

Table of Contents

Letter: Angkar: An Abstract Organization1

DOCUMENTATION

UN Chief Invited to Cambodia2

China's 1979 View on Democratic Kampuchea3

A Confessed Plan to Destroy Duch At S-213

Master Genocide Site Data6

Chronology from the Vietnamese Courier8

The Party's Policy on Those Who Joined the CIA,
Vietnamese or KGB11

HISTORY

Chum Manh: An S-21 Survivor13

Office M-13 of Duch17

Voices from S-2120

Captured Kampuchean Soldiers Confess24

LEGAL

Letter to Khieu Samphan27

Evidence in the Prospective Trials29

A Permanent International Criminal Court33

Should Khmer Rouge Leaders Be Prosecuted37

PUBLIC DEBATE

How the Khmer Rouge Tribunal Was Agreed40

Why Did Vietnamese Authorities Provoke44

FAMILY TRACING

Searching for a Missing Father47

Searching for Missing Brothers48

KHMER ROUGE ARTS

PHOTO: Prisoner Iem ChanBack Cover



Him Huy (1979)

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Letter :

ANGKAR: AN ABSTRACT ORGANIZATION

Although the Taliban's guest, Osama bin Laden, and his protégés recently inflicted great damage upon America, that nation will employ state-of-the-art anti-terrorist tactics and will soon rebuild, in all likelihood becoming stronger and more secure than before. The Taliban's days and those of their guests now appear to be numbered, while their attacks on America failed to touch the foundation of the nation or her people.

In contrast, without the use of high-tech means of mass destruction, Pol Pot and the Khmer Rouge leadership were able to kill 1.7 million Cambodians and lay waste to the country. Their secret weapon was the politics and policies of Angkar. The legacies of their successes in this insanity remain with us today, not only in the underdeveloped state of Cambodia politically and economically, but in the social dislocations that resulted from Angkar's relentless assault upon religion and the family.

On April 30, 1994 the U.S. Congress passed the Cambodian Genocide Justice Act, which states, "it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17 and January 7, 1979."

On August 10, 2001 the King of Cambodia, Norodom Sihanouk, signed the Khmer Rouge Tribunal Law. Article 1 of this law states, "the purpose of this law is to pass judgement on senior leaders of Democratic Kampuchea and all those who bear the highest responsibility for the crimes and serious violations of Cambodian penal law, violations of international humanitarian law and international custom, and violations of international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979."

It took seven years to pass a law providing for the establishment of the Khmer Rouge tribunal - four years longer than it took the Khmer Rouge to execute and starve to death 1.7 million people. During that seven-year period, the Documentation Center of Cambodia (DC-Cam) has been at the forefront of documenting the myriad crimes and atrocities committed under the Khmer Rouge regime. The Center's core objectives are the promotion of memory and justice, both of which are critical foundations for establishing the rule of law and genuine reconciliation in Cambodia. As of today, the Center has documented 19,440 mass graves, 167 prisons and 77 memorials, and has collected over 600,000 pages of Khmer Rouge documents and other historical artifacts of the Khmer Rouge era.

Yet twenty-two years after the fall of the Khmer Rouge regime, the victims continue to wait for justice and truth, while the leaders of that regime continue to live in freedom among them. Now, as the Khmer Rouge tribunal process is finally approaching its goal of rendering some degree of justice for the victims, it is imperative that efforts to bring the process to fruition be maintained. *Youk Chhang*



Pol Pot

UN CHIEF INVITED TO CAMBODIA TO CHECK ON RIGHTS

Los Angeles Times, Saturday, October 10, 1978

Deputy Premier Ieng Sary of Cambodia said Friday he has invited UN Secretary General Kurt Waldheim to visit the country and “see with his own eyes the truth of human rights charges” against its Communist government.

A UN spokesman said Waldheim was considering the invitation.

A Canadian report made to the UN Commission on Human Rights last month accused the Cambodian government of “violating almost every article of the Universal Declaration of Human Rights.” The declaration is a key UN document adopted in 1948.

On Thursday, 80 senators called for international action to stop what they called genocide by the Cambodian government against its people. The 48 Democrats and 32 Republicans signed a letter initiated by Sen. George McGovern (D-SD) asking the Administration to place Cambodia’s behavior on the agenda of the UN Security Council.

Ieng Sary, making his third visit to the United Nations as deputy premier in charge of foreign relations, said at a news conference that “indeed there were difficulties in 1975 and 1976.”

He referred to the forced evacuation of Cambodian cities right after the Communist takeover and said this had presented “some difficulties.”

But he said, “If we did not drive away the people from the city surely many would have been killed by now.” He did not explain the point further.

He said that after initial difficulties, “now these people from the city see they can live in the countryside more easily than before.”

In reply to questions, Ieng Sary told reporters that the country’s former ruler, Prince Norodom Sihanouk, is living comfortably in his palace, that Western journalists can visit the country and that Cambodia would welcome diplomatic relations with the United States.

He said the devastation of war had left the country without facilities to handle visiting correspondents and that the number who could come was still restricted. But he added, “We have nothing to hide,” and Japanese correspondents had recently toured the country.

He said requests to visit the country were being handled as rapidly as facilities permitted and “perhaps the turn for America will come in November or December. We are opening progressively our doors and invite you to visit our country,” he said.

CHINA'S 1979 VIEW ON DEMOCRATIC KAMPUCHEA

(Excerpted from the Beijing Review, January 19, 1979)

The Soviet Union admitted Viet Nam into the “Council for Mutual Economic Assistance” on June 29 last year to shore up Hanoi economically and politically. It also confirmed Viet Nam as its “reliable outpost of socialism” in Southeast Asia.

In mid-August, Moscow airlifted large quantities of arms including rockets to Viet Nam. Batch after batch of military “advisers” and personnel were sent to that country. Within a few months, the number of Soviet military “advisers” sent there exceeded 4,000. At the same time, the Soviet Union began to use the Cam Ranh base.

Early last November, Le Duan, Pham Van Dong and other Vietnamese chieftains visited Moscow, where they concluded with the Soviet Union a “treaty of friendship and co-operation” which has all the characteristics of a military alliance and openly proclaims that “military co-operation” exists between the two countries. Moscow provided Hanoi with Mig-23s and two 2,000-ton escort vessels.

In late November, at the Moscow summit of Warsaw Pact countries, the Soviet Union compelled these countries to increase their military expenditures

and called for “joint support” for Viet Nam’s aggression. This was an effort to extend the commitments of its military bloc in Eastern Europe to Indochina.

On December 3, the Vietnamese authorities concocted a puppet organization, “the Kampuchean National United Front for National Salvation,” as part of their organizational preparations for their massive armed aggression. Immediately after the establishment of the “front,” TASS relayed the news and other Soviet mass media clamored that “real and revolutionary patriotic forces are rising in a resolute struggle for national salvation” in Kampuchea and that they could make “most important contributions” to the overthrow of the present regime in that country.

On December 25, the Vietnamese aggressor troops began large-scale armed attacks from several directions against Kampuchea.

On January 7, the aggressor troops occupied Phnom Penh. Democratic Kampuchea began to launch a nationwide people’s war and the fight against Vietnamese and Soviet hegemonism entered a new stage.

A CONFESSED PLAN TO DESTROY DUCH AT S-21

Sophal Ly

Chhou Bunleat, whose revolutionary name was Leat, lived in Tava Village, Toek Vil Subdistrict, District 20, Region 25, Kandal Province. His father’s name was Chhou Hy and his mother’s name was Say Hun.

In 1962, 37 year old Leat married 30 year old Sou Ke, revolutionary name Sat. She was born in Stok Village, Ta Yab Subdistrict, District 55, Region 33. Leat joined the revolution in 1974 and subsequently became an assistant in Division 703. The couple had one daughter and two sons. Their twelve-year-old

daughter was chosen to work in 703 Hospital. Their nine-year-old son served in Division 142, and an other son was in Child Unit 31.

According to his confession document preserved in Tuol Sleng Museum, Leat was a poor youth. After the death of his father, his family’s finances worsened and all of their land fell into the hands of the landlords. He was supported in his studies for many years by a monk known as Teacher Mak. As Leat’s supporter, Teacher Mak sent Leat to work as a prison guard so that he could contact Mak’s “network elements” who

were detained in the prison. At the prison, Chhou Bunleat was responsible for escorting inmates. He also sent messages from Teacher Mak to Nun Suon and other prisoners. Later, Leat formed a relationship with Men San or Achar Sieng, known as Ya, a proctor at Chamroeun Vichea School.

Leat stated that he had served the Free Khmer movement from 1958 (where he burrowed within the Chamroeun Vichea School) until April 17, 1975 when Phnom Penh was liberated. He provoked movements and contacted some old revolutionary networks. He also cooperated with many people in his network to carry out their plans. The 106 people he claimed as connections included Chakrei, Sok But, Chamroeun, Nun Suon, Chhim Vansat, Pol Katt, and Ya. Significantly, he made some connections with people working in S-21 in order to organize plans to destroy its cadres. Most of his men in S-21 were subsequently arrested.

In 1972, Leat became deputy chief of Regiment 33, Division 703, under the authority of Pol Khatt (the division chief) and ultimately, Ta Chey (the chief of Region 25).

In January 1976, before organizing plans to fight against the revolution, he met Chakrei and Phuon. Chakrei explained that they had a plan to take over the government between January and July 1976. Leat was put in charge of controlling Division 703 and assisting Division 170. During his tenure in Division 703, Leat had reported situations to Chakrei a few times. But after Chakrei was captured, Leat formed a special plan aimed at destroying the cadres of S-21.

