity, neutrality and non-alignment already mentioned in Article 1 to qualify the State and in Article 19 to indicate the power the army has to defend. It opposes, in much detail, all forms of interference including “humanitarian” ones. It proclaimed its belonging to the family of non-aligned countries and its solidarity with countries in their struggle against imperialism. The importance given to foreign policy—the length of the Article is double that of any other article, that dedicated to the army—is an indication of the priority given to sending a political message to the outside world.

A few remarks:

1. The model of the integral, collectivist society is clearly announced: egalitarianism at the service of the State is emphasized in many Articles (2, 4, 13, 14, 19).

2. That text proclaims a radical rupture with the past. All that constituted the Cambodian tradition: the family, religion, the Court, the high administration, the social hierarchy are absent, if not denounced.

3. The assembly, the government, the people’s courts and the army are the only institutions mentioned in that Constitution.

To bring to an end that Democratic Kampuchea Constitution, let’s keep in mind its little importance. Most of its provisions, which are not numerous, were never implemented. For leaders who were convinced that power does not emanate from the people, nor from a document, but from force, that text is only an ornament meant to make people believe in the existence of a State in the classical sense of the word.

The Constitution of 1981

Upon its founding on 2 December 1978 in the district of Snuol, the National United Front for the Salvation of Kampuchea presented an eleven-point programme, which contains a commitment to elaborate “a new Constitution guaranteeing the rights to equality, true freedom and democracy.”

Mr. Ros Samay, one of the members of the People’s

Revolutionary Council of Kampuchea (the government structure that provided leadership for the country during the early times of the People’s Republic of Kampuchea), was in charge of drafting the first text. If we refer to the works of Roger Kershaw and Michael Vickery, other texts were prepared by different working groups between 1979 and 1987. The preparation of the Constitution gave rise to intensive discussions within the party and government. A congress of cadres discussed it for three days in February 1981, and a new version of the text was presented to ten thousand people gathered at the Olympic stadium on 10 March 1981.

On 1 May, the elections took place. The number of candidates (148) was more than the 117 seats to be filled. Among those candidates figured personalities with no communist past, and sometimes, no political past. When the Assembly convened on 24 June, it began discussions of the draft Constitution. Many amendments were introduced. The text was adopted on 27 June.

The Constitution has a preamble and ninety-three Articles in ten Chapters.

The first Chapter describes a political system “which advances progressively towards socialism” (Article 1). The power belongs to the people, who exercise it through the National Assembly and different organs of the State (Article 2). The leading role of the People’s Revolutionary Party of Kampuchea (PRPK) is affirmed in Article 4. Equality among all citizens of all ethnicities is proclaimed. Ethnic, cultural and linguistic differences and traditions are protected and even developed. Any act of discrimination is prohibited (Article 5). Religious liberty is proclaimed, but religion cannot be used to call into question the established order (Article 6). Equality between the sexes, the right to a family, and monogamy are established. Forced marriages are forbidden (Article 7). Parents have the obligation to educate their children and make them good citizens; while children must take care of their parents (Article 8). Each citizen has the obligation to



defend the country and the armed forces must merit the respect of the people (Article 9). The PRK practiced a foreign policy centered on “independence, peace and non-alignment.” It reinforced “its ties of solidarity, friendship and cooperation with Vietnam, Laos, the Soviet Union and other brotherly socialist countries” (Article 10).

While putting into place the communist system and its international links, Chapter I restored certain traditional elements of Cambodian society: the peaceful coexistence of the nation’s ethnic groups, the family, and in particular, parent-child relations and religious practice, even though the dominance of Buddhism was not formally reestablished.