Leat secretly invited three of his network members (Chhun, Eng, and Sros) to discuss organizing a plan to be carried out against S-21 on March 1, 1976 at office K-17 (Boeng Trabek School). He appointed a cadre discharged from Division 703, who was a member of his former network, to work in S-21. Three main points were on the agenda: 1. Appointing

members to observe S-21. 2. Making contact with important cadres in S-21. 3. Targeting and planning to destroy cadres in S-21. Leat explained the first point: he had to assign some people working inside S-21 to send internal information about the prison to his network. Chhun, Eng, and Sros then expressed their opinions, mentioning that only Son could do this job because he was an influential person and most people would listen to him. Leat decided to give this job to Eng because Eng was working in a field close to the prison. He could easily contact Son and tell him to

The former K-17 Security Office, Currently Boeung Trabek High School



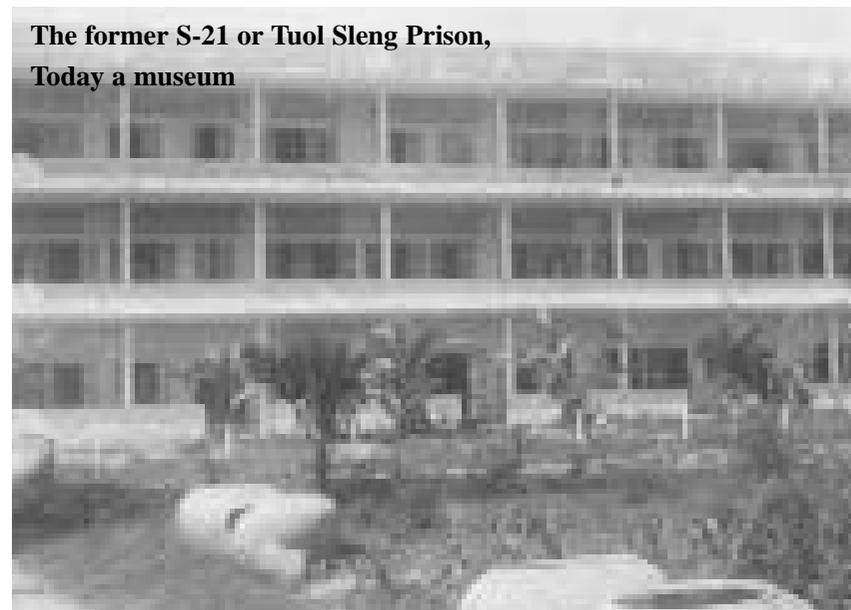
clandestinely persuade other prominent cadres in S-21, such as Sarart and Neary Kieng (responsible for controlling female prisoners), Peng, and Poly. Eng added that Son or someone else should lead and persuade inmates and youths who were new to the prison to escape. In other words, they should do whatever they could to cause disorder and disruption to rainy-season farming, and especially at dam, levee, and water channel construction. Chhun said that they should choose someone to collect information about cadres and youths in the prison. “We should set plans to destroy some cadres of the prisons and order our members hiding inside to destroy the top leader of S-21; if it is Duch, we should kill only him,” Sros added. Leat knew some of the personnel at the prison, including Duch, Chan and some cadres who were

former Division members, like Ho, Huy, and Mon. Eng suggested that they did not have to look for any other person; Sarart was already inside. After changing views, Leat continued, “Our plan against S-21 should be conducted along with the one organized by Division 170 in January, and if that plan works out, we have to liberate comrades Sarart, Chan, Neary Sau, and Neary Keang, who have been our entrusted members and have been collecting information for us daily. If our secret leaks out and the mission fails, the only thing we can do is to escape with comrades at Division 170,

beginning of April, so Leat traveled to Bakou to meet with Chhun and informed him about what had happened. Chhun requested that Leat wait a little longer because Son could probably carry out their plan.

In the following days, Eng reported that the plan to destroy cadres in Phnom Penh had not been accomplished, while at the countryside he was able to incite only a handful of criminals and youths to escape from their Divisions. In April, Leat was transferred from the Division Office in Phnom Penh to Bakou with Chhun, who was responsible for assisting the Division in the field of agriculture.

At 9 a.m. one day in May 1976, Leat met Son, who was digging a water channel, to clear up some problems. Disappointingly, Son told him that he could not do it. At 7 p.m. on the same day, Bakou, Leat and Chhun discussed the standoff. Their discussion revealed that the information collected from S-21 was unclear. Moreover, communications from Phnom Penh to the countryside had been disrupted. Cadres and youths at S-



who have prepared an escape plan, to the forest via National Road No. 1 (Koky Thom).”

“So! If we can’t be urban thieves, we act as forest thieves [bandits],” concluded Chhun. They decided that they would carry out their mission for a period of three months, which would end in July 1976. They would proceed according to the three points mentioned above.

At the end of March 1976, Leat reported that Son had agreed to participate with him and had let Poly, Peng, Chan and Neary Kieng know about the plan. But Son had not been able to complete the mission in Phnom Penh because he was unable to leave S-21. S-21 cadres were investigating him closely. (Not only Son but also new staff sent from Division 703 were investigated.) But little had been done by the

21 could not do whatever they wanted to, due to the strict rules of the prison. Additionally, members of Leat’s network had lost their determination: everyone was afraid of being killed. As a result, the plan against S-21 was a total failure.

After Chakrei’s arrest at 6 o’clock on June 15, Leat secretly met with Mat (Division 170) and Phuon, Chakrei’s network members. Phuon described his role to Leat and Mat, saying that he had taken over all of Chakrei’s tasks. He would continue to do what Chakrei had told him to. During the meeting, Leat requested Mat to assign his network members, including Eng and Sros, to distribute pamphlets. As for him, he had to return to Bakou with the messengers immediately after the discussion was over in order to evade investigation. On June 27, 1976, Leat was arrested by Angkar.

MASTER GENOCIDE SITE DATA

MAPPING THE KILLING FIELDS OF CAMBODIA 1995-2000

No.	Site No.	Site Name	Data of Pits and Victims		Data of Pits and Victims		YEAR Report
			by SITE FORM		by FIELD REPORT		Report Set/Year
			Estimated Pits	Estimated Victims	Estimated Pits	Estimated Victims	
(Continued from the September 2001 issue)							
106	010201	Chamkar Yeay Him	40	200	N/A	N/A	1997
107	010202	La-ang Phnom Kuoy Yum	10	500	1	100-200	1997
108	010203	Wat Banteay Neang	200	5,000	100-200	3,500-5,000	1997
109	010204	Wat Banteay Neang	N/A	N/A	N/A	N/A	1997
110	010401	Chamkar Ta Ling	6	720	6	660-720	1997
111	010402	Chamkar Ta Ling	N/A	N/A	N/A	N/A	1997
112	010403	Prey Ta Rut	200	3,900	N/A	3,890	1997
113	010404	Phoum Chakrei	N/A	3,570	N/A	3,580	1997
114	010601	Chamkar Khnao	100	20,000	N/A	20,000-25,000	1997
115	010602	Wat Sopheak Mungkul	N/A	N/A	about 100	N/A	1997
116	020101	Chanloh Kdaong	N/A	N/A	N/A	N/A	1997
117	020102	La-ang Kirirum	5	15,700	N/A	15,700	1997
118	020103	La-ang Kirirum	N/A	N/A	N/A	N/A	1997
119	020104	La-ang Kirirum	N/A	N/A	N/A	N/A	1997
120	020501	Wat Samraong	100	10,008	90-100	1,008	1997
121	020502	Wat Samraong	N/A	N/A	N/A	N/A	1997
122	020503	Wat Samraong	N/A	N/A	N/A	N/A	1997
123	020504	Wat Ek Phnom	200	5,000	about 200	N/A	1997
124	020505	Wat Ek Phnom	N/A	N/A	N/A	N/A	1997
125	020601	Wat Ta Loas Chass	100	500-600	hundreds	500-600	1997

126	020602	Wat Ta Loas	N/A	N/A	N/A	N/A	1997
		Chass					
127	020603	Wat Ta Loas	N/A	N/A	N/A	N/A	1997
		Chass					
128	020604	Wat Chrey	N/A	N/A	N/A	100-200	1997
129	020605	Wat Thoamayutt	15	1,000	more than 1	300-1,000	1997
130	020606	Wat Thoamayutt	N/A	N/A	N/A	N/A	1997
131	020607	Po 1	2	150	N/A	150	1997
132	030603	Kok Pring	50	25,000	50-70	about 25,000	1997
133	031001	Kngaok	2	300	4	about 300	1997
134	031002	Wat Kngaok	1	50	N/A	N/A	1997
		Chass					
135	031003	Wat Kngaok	N/A	N/A	N/A	N/A	1997
		Chass					
136	031201	Chamkar Maisakk	2	600	12	600	1997
137	031202	Phoum La	N/A	N/A	N/A	N/A	1997
138	031203	Chong Phoum La	20(6 wells)	N/A	20-25 +6 wells	500-1,000	1997
139	031204	Trapeang Sangke	15	N/A	10-15	500-1,000	1997
140	031205	Trapeang Russei	10(3 wells)	2,000	10 + 3 wells	about 2,000	1997
141	031206	Andaot	4	2,348	4	2,344	1997
142	031207	Andaot	185	8,946	185	8,950	1997
143	031208	Prey Stung Tauch	3	1,803	4	1,803	1997
144	031209	Sting Tauch	1	N/A	1	N/A	1997
145	031210	Sting Tauch	4	N/A	4	N/A	1997
146	031211	Lo 37	5	7,286	more than 1	about 7,286	1997
147	040301	Wat Khsam	N/A	130	N/A	1,500	1997
148	040501	Wat Champei	N/A	120	N/A	N/A	1997
149	040502	Wat Champa	N/A	N/A	N/A	N/A	1997
150	040503	Sre Ta Kan	4	N/A	4	N/A	1997
151	040504	Veal Thkauv	7	N/A	N/A	N/A	1997
152	040801	Banteay Chass	4	4,000	4	4,000	1997
153	040802	Wat Sovanne	16-20	100	16-20	100	1997
154	040803	Banteay Chass	N/A	N/A	N/A	N/A	1997
155	040804	Wat Sovanne	N/A	N/A	N/A	N/A	1997

(Continued in the November 2001 issue)

CHRONOLOGY FROM THE VIETNAMESE COURIER

(Hanoi, 1978)

(Continued from the September 2001 issue)

1971

January 26-February 9: Cambodian Head of State Norodom Sihanouk and his wife, Princess Monique Sihanouk, made a friendship visit to Vietnam. They took part in the traditional Tet festival in Hanoi. They came to Hanoi on the same occasion in 1972 and 1973.