Chapter II deals with the economy, culture, education and health. After affirming State controls on the national economy (Article 11), the Constitution differentiates three sectors: State economy, collective economy and family economy (Article 12). The national public sector comprises agriculture, industry that is useful to agriculture, the production of goods for consumption, commerce, communications and transportation (Article 13). The State is the owner of the lands, forests, seas, rivers, lakes, natural resources, economic and cultural centers, military bases and public buildings (Article 14). The State provides to each citizen land for his/her habitation and domestic cultivation; that concession is hereditary (Article 15). In addition to this land, which is in a way private, and the land provided for each family by the solidarity group (the famous Krom Samaki, whose production belongs to that group), each family can receive from the State according to its needs, another parcel that it keeps in production (Article 16). The acquiring or selling of lands for share cropping purposes is prohibited. The exploitation of land is subjected to authorization (Article 17). The private ownership of revenues obtained from work is protected by law (Article 18). The State controls external commerce and encourages domestic commerce, which is free as

far as all family production is concerned, whether agricultural or craft (Article 19). Monetary policy is the prerogative of the State. Only the law authorizes taxation. Compulsory selling to the State must be carried out in accordance with the law (Article 20). Articles 21 to 24 confer to the State the development of culture, the modernization of the Khmer language, the development of education, the granting of scholarships, the struggle against illiteracy, the development of science and technology, international cultural cooperation, the protection of heritage, and the development of tourism. Articles 25 to 29 establish a public health system. Particular attention is given to mothers and children, veterans, disabled people, widows and orphans.

Under State control, one sees the rebirth of a private sector in terms of family agricultural exploitation as well as commerce. A cooperative formula, the Krom Samaki, must ensure the minimum production, recognizing the extraordinary shortage in human resources as a result of the previous regime (more than 30% of family heads were widows). The State reestablished culture, education and health services.

(Continued in the December 2002 issue)

Raoul Marc Jennar runs the Consultancy Bureau of the European Far Eastern Research Center based in Belgium.

EXPLAINING KHMER ROUGE PHRASES

Communists: are courageous people, passing through obstacles resolutely, making sacrifices—abandoning individualism and selfishness—and even their lives, without hesitation. Their physical appearances are those of normal people, but their souls are glorious.

(Note 181)

The Human Rights Situation in Cambodia

Note by the Secretary-General

United Nations, General Assembly

A/57/230, Distr.: General

27 September 2002

Original: English

Fifty-seventh session, Agenda item 109 (c)

Human rights questions: human rights situation and report of special rapporteurs and representatives

II. Fifth and Sixth Missions of the Special Representative of the Secretary-General for Human Rights in Cambodia

6. On 8 February 2002, the Office of Legal Affairs of the United Nations Secretariat announced that it was withdrawing from negotiations with the Government of Cambodia over the establishment of a Khmer Rouge tribunal. This visit had been the first by the Special Representative since that announcement. Consequently, the issue featured prominently in several of his meetings. The Special Representative sought to gauge feeling on the issue across as wide a range of society as possible and, as part of this process, visited once again the Tuol Sleng prison in Phnom Penh, a former school where prisoners of the Khmer Rouge had been held and tortured before their deaths. He met Cambodian film director Rithy Panh and, together with several Cambodians who had lived through this era, watched a film by the director exploring the search for answers.

C. Khmer Rouge Tribunal

39. The Office of Legal Affairs of the United Nations Secretariat announced on 8 February 2002 that it would no longer continue negotiations with the Government of Cambodia over the establishment of a Khmer Rouge tribunal. This decision provoked considerable disappointment in Cambodia and among donor Governments. Views differ over who should be blamed, but there is a consensus in most quarters that Cambodia still needs a means of finding answers with regard to

this tragic period in its history.

40. This decision has left Cambodia with two main options for dealing with the crimes of the Khmer Rouge era. One is a non-United Nations tribunal involving a foreign judge or judges. The other option is a purely national tribunal. It is the view of the Special Representative that neither approach is desirable. A non-United Nations tribunal would be very much a second-best option. It is noteworthy that Governments that have expressed some willingness to support this idea also see it as such. A purely national tribunal would lack credibility because of the poor state of Cambodia's judiciary. It would be of little value in helping Cambodia come to terms with its past, and could further undermine faith in the justice system.