November 10: A delegation of the NUFK and RGNUC arrived in Hanoi on a friendship visit. In a Vietnam-Cambodia joint communiqué published in Hanoi, the two parties reaffirmed “their determination to apply the five principles of peaceful coexistence: mutual respect for sovereignty and territorial integrity, non-aggression, mutual respect for each others’ internal affairs, equality and mutual benefit, and peaceful coexistence.”

1973

January: Signing of the Agreement on Ending the War and Restoring Peace in Vietnam. Regarding Cambodia and Laos, Article 20 (Chapter VII) of the Agreement stipulates: “The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Laotian peoples’ fundamental national rights, i.e., the independence, sovereignty, unity and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.”

February-March: Norodom Sihanouk and his wife, Princess Monique Sihanouk, made an official visit to the liberated areas of Cambodia lasting more than a month.

April 6: Back from the liberated areas of Cambodia, Norodom Sihanouk and his wife arrived in Hanoi on a friendship visit.

August 15: Ending of the bombardments against Cambodia.

November 9: According to AKI, the Khmer Rouge news agency, an official communiqué of the RGNUC announced that all its ministers would be transferred to Cambodia.

1974

March 4: Letter from Pol Pot, Secretary of the Central Committee of the CPK, to Le Duc Tho, Political Bureau member of the Central Committee of the Vietnam Workers’ Party, in which he said, among other things: “In all sincerity and from the bottom of my heart, I can assure you that in all circumstances, I will remain faithful to the line of great solidarity and fraternal and revolutionary friendship between Kampuchea and Vietnam, whatever difficulties and adversities we may encounter.”

March 30: Khieu Samphan, head of a NUFK and RGNUC delegation visiting Hanoi, declared at a meeting organized by the Hanoi people to welcome them: “The militant solidarity and fraternal friendship between our two peoples have been steadily strengthened, for they derive from a correct basis: mutual assistance on an equal footing and respect for each other’s sovereignty in keeping with the spirit of the Joint Declaration of the 1970 Summit Conference of the Indochinese Peoples.”

August 12: In a communication on “The present situation of the Revolution in Cambodia” sent to the Central Committee of the Vietnam Workers’ Party, the Central Committee of the Communist Party of Kampuchea pointed out: “As the war goes into its final stage, complex and arduous difficulties increase ceaselessly. But our attitude is to firmly trust. Thanks to the continuous assistance and unconditional support granted us by the Vietnamese Party and people, we enjoy all conditions to achieve total victory.”

1975

January 25: In a letter addressed to Le Duc Tho, Political Bureau member of the Central Committee of the Vietnam Workers’ Party, Pol Pot, Secretary of the

Central Committee of the Communist Party of Kampuchea, wrote: “The multifarious aid given by yourself, by the Vietnam Workers’ Party and the brotherly Vietnamese people have greatly contributed to our repeated victories. We consider them as an expression of our very great and very noble feelings of militant solidarity and revolutionary brotherhood.”

January 30: The greeting message sent by the Central Committee (CC) of the CPK to the CC of the VWP on the occasion of the 45th founding anniversary of the latter stressed: “Through the struggle waged for more than a century against common enemies, i.e., the French colonialists, the Japanese fascists and especially the US imperialists, the CPK and the Kampuchean people on the one hand, and the VWP and the Vietnamese people on the other, have sealed with their blood a militant solidarity and a brotherly friendship that no force can destroy...”

April 17: Liberation of Phnom Penh. “The new authorities in Kampuchea immediately forced the urban population to leave the cities for the countryside and work in agricultural production. Not only is their policy vis-à-vis the Kampuchean people extremely inhumane but at the same time they start a savage repression against Vietnamese residents. Kampuchea is to remain cut off from the outside world; no foreign journalists are allowed to visit Phnom Penh after its liberation.”

May 14: Kampuchean armed forces launched an attack against Phu Quoc Island, part of Vietnam’s territory.

May 8: Kampuchean armed forces encroached on Vietnamese territory in many places along the border between Ha Tien and Tay Ninh.

May 10: Kampuchean armed forces occupied Tho Chu Island and kidnapped 515 inhabitants of the island.

June 2: In a talk with Nguyen Van Linh, representing the VWP, Pol Pot, Secretary of the CPK, said that the Kampuchean troops’ “ignorance of local geography was the cause of these painful bloody clashes” with the Vietnamese.

August 2: A VWP delegation led by Le Duan, First Secretary of the Party’s Central Committee, visited Kampuchea. The aim of this visit was to

strengthen the solidarity and friendship between the two parties and countries.

August 10: In a meeting with Pol Pot, Nguyen Van Linh, representing the VWP, announced that 600 soldiers of the Kampuchean armed forces, who were taken prisoner in the course of attacks against Vietnam’s territory, would be released. But the Kampuchean side continued to hold the 515 Vietnamese captured on Tho Chu Island.

September 15: The DRV Ambassador to Phnom Penh returned to his post in Phnom Penh after a period of absence during the Lon Nol-Sirik Matak coup d’etat (1970-1975).

December: Kampuchean armed forces continued to encroach on Vietnamese territory in several places in Gia Lai - Kontum and Dac Lac provinces.

1976

January 5: Promulgation of the new Constitution of Democratic Kampuchea.

April 11-13: First session of the newly-elected People’s Assembly of Kampuchea. Elected to leading State bodies were:

- ◆ Presidium of the State: Chairman, Khieu Samphan.

- ◆ Permanent Committee of the People’s Assembly: Chairman, Nuon Chea.

- ◆ Government of Democratic Kampuchea: Prime Minister, Pol Pot.

May 4-8: In order to prepare for a summit meeting between the VWP and the CPK scheduled for June 1976, the Vietnamese and Cambodian sides held a preparatory meeting in Phnom Penh. On this occasion, they agreed on using the 1/100,000 - scale map established and published by the Indochinese Geographical Service and used before 1954, as a basis for deciding the land frontier between the two countries. They reached no agreement on the sea frontier. The preparatory meeting was suspended at the request of the Cambodian side. The Vietnamese side proposed the resumption of talks thereafter many times, but received no answer from the Kampuchean side.

The two parties, however, agreed on the three following measures:

1. The two sides will strive to educate the cadres,

combatants, and people of their respective countries in the border areas with a view to strengthening solidarity and friendship and avoiding conflicts;

2. All conflicts must be settled in a spirit of solidarity, friendship, and mutual respect; and

3. The liaison committees of the two sides must investigate any conflicts and meet to settle them.

December: Excerpts from the Resolutions of the Fourth National Congress of the Vietnam Workers' Party: "We will preserve and develop the special relationship between the Vietnamese people and the fraternal peoples of Laos and Kampuchea, strengthen the militant solidarity, mutual trust, long-term cooperation and mutual assistance in all fields in accordance with the principles of complete equality, respect for each other's independence, sovereignty and territorial integrity, and respect for each other's legitimate interests..."

1977

January 4-11: Kampuchean armed forces repeatedly violated the Vietnamese territory in Long An, Kien Giang, Tay Ninh, Dac Lac and Dong Thap provinces. Particularly serious were the events on the morning of January 11 when two Kampuchean regiments intruded as deep as 4 km into Vietnamese territory in An Giang province, perpetrating numerous crimes against the civilian population.

January 15-18: Kampuchean armed forces continued to mount attacks in An Giang province.

March 15-18: Kampuchean armed forces time and again violated our territory in Kien Giang and An Giang provinces which border the Kampuchean provinces of Kampot and Takeo along a 100 km front. They indulged in banditry and massacres against the civilian population everywhere, according to their slogan "loot everything, kill everything, destroy everything."

April 30: While the Vietnamese population prepared to celebrate International Labor Day (May 1), two brigades and two independent battalions of the Kampuchean armed forces with artillery support attacked 13 border villages in An Giang province. Most barbarous crimes were committed: women raped then disemboweled, children cut in two, pagodas and schools

burnt down. A family of 9 people was massacred.

May 12: The SRV Government issued a declaration on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of Vietnam. Article 7 of the declaration stipulates: "The Government of the Socialist Republic of Vietnam will settle through negotiations with the countries concerned all matters relating to the maritime zones and the continental shelf of each country, on the basis of mutual respect for independence and sovereignty in accordance with international law and practices."

May 19: According to statistics of the Military Command of An Giang province, from April 25 to May 19, Kampuchean armed forces in this province killed 222, mostly old people, women and children, burnt down 552 houses (not counting those destroyed in Chau Doc township on May 17), burned 134 tons of paddy and ransacked all the villages they thus emptied.

June 7: Letter from the Central Committee of the CPV and the SRV Government to the Central Committee of the CPK and the Government of Democratic Kampuchea proposing an end to hostilities and the opening of talks on the border problem between the two countries. The proposal was turned down by the Kampuchean side.

June-August: Artillery poundings and encroachments by Kampuchean armed forces continued in the border provinces of An Giang, Kien Giang, Long An, Tay Ninh, etc.

September 7: Kampuchean artillery pounded the Ganh Dau cape, northwest of Phu Quoc Island.

September 18-20: All six border communes in Dong Thap province (bordering on the Kampuchean province of Prey Veng) were attacked by Kampuchean armed forces.

September 24-November 30: Three Kampuchean divisions operated permanently in the border area of Tay Ninh province along a 240-km front. They occupied several portions of Vietnamese territory, especially an area 10 km deep into Vietnamese territory on the bank of the Eastern Vam Co canal. Initial statistics showed that over 1,000 Vietnamese civilians were killed or wounded and a large number were taken prisoner, and over 1,000 head of cattle and other property were taken away.