41. It is the Special Representative's impression that Cambodians of all backgrounds and generations wish to know the truth about what happened and want justice. It is difficult to fight impunity if the crimes of the Khmer Rouge are unpunished. This is not only a legal matter, but also a fundamentally ethical one. Cambodia's wounded and traumatized society needs healing and justice. It also needs to be treated with respect and a high degree of sensitivity. The trial of the Khmer Rouge leaders is an important step on the path of a salutary catharsis which would help the Cambodian people come to terms with their past. It is the view of the Special Representative that the United Nations should do what it can to assist in this process.

3. Khmer Rouge Tribunal

93. The Special Representative recommends the continuation of efforts to seek truth and justice with respect to the crimes of the Khmer Rouge era. A United Nations-supported tribunal would be the best alternative, as it would come closest to assuring adherence to international standards of justice. However, in the absence of such a tribunal, other possibilities for promoting reconciliation should be considered. *Ends.*

An Update on the Khmer Rouge Trials: The Last Mandate for Justice in Cambodia

Bunsou Sour

A key General Assembly committee passed a draft resolution 109(b) with thirty-seven abstentions. The Dutch requested the vote and the others who abstained are all those who really believe in international standards (the Scandinavians, Brits, etc.).

The draft, co-sponsored by both the French and the Japanese governments along with a committee of 26 “interested nations,” who intended to kick-start the talks, walked away.

The General Assembly resolution requests the Secretary-General to resume negotiations, without delay, to conclude an agreement with the Government of Cambodia, and based on previous negotiations, to establish Extraordinary Chambers.

The resolution has ten points with the main focus similar to that of the statement by UN Chief of Legal Affairs Hans Corell on February 8, 2002, asking for assurance of international standards of justice, impartiality, reliability and due process as stipulated under Articles 14 and 15 of the International Covenant on Civil and Political Rights. Furthermore, the resolution also requests the Secretary-General to include in his report recommendations for the efficient and cost-effective operation of the Extraordinary Chambers, including the amount of voluntary contributions of funds, equipment and services to the Extraordinary Chambers, inter alia, through the offer of expert personnel, that may be needed from States, intergovernmental organizations and non-governmental organizations.

Some diplomats and observers have suggested that Cambodia’s stubbornness may have been the payoff for a tradeoff with China. However, government spokes-man Khieu Kanharith has dismissed those suggestions, saying he can guarantee that it’s not true.

Whatever the case, time is running out. As Chhang Youk says, “I hope the government sees this as the last chance to work with the UN to establish a tribunal.”

Bunsou Sour is the Editor-in-Chief of the Special English Edition series of Searching for the Truth magazine.

On the Road to Prosecuting the Khmer Rouge Leaders

United Nations
20/11/2002
Press Release
GA/SHC/3728

Fifty-seventh General Assembly
Third Committee
55th and 56th Meetings (AM&PM)

THIRD COMMITTEE RECOMMENDS CONTINUATION OF OFFICE OF HIGH COMMISSIONER FOR REFUGEES THROUGH END OF 2008

Approves 12 Other Draft Resolutions on Human Rights, Refugee Issues, Including Texts on Cambodia, Sudan, Right to Food, Children’s Rights

The General Assembly would decide to continue the Office of the United Nations High Commissioner for Refugees (UNHCR) for a further period of five years from 1 January 2004, under the terms of a resolution approved unanimously today by the Third Committee (Social, Humanitarian, Culture).

Desiring that the international community continue to respond positively in assisting efforts to investigate the tragic history of Cambodia, the Assembly would request the Secretary-General to resume negotiations without delay, to conclude an agreement with Cambodia’s Government to establish Extraordinary Chambers for the prosecution of crimes committed by the Khmer Rouge, under the terms of a text approved by a vote of 123 in favour, with 37 abstentions (See Annex VII).

Delegations concerned that the language of the resolution did not adequately define the mandate of the Secretary-General called for a 24 hour postponement, in order to hear the views of the Legal Counsel, but that motion was defeated by vote of 15 in favour to 90

against, with 59 abstentions (Annex VI). A host of delegations from the East Asian region supported moving forward, stressing that the aim of the text was clear, and that as soon as it was adopted, the groundwork would be laid for the Secretary-General to begin important negotiations with the Government of Cambodia.

Background

The Third Committee (Social, Humanitarian, Cultural) met to take action on draft resolutions on items related to human rights questions, the promotion and protection of children, and refugees and internally displaced persons.

On Khmer Rouge trials (document A/C.3/57/L.70), there is a draft resolution through which the Assembly would request the Secretary-General to resume negotiations, without delay, to conclude an agreement with the Government of Cambodia, based on previous negotiations on the establishment of the Extraordinary Chambers to try those suspected of being responsible for the atrocities committed by the Khmer Rouge. It would further request the Secretary-General to include in his report recommendations for the efficient and cost-effective operation of the Extraordinary Chambers, including the amount of voluntary contributions of funds, equipment and services to the Extraordinary Chambers through the offer of expert personnel that might be needed from States, intergovernmental organizations and NGOs.

The draft resolution on the situation of human rights in Cambodia (document A/C.3/57/L.67) would have the Assembly recognize that the tragic history of Cambodia required special measures to ensure protection of the human rights of all the people of the country and the non-return to policies and practices of the past. It would urge the Government of Cambodia to expedite the adoption of laws and codes that were essential



uncertainties remained.

The representative of China said his delegation did not understand the request for postponement of action on a text that had been under consideration for such a long time. How much would a deferral of a mere twenty-four hours help? The text was clear, and as soon as it was adopted, it would lay the groundwork for the Secretary-General to begin important negotiations with the Government of Cambodia.

The representative of Ireland said that like other delegations he continued to have certain concerns on the ambiguity in some parts of the draft. He also felt it was wise to allow the Secretariat to share their views.

The representative of Cuba said that Cuba did not support the postponement on the draft resolution.

The representative of France said he joined delegations that did not favour the postponement of action on the draft resolution. He questioned whether the postponement was even relevant or necessary. The General Assembly was there to provide the Secretary-General with his mandate. The draft resolution was a text that had been negotiated over a number of months. Those who favoured postponement had been involved in the elaboration of the draft from the very beginning.

The representative of Cambodia said a postponement would jeopardize the resumption of negotiations with the Secretary-General and the bringing about of justice to the people who had suffered at the hands of the Khmer Rouge. He appealed to delegations to act on the draft without delay.

The representative of Sudan supported acting on the draft resolution immediately.

The representative of India supported the position taken by the delegation of Japan. He added that the delegations had supported the postponement and had been aware of the situation since the beginning. No new events had been brought up which would warrant the postponement. By waiting for the opinion of the Secretariat, there might be a tilting of the carefully elaborated balance in the resolution. This must be kept in mind, he said. He suggested that action be taken

today.

The representative of Indonesia said the negotiations had ended because one of the criticisms of the Government of Cambodia had been that it had tried to delay the process. His delegation stressed that this was no time for the Third Committee to delay the process further.

The representative of the United Kingdom added his voice to the people who had asked for a short postponement of the action. A number of delegations had expressed the wish to have the opinion of the Secretariat—it would be wise to take this into consideration.

The representative of the United States said that Winston Churchill used to say “action this day.” Therefore, the United States wanted to act today. He reminded the Committee that the Cambodian Government supported this resolution. This gave the Secretary-General a wonderful opportunity to step forwards toward peace and reconciliation and end impunity.

The representative of Suriname said resolutions were in general not presented to be postponed. If the main sponsors were in favour of action—why wait? Suriname was therefore in favour of action without any delay.

The Chairman called for a vote on the request for postponement of action on the draft. The request was defeated by a vote of 14 in favour to 90 against, with 59 abstentions. (See Annex VI).