(Continued in the November 2001 issue)

**PROCLAMATION OF THE CENTRAL COMMITTEE OF THE COMMUNIST
PARTY OF KAMPUCHEA:**

**THE PARTY'S POLICY TOWARDS THOSE WHO ACCIDENTALLY JOINED
THE CIA, VIETNAMESE AGENCIES OR THE KGB AGAINST THE PARTY,
THE REVOLUTION, THE PEOPLE, AND DEMOCRATIC KAMPUCHEA**

(DC-Cam file D21228)

For those who accidentally complied with the assignment of the enemies to join the CIA, Vietnamese agencies, or the KGB to go against the party, the revolution, the people, and Democratic Kampuchea, our party divides them into different periods of perpetration, and utilizes the following measures:

1. From 1946-1967

Any person who joined the CIA, Vietnamese agencies, or the KGB from 1946-1967 and discontinued his or her activities beyond that period, is considered to be innocent. Our party regards these efforts to report information to the enemies as being forced by the circumstance of intensive, successive enemy attacks, which the enemies practiced in order to frighten us, and with the brittleness of our revolutionary forces. Joining the CIA, Vietnamese agencies, or the KGB is definitely wrong, but our party pardons this if there were no additional activities committed after 1967.

2. From 1968-1970

Also, the party imposes no punishment on traitors who performed no traitorous activities after 1970. From 1968 to 1970, our party's political power was growing more influential; revolutionary forces were gaining power; and the self-supporting ideology was thoroughly learned. However, the enemies were still stronger than we were, and conducted brutal destruction against us, causing some people to feel pessimistic about our revolution and decide to report our internal situation to them or join the CIA, Vietnamese agencies, or the KGB. Doing this is wrong, but our party imposes no punishment on them on condition that they did not do more traitorous activities after the mentioned period.

3. From 1970-1975

From 1970 to April 16, 1975 the objectivity of our party and revolution grows even stronger. However, even though some people accidentally conspired with the above-mentioned agencies, our party still pardons them for this offense. Joining the CIA, Vietnamese agencies, or the KGB is wrong, but our party pardons this if there were no additional activities committed after 1975.

4. From 1975-1978

Our party separates people who participated with those agencies into two groups, as follows:

Group 1: For obstinate people who continue to carry out their activities against the CPK, the power of revolutionary workers and peasants, the regime of socialist collectivism, the Kampuchean people, and the DK, our party must consider them to be guilty. For they performed their traitorous activities deliberately, with obstinate resistance to us, and with total commitment to the CIA, Vietnamese, or the KGB. These people defined their role clearly, and therefore, the CPK must eliminate them.

Group 2: Individuals who ceased their actions from July 1978 on, and put their great efforts into accomplishing the duty of the revolution are pardoned. The reason is that the party will try as hard as possible to reeducate them and correct their misunderstanding so that they may become our flesh and blood and conduct good deeds in the future. By doing so, they will be able to participate in defending and constructing our country, so as to promote our people's living conditions towards prosperity.

Even for people who are opposed our country, the party still sorts them into categories, as follows:

Group 1: People who committed strong and

organized resistance through successive, actual deeds.

Group 2: People who partly performed resistance by joining the activities of group 1.

Group 3: People who simply opposed with words in order to provoke trouble, persuade, and destroy relationships, as ordered by group 1.

Group 4: People who were convinced and were enlisted into the CIA's service, or said to have joined this or that activity along with others, either being aware or unaware of what was going on.

For groups 2, 3 and 4, the party utilizes educational policy to reeducate them to take the side of our revolutionary party and people.

For group 4, the party considers these people to be innocent because of their confusion and being affected by group 1. Therefore, these people must try to reeducate themselves completely and stand on the side of the revolution, the party, and the people, in order to accomplish new missions set forth by the party, with great attention, and to combat against traitors. The party and the people have spent a great effort to correct the

confused, so that they may become pure revolutionaries. Those who are classified as groups 3 and 2 will receive the same treatment if they try to reeducate themselves vigorously, so that their minds become fresh and they are able to conduct good deeds.

Note that the party also uses educational policy as hard as it can to change them so that they may eradicate confusion from their minds, and join in the side of the party and Kampuchean people. The party and the people will eliminate those who are stubborn and continue to confront the party, the revolution, the people, and the DK consecutively in the form of organized networks, and more seriously, stick to serving the Soviets, the land-swallowing Vietnamese, and the U.S. imperialists and its satellites.

The party appeals to all confused to come to share their beliefs and political ideology with our nation and people, in order to defend and rebuild our country, and improve the living standards of the people as quickly as possible. Together we head toward prosperity.



Portrait of a man with a mustache, wearing a light-colored shirt. Below the photo is a block of Khmer text.



Portrait of a man with dark hair, wearing a light-colored shirt. Below the photo is a block of Khmer text.

CHUM MANH: AN S-21 SURVIVOR

Sorya Sim

The elderly Chum Manh, called Mei, and his wife always went to the pagoda together. But he has not been able to do this since 1979, when his wife was shot dead by the Khmer Rouge. Chum Manh is one of the 14 S-21 inmates (out of 20,000) who survived that prison.

He told us that he misses his wife at Phcum Ben more than at any other time. This year he prayed to god asking for peace for his wife's soul because the leaders of those who killed her will soon be brought to trial. In fact, he is right and his wife's soul can rest in peace. King Norodom Sihanouk signed the Khmer Rouge trial law on August 10, 2001. Now, everything depends on how fast the tribunal is organized.

Although Chum Manh has prayed, he still fears the Khmer Rouge. He was tortured by them in the past, but they still torture him today because he fears that the Khmer Rouge may kill him for his report about information relevant to S-21.

He asked what he should do when his name is

known by the public, which may cost him his life. "I will tell you because you told me about documenting the history and telling the leaders about what happened, so that they won't repeat the same tragedy," he said.

Chum Manh was born in 1933 in Prey Veng Province. His parents died when he was young. He received some education at pagodas. Later, he earned his living by repairing cars and electrical equipment. This was a skill that both enriched his life and tortured him during the Pol Pot regime.

In April 1975, he and his family were evacuated from Phnom Penh. National road 5 was so crowded that from dusk until dawn, they could only travel two kilometers, from Kob Srov to Prek Phneou. He and his family spent the nights along the road, on the bank of the river, surrounded by fresh corpses. He saw corpses all along the road and floating in the river. He immediately thought that those victims had resisted the Khmer Rouge or had refused to leave their homes.

It took them ten days to reach Prek Kdam. There he heard that Angkar needed skilled people, including automobile and electrical engineers. He heard this when he was looking for medicine for his sick wife, and the rest of his family was resting. His family was not allowed to return to Phnom Penh. They stayed in Prek Kdam, 30 km from the river bank in Russei Keo District, where Chum Manh was instructed to repair ships for three months. Days later, his family was permitted to live at Chrang Chamrek, near Russei Keo. There, Chum Manh adapted automobile



Chum Manh

engines for 30 ships. The ships were then used to transport Khmer Rouge troops to the north (probably Kratie).

Chum Manh was assigned to collect and repair mechanical and electrical items such as tractors, automobiles, and microphones, for a short period of time at O’Russey Market, and then at the Ministry of State’s garment factory, where he later fixed sewing machines and automobiles. He said that there was a time when a group of Chinese delegates took photographs of the drive-belts of the sewing and cutting machines, that he had designed for use in documentary films. At that time, his wife and one of his children were working in the garment factory at O’ Russey Market, and another child was working in a child department at Deum Kor Market.

An April 1976 decision of the CPK Standing

Committee appointed Kun (Chum Manh described Kun as fat with a light complexion) as a member of the commission of the Ministry of State’s garment factory. Chum Manh stated that later, Kun was arrested for conspiring with Western traitors. He recalled that around August 1978 Khieu Samphan inspected a “share cooker” that he had constructed. He explained that the kitchen had only one fireplace, but it could cook many pans of rice at a time. There was also a time when he received a political lecture, presented by comrade Nuon Chea, at the sports center (Borei Keyla).

On October 28, 1978, Angkar arrested Chum Manh and brought him to Tuol Sleng prison (also called S-21). One afternoon, a comrade informed him: “‘Angkar needs you to repair automobiles in preparation for attacking Vietnam.’ The next morning



the comrade fetched me with his three-wheel vehicle,” said Chum Manh. His wife was pregnant at the time. “Tuol Sleng was a restricted area, surrounded by zinc roof sheeting from Sihanouk Street to Mao Zedong Street, and from Monivong Blvd to Street 163.” Upon arriving at Tuol Sleng, he was thrust out of the vehicle and his face was then covered using the scarf from around his neck. In that brief period he told the comrades: “Please tell my wife that I’ll probably be unable to survive.” Then he received a forceful kick from a comrade, causing him to fall flat to the ground.

He was unable to stand up since his hands were tightly tied behind him. He was escorted away with his hands tied. After that, they took his clothes off, measured his height, and took a photograph of him. Arriving at the cell, his legs were shackled, then his hands and face were untied, and he was left in only his underwear.

He was shackled from the time he was first brought in. His belongings inside the cell were a water container for urine and an ammunition container for excrement. For bathing, a guard poured water over his head. He revealed that whenever the memory of water and ammunition containers comes into his mind, he cannot help crying.

Chum Manh was tortured by comrades Tit, Hor, and Seng. One day, Hor arrived while Seng was beating him hard. Seng told Hor, “Look at him, comrade! He does not tell me the truth, however hard I hit him.” Hor took a turn and continued torturing him until he broke one of Chum Manh’s fingers. “You have two choices. One is death if you keep mum; if you tell me the truth, you’ll have your life,” Seng threatened him. “Angkar is not fool.” He had to confess to having a CIA or KGB network, even though he had never known what the words meant. He remembers that he tried to make up stories in order to relieve the intensity of torture, and most importantly, to delay death, which otherwise would be swift. Sometimes he thought of committing suicide rather than endure more physical battering.

But as it turned out, his engineering skills

saved his life. He was unshackled, given clothes and sufficient food, and summoned to repair sewing machines and teach his skills to comrades in S-21. Chum Manh met another prisoner named Ung Pech (another of the prisoners who survived



S-21). He and Ung Pech dared to make contact to each other only by smiling, but sometimes they gave one another food. One time, he heard the sound of a foreign language and saw Vietnamese women and children in the cell.