When the Committee took up the draft as a whole, the representative of Japan said that if the text was adopted, it would open the way for credible Khmer Rouge trials, but if it was not, the opportunity for such trials, with the active participation of the United Nations, might be perhaps lost forever.

A recorded vote was then requested.

The representative of the Netherlands, speaking on behalf of Germany and Ireland, said the three delegations would abstain. They seriously regretted having to do so in view of their strong resolve to address the crimes of the Khmer Rouge. With that in mind, the extremely serious nature of the acts the draft sought to address required an equally serious consideration by

the international community. His delegation seriously regretted that the full membership had been unable to hear the views of the Legal Counsel on the matter.

The representative of Canada, speaking on behalf of New Zealand, said it was with great regret that her delegation would abstain from the vote on the draft. Nevertheless, Canada was concerned that any tribunal mandated or endorsed by the Assembly was a credible body capable of living up to that mandate and forwarding a genuine process that would achieve results. The United Nations must be given the strong mandate to ensure an independent and comprehensive process. Canada had sought postponement to hear the views of the Secretary-General or Legal Counsel on the matter.

The representative of Germany said his delegation would abstain over some of the wording and the text, as well as other ambiguities. Germany had always sought to adequately address the issue of impunity. Unfortunately, the text was unclear on the standards of justice under which the proposed tribunal would operate. Germany also had concerns that Cambodia was not a co-sponsor of the draft. What were the reasons, he asked?

The representative of Ireland said the text left “excessive room for unhelpful ambiguities.” Ireland was particularly concerned that the draft might not meet the needs of those that would be tasked with its execution. His delegation would have hoped for the opportunity to hear from a representative of the Legal Counsel on the matter.

The resolution was approved by a vote of 123 in favour and 37 abstentions (see Annex VII).

The representative of Switzerland said he regretted that a postponement had not been possible. He would have wished to have the Secretary-General’s input on the resolution and deeply regretted the outcome of the discussion. Now, a text had been adopted that was ambiguous and which left the committee divided. Nevertheless, he hoped the negotiations would be a success.

The representative of Sweden said she had not

voted in favour of the postponement of the resolution, even though Sweden was a strong supporter of the establishment of the Khmer Rouge tribunal. However, to require the Secretary-General to resume negotiations based on a text which did not address the failings of the last negotiations left the perpetrators of crimes during the Khmer Rouge period with impunity and did not guarantee international legal standards.

The representative of the United States thanked all those who had worked so hard on this resolution. The United States remained a strong supporter of a credible tribunal for the Khmer Rouge; however, he regretted that the delegation of Cambodia had not co-sponsored the resolution.

The representative of Belgium said the fight against impunity was a top priority, which was why he regretted their need to abstain due to certain ambiguities.

The representative of the United Kingdom said he had abstained even though the United Kingdom also wanted to bring the Secretary-General back to the negotiations with Cambodia. Cambodia’s failure to co-sponsor the resolution was a sign of lack of commitment.

The representative of Austria said he had voted in favour of the resolution so that the Khmer Rouge tribunal could end impunity. However, Austria remained concerned about the tribunal not living up to international legal standards.

The representative of Liechtenstein said that his country was a long supporter of international justice and tribunals. Such support was essential to strengthen rule of law internationally and to bring justice to the people of Cambodia. The Government of Cambodia needed to be committed; this would have been most appropriately confirmed if they had been a co-sponsor of the resolution. It was also regrettable that the Committee had not heard the Secretary-General’s view on the draft.

The representative of Australia was committed to try Khmer Rouge leaders and had been disappointed that negotiations had broken down between the

Government of Cambodia and Secretary-General earlier this year. While he had hoped that the text would give the Secretary-General a more robust mandate, now, that it had been adopted, he urged the Government of Cambodia to cooperate to establish a credible tribunal.

ANNEX VI

Vote to Postpone Action on Khmer Rouge Trials

The motion to postpone action on the draft resolution on Khmer Rouge trials (document A/C.3/57/L.70) was defeated by a recorded vote of 14 in favour to 90 against, with 59 abstentions, as follows:

In favour:

Belgium, Canada, Finland, Germany, Ireland, Jordan, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Switzerland, United Kingdom.

Against:

Afghanistan, Andorra, Angola, Antigua and Barbuda, Azerbaijan, Bangladesh, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Chad, China, Comoros, Congo, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Ecuador, El Salvador, Eritrea, Ethiopia, Fiji, France, Gabon, Gambia, Georgia, Greece, Grenada, Guatemala, India, Indonesia, Israel, Italy, Japan, Kazakhstan, Kenya, Lao People's Democratic Republic, Libya, Malawi, Malaysia, Maldives, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russia Federation, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Tunisia, Turkey, Tuvalu, Uganda, United Republic of Tanzania, United States, Uruguay, Viet Nam, Zambia, Zimbabwe.

Abstaining:

Albania, Algeria, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Cameroon, Cape

Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Egypt, Estonia, Ghana, Guinea-Bissau, Guyana, Hungary, Iceland, Iran, Jamaica, Kuwait, Latvia, Lebanon, Lesotho, Lithuania, Madagascar, Mali, Morocco, Pakistan, Panama, Qatar, Republic of Korea, Republic of Moldova, Rwanda, San Marino, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, Venezuela, Yugoslavia.

Absent:

Bahrain, Central African Republic, Equatorial Guinea, Guinea, Haiti, Honduras, Iraq, Kiribati, Kyrgyzstan, Liberia, Federated States of Micronesia, Nauru, Niger, Oman, Palau, Papua New Guinea, Saint Vincent and the Grenadines, Sao Tome and Principe, Seychelles, Solomon Islands, Tajikistan, Timor-Leste, Tonga, Turkmenistan, United Arab Emirates, Uzbekistan, Vanuatu, Yemen. (END OF ANNEX VI)

ANNEX VII

Vote on Khmer Rouge Trials

The draft resolution on Khmer Rouge trials (document A/C.3/57/L.70) was approved by a recorded vote of 123 in favour to none against, with 37 abstentions, as follows:

In favor:

Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, France, Gabon, Georgia, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco,



A: That's right! Living beings depend upon karma; they are born because the dharma gives birth to them and are affected by the earthly law when living. Thus, as karma-dependent living beings, when making mistakes, we take accountability before the law of the dharma and the earthly law, without being forced to. Buddha advised that Atahe Atanao Neathao meaning "self-reliance," for we were born as human beings and influenced by karma. Either the law of the dharma or the earthly law is a compass indicating which ways living beings should lead their lives. Therefore, living beings should know what they should and shouldn't do. Everyone knows exactly the benefits of what they do right and the bad consequences of what they do wrong. Therefore, earthly law and the dharma are inherited judges since we were in the wombs of our mothers. In that period, if our mother violated the laws, she might have aborted us. Thus, human beings should not kill others. People should take these two laws into consideration themselves. Only then can we call them people who really understand human beings, know the inheritance of life and know the freedoms of living.

Q: Can the Khmer Rouge leaders be prosecuted by one law and pardoned by the other?

A: The Khmer Rouge cannot be pardoned in terms of both laws, since it was their intentional act. Once they did wrong they violated the law of the dharma and the earthly law. Thus we can't say the dharma helps lighten their faults or pardons them, since they already made mistakes. The same thing happens in the earthly law; if one does wrong, they can't be free from punishment. Their acts are recorded. Therefore, the criminals, no matter what kinds of persons they are, should write a genuine confession about themselves to show their realization of their faults. After that the people and the government consider granting pardon or punishment in accordance with the earthly law and the law of dharma. The criminals themselves should be willing to reveal what they did, so that no one would repeat their crimes again in the future.