On the S-21 execution list for November 6, 1978, was the name of interrogator Seng and the date on which the document was created. Under the title of “Prisoners from the State Ministry Garment Factory,” was Chum Manh’s name. Included on the list was an additional note: “keep for a while.”

Chum Manh revealed that at S-21 he knew Huy, Hor, Kharn, and Duch (the chief of the prison). Other documents indicate that Hor, Tit, and Seng interrogated at least 22, 55, and 112 prisoners each, respectively.

Chum Manh told us that his confession document took 12 days and 12 nights to complete. as Seng battered and questioned him, and then took down Manh’s responses using a typewriter. When asked whether Seng had ever mentioned whether or not he believed Manh’s story, Manh replied that Seng simply wanted any story that included references to the “CIA” and “KGB.” Manh doubted that Seng believed what he (Manh) told him, and was sure that Seng did not know all the alleged traitors’ names he gave.

He emphasized that the biography section of the document was true. This section stated his parents’ and siblings’ names, the dates and names of the pagodas he studied at, some relatives he had lived with, taxi drivers, a taxi boss he worked for and the

salary he received. “Among the 64 names I listed as being in my traitorous network, only 10 were real names,” said Chum Manh. The real names given by Chum Manh were mostly people who had already been arrested, such as Kun, Chum, Yong, and Vann, who replaced Kun, were also arrested, as was Comrade Man, Chum Manh is chief at the shipyard. Usually, names, roles, or institutions that were familiar to many people (like offices M-11 and K-9), were confirmed by Chum Manh in his confession. He explained that “M” stood for the name “Man,” the chief of the Ministry of State Garment Factories.

At the end of page 2 of Chum Manh’s confession, the interrogator wrote that the taxi driver told Chum Manh to persuade people who he knew not to accept communism and try to support democracy, and that in doing so Chum Manh would be paid more. Chum Manh insisted that this and other points were not true; he said them only because the Khmer Rouge intensified his torture. In this situation, he claimed that the taxi owner forced him to swear before a flag with a lot of stars, the American one, which represented the Western world, and to serve the CIA for the rest of his life. He also stated that he organized a traitorous network, went to meetings with them, etc.

When Vietnamese troops arrived in Phnom Penh in 1979, Chum Manh, other prisoners, and cadres of the prison escaped to the west across Prey Sar, where the stench of the decomposing bodies of executed prisoners was almost unbearable. When crossing Prey Sar, he was not aware that his wife was being held at Prey Sar prison. He only learned about this when he finally reunited with her and his youngest child on National Road 4. Manh’s other two children had been sent to Pursat on a train with evacuees from the east.

Soon thereafter, at



Bou Meng

Srah Thul where they spent a night, his wife and his child were killed. He still remembers her last words: “Run baby! They’re going to shoot me.” He heard her voice at the same time he heard the sound of gunshots. Chum Manh managed to escape. He still holds a clear memory of his wife and will always remember her, especially during Phchum Ben, a time he and his family once celebrated with joy.

Today, Chum Manh still makes a living as an automobile mechanic. He has also kept abreast of all events relating to the Khmer Rouge. Of the 14 surviving prisoners of S-21, only Chum Manh, Van Nath and Phan Thanchan are alive today. Ruy Nea Kong, Bou Meng, Ung Pech, Iem Chan, and Dy Phon have all passed away. DC-Cam is searching for the addresses of the other prisoners for the purpose of interviewing them.

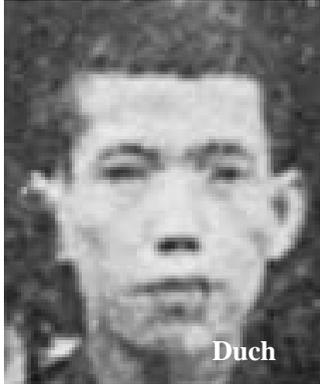
Approximately 20,000 others perished at S-21. Chum Manh once swore that he would shave off his hair to express gratitude to those who would rescue him from the prison (shaving one’s head is a very respectful form of thanking someone in Buddhism). He also prayed to god to excuse him for listing the names of some people in his confession. Chum Manh asked: “For those who were tortured and inflicted with grief, how much can a human rights organization or the United Nations help them?”

If justice prevails and the Khmer Rouge tribunal is set in motion, the question of Chum Manh will be answered. Chum Manh has the right to ask, answer, or speak freely, just as Khieu Samphan and Nuon Chea do. He can also ask the Khmer Rouge about what they did.

The government and the UN are expected to have a discussion on detailed points of the law and to then sign a memorandum of understanding. Some analysts believe that this law will provide very little justice; nonetheless, it can be the beginning of bringing a broader justice to both victims and perpetrators. The Khmer Rouge law and the tribunal it creates will play an important role in eliminating impunity and forming the basis for a just and strong Cambodia.

OFFICE M-13 OF DUCH

Dara P. Vanthan



Duch

Kaing Kek Ieu, alias Duch, threatened Ham In, who had been imprisoned in 1973. Ham In has never forgotten what Duch said to him: “People who are born in the year of the horse will never be away from jails. As you can see

in my case, I was caged for several years. When I entered the prison, it was the year of the horse, one in which people rarely live. Oh! oh! It is very tough to die...”

Duch, whose friends called him “A Kieu,” was himself born in the year of the horse (1942) and had also been a prisoner. From 1967 to 1970, he was jailed for his participation in dispersing leaflets to persuade people to serve the Khmer Rouge.

He put his prison experience to good use later, when he became the chief of a prison called Office M-13, which was situated inside the Khmer Rouge’s liberated regions, and still later, the chief of S-21.

His experience also made him aware of the fact that using torture to obtain information from prisoners could sometimes fail. At times like these, Duch utilized a new strategy, which he thought to be more effective. He used inmates to gather information on other inmates, because fellow prisoners might tell each other the truth. Ham In stated that Duch told him: “I’ll release you if you work as a spy inside the cells for me...”

In about 1971, Duch became the chief of prison M-13, in Tumneap village, Amlaing subdistrict, Thpong district, Kampong Speu province. Ham In was detained in that prison in June 1973. He described the types of punishment that Duch ordered his subordinates to practice on prisoners and which Ham In either witnessed

firsthand or experienced himself. The punishments included:

- ◆ Tying both hands behind the prisoners’ back, attaching a rope to the knot, and pulling the rope up until both legs were lifted a few centimeters off the ground.

- ◆ Forcing prisoners to drink a solution of detergent until they became unconscious.

- ◆ Putting a burning torch on the belly and leaving it there until the burnt spot turned pure white because part of the skin was stuck to the burning end of the torch.

- ◆ Folding a piece of cloth around the wick of the torch, burning it and dripping scorching cloth onto the prisoner’s body - from head to toe; the body is then covered with white spots, causing one’s spine to tingle upon seeing it.

- ◆ Tying a prisoner to a pole with other prisoners sitting around and then blowing the head off, splashing the surrounding prisoners with chunks of brain and blood.

- ◆ Stabbing needle-sharp pieces of steel underneath all of a person’s fingernails, and then immediately after pulling out the steel, dipping the



Ham In

bleeding fingers into a bucket of urine.

Ham In did not mention all of the acts committed by Duch's young subordinates, such as shooting stones at prisoners using catapults or kicking them for fun. These insolent behaviors were sometimes done in front of Duch, but he never took any measures to stop them.

Prison Office M-13 was on the bank of a river, which the villagers called "Trapeang Chrab," a wooded area in Tumneap village, Am Laing subdistrict, Thpong district, Kampong Speu province, which was often inundated by floods in the rainy season. One night during the 1972 rainy season, many of the prisoners kept in underground cells were drowned in a flood. Ham In expressed that "This is true; the flood killed many prisoners...large amount of water flew in without warning. Not a few people died..." But Sai, who used to harvest bamboo shoots in the area, echoed this story. Sum, who was responsible for a branch under the authority of Duch, pumped Ham In for information: "how many prisoners were in the prison when the flood arrived?" Ham In added, "A large number of people were executed; about ten prisoners were brought in within three days." Arithmetically, the total number of people killed there could reach tens of thousands from 1971 to April 1975.

Some meetings were held at night, and Ham In listened in on them quite frequently. "Sometimes I was caught. Duch said to me, 'how can you be so brave, In? Why don't you bring a tape recorder along?'" Ham In replied, "I didn't know that you are having a meeting, sorry!" He recalled that, "Sometimes, Duch ordered his guards to batter two prisoners every day, but I witnessed such tortures for only a month before I left..."

At least two sets of documents show that Duch issued orders for executions at M-13, and they were annotated by Duch himself. The first is a list of 18 victims prepared by Huy on April 7, 1977. It reads "names to be taken: the family of contemptible Sok and Me Lon." Duch wrote in the order's margin: "Please interrogate four persons and the rest must be destroyed." The second document implies that even

more brutal treatment was ordered by Duch, despite his claim of innocence during his interviews. This document was entitled "A summary of people who owe some sort of [political] debt." On the lower part of the list Duch wrote: "Uncle Peng, smash all of them."

Even young teenagers carried out executions for the party, for if they could not commit such acts, they would be quickly criticized. Ham In emphasized, "Children were ordered to carry out executions inside the prison; they were ordered to kill two persons a day, or else they would be reprimanded that people in the cooperatives planted fifty to a hundred potato roots per day, whereas those kids could not even kill two defenseless enemies a day."

When a prisoner was believed to have confessed everything, he or she was shackled for the youngsters (whose ages could range as low as seven, eight, or nine) to beat. Ta Sok, who was detained in M-13 with Ham In, for example, was pounded fiercely on the chest with a hammer by his grandson Khan, who accused Ta Sok of being an enemy. Khan battered him until he called his grandson *bang* (brother). Ham In imitated Khan's speech, "Right! Although I'm young, I'm older than you in terms of revolution." In 1979, when he returned to his home, Khan saluted Ta Sok and said, "I could do nothing, grandpa. At that time I was too young to know right from wrong."

During the Democratic Kampuchea regime, all adolescents age ten to eighteen were ordered to work for Duch. Interviews with local residents showed that young people named Khel Kun (a child of Nhang Yi), Be (a child of Hem), Kim Aun (a child of Duong Nouch), Pao Kak (a nephew of Sei Chea), Hem Boeun (a child of Sem), and Oeun (a child of Yuok) were separated from their families. Duch's staff took those children away. Each day, their parents have waited for the return of their children, just as Duch is now waiting for the tribunal to prosecute him.

Can a person born in the year of the horse like Duch be free from imprisonment again? He himself was a prisoner so many times that he began to think every

person born in the year of the horse was likely to be imprisoned.

Duch's prison, which was known to the inhabitants of Amlaing as Office M-13 Trapeang Chrab, was pulled down and relocated to Phnom Penh in 1975 when that city was taken by the Khmer Rouge. According to Ham In, "When I was first in the prison the plan was not yet known; however, I thought that the prison had to be relocated to Phnom Penh according to the actual situation. I heard them talk about this, that the prison would be moved to T-3 prison. They just told their guards about the plan; the guards were my friends. The prison's guards were very delighted to hear the news. Some said that the prison would be moved to T-3, while others did not mention any particular location in Phnom Penh. I heard some young guards say that the prison would be moved to T-3. Some mentioned only Phnom Penh, but not any particular place," said Ham In.

The remaining prisoners were duped into digging holes in which they themselves would be buried. Ham In said, "They just said that this place was going to be abandoned. Prisoners would be ordered to dig holes for burying themselves." Later on, Ham In was sent to Office M-99. This office was a prison created in 1973 at a remote site in Ta Sal commune, Phnom Sruoch district, Kampong Speu province. The chiefs of this office were Chhai (1973) and Ta Kul and Ta Nam (1975). Office M-99 was also one of the prisons under the supervision of Duch.

The number of prisoners killed at this prison was similar to that at Office M-13. Ham In described, "After M-13, they sent me to M-99; this prison was as brutal." M-99 was dismantled in 1977, two years after Office M-13 was relocated to Phnom Penh.

Duch returned to Amlaing in January 1979. The parents of children taken to work at M-13 who were interviewed for this article indicated that their children never returned to visit their homes or let their relatives know what happened to them, except in 1979 when they returned home for one or two days. They have since disappeared. Ham In said, "What I know of 1979 is

based on [what] a friend of mine, who was there until 1979 [told me]. He said even in 1979 he came here again along with Duch, who came to stand at the old prison."

A close friend of Ham In's named Voeun, who was an Office M-13 security guard, gave some information relating to Duch's return to his prison in 1979, and stated that the scope of slaughter was no different from that in the past. Ham In recalled a story Voeun had told him: "...in 1979, the time of intense fighting, my friend told me that tens of thousands of prisoners were sent there, more than the years before 1975. They killed many more people than in the past and in a shorter period of time. Voeun said that the killing was so fierce." An Han related that Amlaing was taken by the Vietnamese in February 1979, but the executions had been carried out half a month earlier. Every villager of Amlaing knew Duch's office. "...you can ask anybody here where the prison is. They'll quickly tell you everything," said But Sai. Although most villagers know the prison well, their knowledge cannot compare with that of Duch. Only Duch knows everything about the prison.

The government issued an arrest warrant for Duch in 1999. Now he is being detained in the military court prison, awaiting the establishment of a special tribunal that will prosecute him. Will Duch ever be convicted? Ham In is now waiting anxiously for the answer.



But Sai

(Continued from the September 2001 issue)

Several confessions compared the fate of Cambodian soldiers after their victory in April 1975 with that of Vietnamese soldiers soon afterward. In Vietnam, former combatants were allowed to rest and visit their families. In Cambodia, on the other hand, they were immediately forced to go to work growing rice. As Vann Khoeum put it, “In other countries they fight the enemy for a month and then they rest. We fight the enemy without stopping.” “When the war was won,” Prum Phorn observed, “the Vietnamese army had clothes to wear and food to eat.” This idea was echoed by Nom Nal, who wrote, “Neighbors [i.e., in Vietnam] fought imperialism too, but they have enough to eat.” The comparisons with DK, although not spelled out, are obvious.

Chou Ny of Regiment 411 used information gleaned from CPK study sessions to paint the Cambodian revolution in a unfavorable light. In his confession he assigned these subversive views to a senior cadre, whom he quoted:

“Soldiers in Vietnam don’t grow rice like we do. Their soldiers are happy, and move about freely, as they wish. They have enough to eat, and, unlike us, they lack nothing. To be sure, they’re engaged in a revolution, but it’s only the outer husk. Inside, they’re not happy with socialist ways, because [socialism] is no way for people to live. They’re aroused and they struggle ceaselessly against socialist ways, because they’re confused, they can’t keep going. And that’s not all. In the Soviet country, which has had a socialist revolution for a long time now, they haven’t begun to do what we do, they never started out as we did. They are reexamining things today, because they can’t keep up the hot class struggle that a revolution involves. Waging a revolution is really hard.... When we waged a

national democratic revolution, they said it was difficult, against the enemy. When the war ended, we went on into a socialist revolution, and they said we would be happy. In fact it was still difficult, from the point of view of food, clothing, freedom to move around. None of this was like other countries.”

Victory had brought Cambodian soldiers very few rewards. In many cases victory had actually lowered the victors’ painfully earned new status. Young men and women had run away from their parents’ farms to “liberate” Cambodia as well as themselves, and they were unwilling to revert to growing rice once victory had been achieved. The regime’s pro-peasant rhetoric was lost on young people who felt that as revolutionary combatants they were entitled to leave to others the mud, back-aches, and low status of growing rice. To compound the irony, those meting out the punishments had seldom grown any rice themselves.

Kae San (alias Sok), a high-ranking Party member, was displeased by these developments and made a play on words to underscore his

point: [In May 1975] the one named Chhas said: “Friend, do you see, we’d been liberated a month without any rest (*somrak*). All we did were storming attacks (*vay samruk*). We grew rice all day and all night, you can imagine the problems and the confusion.” A few months later, Khloeing Run, also a soldier, reported a friend’s distress when confronted by the ragged appearance of so many people:

Som said, “Doing a revolution is difficult and complicated (*smok smanh*).... There are difficulties in living and in clothing. Let’s look at clothing for a moment. We’ve never had new clothes at all. Cadres and ordinary soldiers were the same. You go to the battlefield,



VOICES FROM S-21

CHAPTER FOUR: FRAMING THE QUESTIONS

David Chandler

all you saw was rags and tatters, nothing clean, and that wasn't all. Whatever day month or year it was you saw people sleeping on the ground, their bodies never touched water, they were spattered with mud for a month at a time." Older combatants complained that they were separated from their wives and children. The breaking up of their families made no sense. As Keng Bak put the problem, using someone else's voice:

"Han said that he missed his wife, and I replied, 'Friend, if you examine the revolutionaries, and especially your own friends, you'll soon see that when the Organization says 'We have been liberated into freedom,' freedom is nowhere to be seen. If there were any freedom you'd be allowed to see your wife; what reason can there be for not seeing her? Han answered, 'That's up to the Organization. If the Organization doesn't take care [of us] one day we'll desert the ranks, just wait, one of these days I'll look for a new place myself.'"

Although these complaints about DK are succinct, eloquent, and powerful, there are few examples in the archive of what James Scott has call the "hidden transcripts" of resistance to oppression. Examples of confrontation, outrage, and ironic backchat between oppressors and oppressed, so frequent in memoirs of the Holocaust or the Russian and Chinese gulags, for example, are rare.

Because they are so rare in the archive, the occasions when prisoners attacked the revolution head-on are courageous and moving. Prak Chhean, a low-ranking soldier from Division 310, said frankly: "The Organization is Shit"; Ho Tong Ho, a former teacher who had visited the United States in the 1950s, used his confession to deliver a withering attack on the ideology and practice of the CPK, remarking that "I can't see how Communism can succeed in the future if technical workers are dismissed, industrial production stops, and factories close their doors." Neak Ang Kear, a radio operator, confessed that his work had suffered because of his "hot anger at the revolution," and Tan Douern noted crisply that as far as he was concerned, "Communism means eating one can of rice a day and following the ideas of uncivilized people."

Many "hidden transcripts" would have been delivered orally and so would not have found their way into the documentary archive. Nhem En, who lived with his colleagues in a house several hundred yards from the prison, has recalled hearing a prisoner shout out at night, when the city was completely quiet: "If you want to kill me, go ahead: you are the real traitor!"

Very few of the prisoners questioned DK's top-down style of rule or its violence, characteristics that DK shared with prerevolutionary Cambodian regimes. Insulting senior figures by name was taboo. The closest anyone came in the confessions I have examined was In Van, who worked for an elite battalion "guarding the Organization" until he was arrested in March 1977. In his confession he berated Khieu Samphan, probably Brother Number Six or Seven: Khieu Samphan is conducting an oppressive socialist revolution, attacking the free spirit of the people and pitilessly exploiting them. For these reasons, we must fight to liberate our brothers and sisters among the people from the exploitation of this group, whose revolution is impure.

More calmly, Phuong, a senior cadre from the Eastern Zone who had been targeted at *santebal* since 1976 but was not arrested until 1978, attacked the regime head-on: "The people are losing all popular democratic rights and freedoms, all the cadres and the entire state power are under the control of the CPK at all times.... Day by day the people and cadres are being imprisoned and chained, massacred by the hundreds, and there's not the slightest bit of organization or law to guarantee the people's rights. The people are silent as if they were in so much pain that they don't dare utter a thing."

The secretary of the Western Zone, Chou Chet, arrested in March 1978, confronted his captors directly at several points, delivering a stinging attack on the CPK and its policies without mentioning anyone in the Party Center by name: [I said that] "the current regime was a highly dictatorial one, too rigid and severe, one that overshot the comprehension and consciousness of the people. Therefore a lot of people were muttering. ..that they were doing a lot of work and getting little back for it, how they couldn't get together with their families, couldn't rest, never had any fun, and so on.