Q: Do you mean the criminals just write a testimony of their mistakes without attending a trial?

A: In fact, if one dares to write, the ink and the writing

are the judges. Being pardoned or not depending on the faithfulness of their writing, telling others what they did and asking pardon for those mistakes. Then can the people pardon them? If they don't, it means there must be some problems with the writing.

Q: What kinds of result will those who do wrong receive from their action?

A: Surely, it's the sufferings. On earth they lose reputation and in the afterworld there is hell where all the evil spirits and demons lie. When we do wrong we lose reputation or are punished by the law of the country, which exists today. In the view of the dharma, it is sins. Thus, Buddhism is not an abstract religion, it is based on reason. Pardon or not is up to the victims and the perpetrators. If the victims feel it is unjust to them, they can bring about a punishment which suits the crimes of the perpetrators. Therefore, between them, there are painful decisions, pleading, compromises, negotiation and peaceful discussion.

Q: I would like you to give advice on what we should do to make the victims feel a sense of relief and be able to reconcile with the perpetrators?

A: Find a middle course that is just and agreed to by both of them.

Q: What should we do in order to make the victims satisfied so that they won't bear any grudge against the perpetrators?

A: According to the dharma, it's hard. Few people can suppress their feeling with the dharma. Most use revenge. To solve the problem, the wrongdoer should attend a trial in the presence of the public and the international community. The subsequent result will be the answer to everything.

Q: Are there any other ways?

A: No, because that is said in the dharma. Take punishment formally in accordance with national and international laws, first.

Q: Buddha advised that vindictiveness is ended by not being vindictive. Can this be applied to the Khmer Rouge issue?

A: Even though we don't punish the criminals now, they will be punished in their afterworld. But this Buddhist advice is not known widely throughout the

world. If that person is not avenged in this world, when he or she dies they will suffer from what they do. This is the dharma. But the people are obviously unsatisfied, because there hasn't been any earthly law passed about it.

Q: Cambodian people went through the killing fields because of their karma or what?

A: There are two aspects. First, we are born in a war-torn country and we are affected by it. Second, some people, although born in this country full of war, can live a life unaffected by the war by using their intelligence. As a result, some lived and some didn't [during the Khmer Rouge regime]. In the war, some fell victim, some didn't.

Q: Do the killing fields have something to do with the sins of Cambodian people?

A: In fact, in the dharma one can say like that. It was truly our acts in the past. Why weren't we born in peaceful lands? Why were we born here? Therefore, I believe that maybe it is the result of our karma from our past lives. We should believe in karma and phal [action and result].

Q: What caused them to be like that?

A: It was the red law. They want to be red and named themselves Red Khmer [Khmer Rouge]. We don't know where the red color came from. Maybe some Khmers were born with a blood that they created red law. Please think.

Q: What do the words karma, karma and pier, karma and phal, and vereia mean?

A: Karma is what we do. Vereia is about an inborn trait. For example, those who are born with a vereia to kill always want to kill, kill pigs, kill chickens, kill fish; those born with drinking vereia drink until death. Karma is done by oneself. The original idea is called vereia; it followed ideas; it gives command to the body. The body depends upon karma and vereia. The subsequent result is pier. Pier means, if you hit people they'll hit you; if you hit a grenade, you'll be blown to pieces. That is pier. Those who do bad deeds will be punished, that is pier.

Q: What about karma and phal?

A: Karma is the action, whereas vereia is the idea. Karma

and phal mean good deeds bring good results, while bad deeds bring bad results.

Q: Does pier have the same meaning as phal, which results from karma?

A: Pier is a bad result, whereas phal is good result. Pier is the loss of reputation. When one's dead and people still say he or she is bad, we call it pier. In contrast, we call it phal when one's dead and people say he or she is a hero or a nationalist.

Q: What does "vindictiveness is ended by not being vindictive" mean?

A: It means there is no prosecution in the world. But when the criminals are dead, their souls will still be punished. Giving punishment after death means not responding using physical means or out of a grudge.

Q: Should the Khmer Rouge leaders be punished in this world or the afterworld?

A: As a monk, I can just say that those who do bad receive bad.

Q: How important is the Khmer Rouge tribunal for the Cambodian society?

A: When we punish them, people will not follow in their footsteps. Once the people of a country don't commit criminal acts, that country will develop and justice will prevail.

Q: Will the Khmer Rouge happen again?

A: If the former Khmer Rouge leaders are justly prosecuted for their crimes, the Khmer Rouge tragedy will not happen again.

Q: Can one's bad deeds be justified with good deeds?

A: No.

Q: If a person committed a crime and is punished by the law already, will he/she be punished in his/her life after death?

A: They will.

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

Kannitha Keo Kim is an author of the soon to be published, Children Under the Khmer Rouge. She is working on another paper entitled, Khmer Krom Under the Khmer Rouge.

Letter from a Reader:

The Truth

As I read *Searching for the Truth*, which is sent to my subdistrict through the district office, two copies every month, I realize that the pictures and the meanings depicted are very important for me, as well as people living in Trea subdistrict and around the country. The magazine is vital in building evidence for prosecuting former Khmer Rouge leaders in the future and has long-term historical value for us all.

However, like other people, I think that the truth is on people's lips and in the writer's hand, just like the slogan: seeing once is better than hearing a hundred times. For we have never heard of such information in *Searching for the Truth*.

As I read the October 2001 issue of *Searching for the Truth*, I saw the biography of Kim Torn, alias Tuy. It said he lived in Kampong Trea village, Kampong Trea subdistrict, Samraong district, Takeo province. Everything was true, except his second older brother's name is Pom and his deceased third older brother, named Kim Sorn, lived in Kampong Trea and was not mentioned. Trea villagers and I only know that Tuy became a Khmer Rouge soldier. And we were surprised to see in *Searching for the Truth* that Tuy ended up as an interrogator in Tuol Sleng prison. Now we understand that this magazine is about the truth, unlike what people usually say: the truth is on people's lips and in the hand of a writer.

I would like to take this opportunity to inform the Documentation Center of Cambodia (DC-Cam) that when I receive *Searching for the Truth*, I convene a meeting with villagers to tell them that *Searching for the Truth* publishes true information. It does not lie. I then pass the magazine on to the villagers under my supervision so that they can read it.

On September 13, 2002, four researchers arrived in my subdistrict and questioned us about the following people:

1. Kim Tuy, lived in Kampong Trea village with his wife Chor Chim and a daughter. She died of a cancer in Kampong Trea in 1980.
2. Uk Vorn, alias Uk Vin, chief of regiment 703, lived in Samraong village, Trea subdistrict, disappeared with Ta Nat.
3. Kim Sok, Khmer Rouge soldier, male, lived in Russey Dom village, Trea subdistrict, disappeared.
4. Mam Rim, Khmer Rouge soldier, female, lived in Samraong village, Trea subdistrict,. Today she lives in Thnal Dach subdistrict, Mong Russey district, Battambang province.
5. Pech Met, a medical staff of January 6 hospital in Phnom Penh, lived in Russey Dom village, Trea subdistrict. Presently he lives in Tnaot Ter village, Trea subdistrict. His wife is Tann Meta.

I deeply admire DC-Cam, which has been conducting research to reveal the hidden truth for the purpose of making the public become well informed about the Khmer Rouge regime, especially those who were born after the regime.

On behalf of the villagers and families whose loved ones disappeared, I would like to extend my gratitude to the magazine team and researchers who arrived in my subdistrict. Knowing the truth makes us feel better, whether our loved ones are dead or alive.

I wish Mr. Director and the staff of DC-Cam good health and the strength to continue your research. May god bless you all.

Thanks, September 18, 2002

Suon Rith, chief of Trea subdistrict



Female Combatants of the Khmer Rouge Revolution



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. Thank you.

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