We know from Vann Nath's account that prisoners whispered to each other and from former workers at the prison that they sometimes talked to prisoners, even though doing so was against the rules. Pha Thachan remembers tapping on the brick walls of his cell to draw the attention of prisoners on either side. He never saw them and had no idea who they were. What was said or tapped out on these occasions—a “hidden transcript” if there ever was one—remains a mystery. Similarly, records of conversations among the interrogators about their work or about the prisoners are very rare and otherwise impossible to reconstruct. Most of the victims and all the perpetrators can be overheard only through the papers that survive.

The “treacherous activities” of prisoners, as opposed to their complaints about the regime, are impossible to corroborate, but in many cases they call to mind the genuine problems that hard-pressed cadres were encountering in the countryside as they struggled to impose the policies of the Party Center. A November 1976 memorandum to Son Sen from Roëun, the political secretary of Division 801, stationed outside the capital, described the “activities of those who serve the enemy” in military units:

“1. They agitate among cadres and other ranks not to believe in our revolution, raising the issue of insufficient food.

2. They stir up combatants to desert military ranks, or to desert the cooperatives. saying that cooperatives are difficult.

3. At worksites, they encourage people to steal whatever they can; what they can't eat they throwaway.

4. They stir people up people to be “free”: wandering around, speaking their minds, mentioning freedom in Vietnam and Laos.

5. They agitate people with tales of rank, privilege, and wages in Vietnam and Laos, where [people] are happy with wages, whereas the Kampuchean revolution isn't happy and will be unhappy for a long time.

6. They stir up people to be lazy at their work, saying, “If you can't eat your fill, you have no strength to work.”

These “activities of those who serve the enemy” resembled those to which Party cadres and ordinary

soldiers repeatedly confessed. The words the prisoners used to describe their “treacherous activities” were often Leninist ones they had absorbed from CPK study sessions. For example, prisoners claimed to have “educated” (*op rum*) and “organized” (*chat tang*) their treacherous followers: these are both key Marxist-Leninist terms, crucial to CPK thinking. Other examples of Party-inspired language include the prisoners' claims that they had “nourished secret work” (*cenhchom ka somngat*), “built forces” (*kosang komlang*), “expanded forces” (*bongrik komlang*), conducted “storming attacks” (*vay samruk*), and engaged in “propaganda” (*khosna*).

The prisoners often confessed to imitating the subversive tactics that the CPK had used en route to gaining power. Unsurprisingly, most of the so-called subversive “parties” (*pak*) that the prisoners founded or joined were organized exactly like the CPK. Indeed, some of the “enemies” admitted that they had been “buried inside” the CPK for many years, when the CPK itself was “buried inside” Cambodian society. Unlike the CPK, however, the treacherous parties had identifiable leaders—usually important cadres who had already been arrested or were dead—to whom members had directed their “feudal” loyalties and onto whom the Party Center could pour its disdain.

In response to questions asking what they were hiding from the interrogator, many prisoners came up with improbable stories of hidden weapons, bullets, medicines, packets of poison, and in more than twenty cases, Vietnamese. Pok Pha confessed to “gathering forces,” otherwise unidentified, whom he had “concealed in deep holes.” Sixty-one confessions involving hidden objects or persons were accompanied by neatly drawn maps, prepared by S-21 personnel, locating the hiding places precisely, down to bureau drawers. The confessions that mention concealed Vietnamese were all written in 1978, after hostilities with Vietnam had broken out. They are suggestive of the mass hysteria that swept through the Party Center at this time. Invisible Vietnamese were thought to be everywhere, “burrowing from within,” waiting to pounce, while in the countryside Vietnamese forces confronted the DK army in the open. Concealed enemies were always the most dangerous. In July 1978,

after a study session titled “On the Problem of Hidden Vietnamese,” the senior interrogator Pon wrote:

“There are surely Vietnamese hidden in Phnom Penh because Phnom Penh is not yet cleared of traitors. Documents at *santebal* reveal that traitors have hidden Vietnamese in Phnom Penh, in the Northwest and in other zones.”

According to some confessions, the Vietnamese were hidden in houses or concealed in vacant lots within sight of important ministries in Phnom Penh. None of these confessions was rejected by Duch and his associates as fanciful, and yet none of the Vietnamese prisoners of war and “spies” questioned at the prison ever stated that they had been hidden by Khmer. These cases are perhaps the clearest examples in the archive of objectified fantasies known by prisoners, interrogators, and the Party Center to have had no basis in fact. At the same time, betraying the regime was tantamount to concealing Vietnamese within oneself, in the same way that treason necessarily implied “bourgeois” tendencies.

Just as the maps showing the hiding places of weapons, medicine, poison, and Vietnamese confirmed the narrative truth of the confessions, most of the confessions were up-to-date in the sense that prisoners were encouraged to admit working for the sorts of enemies who were then being targeted by the Party Center. No one “hid Vietnamese” in 1976, in other words, and in 1978 no one confessed to working for Lon Nol. Naturally enough, prisoners’ “crimes” were also related to their work. Thus, prisoners who had been engaged in agriculture confessed to wrecking farm machinery, flooding, burning, stealing and uprooting crops, maiming, killing and losing track of livestock, and arbitrarily cutting

down fruit trees. Factory workers confessed to wrecking machinery, stealing materials, making faulty goods, and plotting with co-workers to sabotage production. Cooks confessed to repeatedly attempting to poison high-ranking figures, smashing crockery, serving Chinese experts food on dirty plates so as “to destroy relations with China,” or putting pebbles or feces in vats of soup. A woman who prepared food for Chinese “guests” attached to the ministry of foreign relations claimed to have “sought to destroy the policy of the guests” by serving them overcooked soup and providing them with brother spoons. Those employed by the capital’s electrical works confessed to short-circuiting the system, while people employed in the ministry of foreign affairs confessed to contact with foreign diplomat in Phnom Penh

or with “enemy agents” while on duty overseas. Worker in DK hospitals confessed to injecting patients with poison, stealing misusing medicine, and having sexual relations with patients and with each other. Former patients, in turn, confessed to malingering and to seducing nurses. Drivers confessed to “intentional” accidents, dock workers to breakage and pilferage, and railway workers to damaging rolling stock. Soldiers confessed to desertion, hiding weapons and ammunition, and to having conversations with their colleagues that belittled the regime, while those working at S-21 confessed to work slowly, preparing “confusing” documents, encouraging prisoner escape, forbidding them to defecate, and beating them to death. People who had lived abroad said that they had fallen under malign foreign influences, such as “freedomism”; diplomats confessed to conversations with officials in foreign countries.

(Continued in the November 2001 issue)



Ruy Neakong



CAPTURED KAMPUCHEAN SOLDIERS CONFESS

Kinh Kha

“I realize today that the Vietnamese have never been the enemy of the Kampuchean people, but now it is too late,” confessed Siam Savinh, a native of Prey Veng and soldier in the 10th Platoon, 4th Section, 2nd Company of the battalion garrisoned in Piem Nhoa Knet district. “My platoon, together with units of the regional forces of the 20th Zone and those of the regular forces of the military region, marched on Xa Mat on the night of 24-25 September 1977. There, we sacked villages, burned down houses, raped women and massacred the population without mercy.”

Siam Savinh belonged to the sizable force dispatched by Phnom Penh to attack Tay Ninh province. The force comprised units of the 3rd and 4th Divisions supported by units from Zones 20, 21 and 23 of military Zone 203 (East Kampuchea). The Kampuchean troops penetrated as deep as 7 km into the territory of Vietnam and carried out crimes of unprecedented barbarity against the civilian population, similar to the crimes committed five months before in An Giang province on April 30 and May 1, 1977, which incurred the anger of people worldwide.

“I myself,” Siam Savinh went on, “opened fire on the Vietnamese border guards stationed in post No. 27 of the 8th hamlet. When the adversary returned fire I lost my self-control, was wounded and was then captured with my AK rifle and four hand grenades.”

Son Sophat, a soldier in the 182nd Regiment, 3rd Division of the Kampuchean regular forces, fell into the hands of Vietnamese border guards only hours after Siam Savinh was captured. He revealed

the elaborately worked out schemes of his superiors:

“Sol, the commander of the company stationed in Chantrea district, ordered us to destroy everything in order to expand the territory of Kampuchea... We must burn down all houses, and massacre people including old folk, women and children, get hold of their cattle and rice, and bring them to Kampuchea.”

Phnom Penh’s long-term schemes are no longer a secret. Witness the confessions of Meng Nheap, a native of Takeo and soldier in the 2nd Platoon, 1st Company, 27th Battalion, 2nd Regiment of the Southwestern Zone, who was captured in May 1977 in An Giang province:

“Since March 1977, Ta Mok, a member of the zone headquarters, accompanied by two stout Chinese with pale complexions, came to give ideological preparation to the troops who were to attack Vietnam and to advance as far as Saigon... We had started by attacking along the border, down the Vinh Te and Bac Dai canals. We would stay on that bridge-head for some time to get some room to breathe, and then go further into Vietnamese territory.” (Similar confessions were made by Meng Nheap’s companions, who were captured at the same time).

In order to carry out their wild ambitions, the Kampuchean authorities tried every means to inculcate hatred for the Vietnamese into their men. “The Party has taught us, myself and other soldiers, that Vietnam is our aggressor, our deadly enemy number one, whom we have to fight without hesitation.” These words began the confession of Inh Chanthon, age 27, a native of Svay Rieng and deputy commander of the 501st Regiment, 3rd

Division of the Kampuchean armed forces.

“Kill them all!” was the war cry of Inh Chanthon and his companions. “Our superiors told us that the Vietnamese were our traditional enemy, the number-one enemy of the Kampucheans,” confessed one soldier. “We must kill them, or they would kill us. So we were forced to kill the Vietnamese.” The captured assassins were afraid of being murdered, as many of their fellow countrymen had been at the hands of the Angkar itself at Svay Rieng, Prey Veng, Kampong Cham, Takeo or along the Battambang railway, on the banks of the Mekong River.

Inh Chanthon was admitted into the Party on December 31, 1973 and captured exactly four years later, south of Highway No.1, in the southwest of Tay Ninh province. He was seriously wounded, and was looked after by Vietnamese doctors in the provincial hospital. He had ample time to test the truth of Angkar’s teaching about the “deadly enemy” who had just snatched him from the jaws of death. “The Vietnamese have freed me from the claws of the Red Khmers,” affirmed Inh Chanthon, as a conclusion to his confession dated January 8, 1978.

The substance of these confessions can be found in the Eastern Zone resolution of July 17, 1977: “Our attacks should not be directed at a specific place or region, but should be directed at all places simultaneously.... We must stop them [the Vietnamese], wipe them out even in their own territory...Therefore we must be on the alert while preparing our ground forces, our supporting artillery and our anti-aircraft forces along the frontier... We must also carry out reconnaissance in order to be constantly informed of the situation and prepare our attacks well. This second directive must be kept secret. Apart from the Command, neither the soldiers nor the population must be informed of it...”

The authors of the resolution also boasted about the bloody exploits of their troops: “On April

30 we levied taxes in their country [raided Vietnam], inflicting great losses on them. 4,000 civilians were wounded, 90 percent of the houses in the area burned down.” This baleful balance-sheet was written down in the notebook of Chhim Phin, platoon commander in the 2nd Division of the Kampuchean armed forces who attended a meeting held at Angkor Boray on December 31, 1977. That day, also according to Chhim Phin, as a reward for their atrocious crimes, Kampuchean troops of the Southwestern Zone were allowed to eat to their heart’s content for the first time since the start of the border war against Vietnam.

A drive to emulate this “success” was launched with the catchword “one for thirty.” The catchword was actually an order, admitted another captured soldier. He added: “That’s not all, the Party required more from us: One for 40 or even 50. This is the reason why we must kill even 50. This is the reason why we must kill even the old folk, women and children. Otherwise, how can we reach the targets?”

The Khmer Rouge’s thirst for blood forced it to continually increase the effectiveness of its armed forces. Forced conscription was carried out in the remotest parts of the country. The sick and adolescents are not spared.

“If you are called, you must report without delay,” said a very young soldier who was captured. “If you shilly-shally, they will kill you out of hand. We have received uniforms, a rifle and ammunition, all made in China. And immediately after that our chiefs gave us a choice: to kill the Vietnamese or face death. The more Vietnamese you kill, the better you are fed, and commended in the bargain. If you refuse to kill, you will be executed: not only you, but your relatives as well. Of course, we would rather kill than be punished.”

Suon Suoi, 13, a soldier of the 2nd Company, and Un Saroeun, 16, a native of Prey Veng and soldier in the 3rd Company, 82nd Battalion, 2nd

Regiment, were wounded and captured on June 5, 1978. Un Saroeun wrote in his confession:

“There are around thirty children in my company, about 12 or 13 years old. They have difficulty carrying their AK rifles and the four chargers, and there is not enough rice, which is very often taken with salt only as there is scarcely any food. On June 5, we ran into fierce resistance. We were so frightened that we wanted to run away. But Chien, our chief, stopped us, shouting like a madman. He fired a shot with his B-40. The sight of the long flame drove me out of my wits and I jumped out of the trench. That was when I was hit on the leg.”

My Doong, 21, was caught on July 6, 1978. His legs were swollen by edema, due to malnutrition, and he walked with difficulty. “My legs are swollen, he explained, “because we were underfed. I was ill, but I was forced to fight like the others, otherwise they would have killed me...”

Phnom Penh excelled in turning the regional child soldiers into bloodthirsty butchers like their elders in the regular forces. A large number of them were duly punished at Ba Chuc; others like Un Saroeun or Suon Suoi were captured. All of them confessed to taking part in the surprise attack on Ba Chuc that killed many women and children: “They cut off women’s breasts and disemboweled them. They herded people into pagodas and threw hand grenades into them, fired at them with their AKs and their B-40s, considering all this a game...”

“The longer Phnom Penh continues dead set against our country, the longer the list of Kampuchean killed and Kampuchean soldiers captured will grow. The Kampuchean have left large amounts of weapons made in China on the battlefield ranging from AK rifles to recoilless 75 and 82mm improved guns, 12.7mm heavy machine-guns, 60mm and 82mm mortars and in particular a great number of B-40 and B-41 bazookas. Who taught them to

handle these weapons?”

“Chinese advisers,” affirmed many captured soldiers, “have trained us in handling the new weapons supplied by China. Occasionally those advisers fired on Vietnam.”

While most of the Kampuchean soldiers obeyed their superiors’ orders out of fear, others refused or showed reluctance to do so. The latter were mercilessly exterminated. One of them who miraculously managed to get away from the chiefs who were going to execute him, still had his hands tied behind his back when he reached Vietnam:

“I am Nem Sot,” he said in an unsteady voice. “I am twenty-five years old and a native of Svay Rieng. I am section commander in the 45th Company, 12th Battalion, 157th Regiment. Sol, the commander of my company, ordered me to take off the Chinese uniform I had received a week before. I knew that I was going to be killed... There were thirty officers and men with me. Like me, they had taken off their uniforms and had their hands tied behind their backs.

“We were forced to get into a brand new Chinese truck which immediately made for the border. Suddenly the truck stopped and an officer shouted at us: ‘Get off, everyone!’ That was what they call ‘purification,’ a policy advocated by the Angkar. Three times I have witnessed similar massacres... Out of the thirty members of my section, ten were killed that way. In the 290th Division, purification has been going on for many months.

Hundreds of officers and men in the division have been eliminated... I am not the only one to hate Pol Pot and Ieng Sary. The whole Kampuchean people hate those henchmen of Peking. China is supplying them with weapons and other war materials to attack Vietnam... All those who oppose or simply do not show enough enthusiasm, as well as those who dare speak ill of China, are immediately sentenced to death...”

LETTER TO KHIEU SAMPHAN

Seng Theory

This is in response to Mr. Khieu Samphan's open letter of August 20, 2001, and in particular, his statement that he sees "no benefit to recalling the old stories." I would like to set forth several benefits that Khieu Samphan may have overlooked in his eagerness to proclaim his innocence:

1. *The Moral Imperative.* The Khmer Rouge's gross violations of international law and human rights should impel the global community, as a moral imperative, towards criminal sanctions against such actions. To remain silent and inactive in the presence of such evil would strike at who we are as moral beings, for the regime's transgressions are a violent assault on human dignity. Thus, the apprehension and trial of these perpetrators, including Mr. Samphan, would lend expression to the moral outrage and revulsion felt by humanity. Only by properly voicing our "disgust" and thus publicly repudiating such conduct do we begin to restore the moral order within the system and within ourselves.

Privy to the moral philosophy of punishment is the concept of justice. Justice demands retribution. In apportioning just deserts to the perpetrators, certain desirable values inevitably flow to the respective actors involved. First, punishment administers accountability and responsibility on the perpetrators. Even if the perpetrators escape arrest, the warrant for their arrest stigmatizes them and brands them as pariahs. The values of stigmatization and shame, although intangible, should not be underestimated. Second, the community, e.g., Cambodia, is restored when justice is meted out. Third, the issuance of justice redresses the survivors' rights as legal citizens. Personal autonomy presumes that every Cambodian is a

"legal person," that is, a carrier of formal rights and obligations. Notably, the criminal process lends legal recognition that justice is not a privilege, but a right that is redressable for all citizens. Finally, respect is bestowed upon the victims when a concerned community takes concrete steps on their behalf and in their memory. Therefore, a legitimate trial allows for individual and collective closure, the sense of finality that everything that could have been done has been done. This closure, in turn, provides a necessary precondition for meaningful growth and development.

Another aspect of justice reasons that punishment contributes to the general deterrence of future crimes. Implicit in the argument is that potential violators are put on notice. Absent notice and punishment, a moral hazard exists, thus in effect creating a *de facto* license to kill at will and with impunity.

Hence, the violent assault on human dignity triggers our moral obligation and sense of justice, and impels us into action.

2. *Legal Obligation.* The moral imperative to action is twinned to the legal obligation, *opinio juris*, which is rooted in history. Hence, the second rationale for the establishment of an international criminal court finds justification in law and history. Any legal system, albeit domestic or international, rests on the concept of the rule of law, meaning results when concepts are translated into function. Currently we have a rich compendium of concepts; however, we are still wanting in actualizing them into a functioning reality. Action breathes life into abstract principle.

3. *Democratic Governance.* The development and promotion of the human rights culture and democratic governance lend the third justification

for the establishment of a permanent international criminal tribunal. On a pragmatic level, the judgments of the cases would produce a rich, contextual corpus of human rights scholarship, generate discussions, and stimulate public awareness of justice issues. On a philosophical level, the creation of this court would build on the achievements of the human rights culture in its fortification of the rule of law - essentially democratic governance. A democratic government guarantees the law to be the equalizer in content and application among its citizens. However, when the law punishes petty and common crimes but allows mass murderers, like Mr. Samphan, to circulate freely and comfortably among its citizens, democratic peace and stability are undermined and the law is relegated to meaninglessness. Unfortunately, as is often the case in Cambodia, "For my friends, whatever they want; for my enemies, the law." Garnering

support for reform under such a mentality will be next to impossible.

A failure to punish is then a clear abdication of democratic authority. The response of inaction serves as a reminder that the other side of the sin of commission is the sin of omission and directs one to privilege a more active response.

In sum, the international community has a moral imperative, legal obligation, and an opportunity to build on the culture of human rights and fortify the rule of law.

Mr. Khieu Samphan, I hope these comments elucidate the benefits you failed to see in your apprehension. You are two million lives too late in singing your innocence. As a Christian, I may be able to forgive you for taking my parents away from me, but I cannot forget. Neither can Justice.

Seng Theary, Daughter of the Killing Fields



Son Sen

Khieu Samphan

EVIDENCE IN THE PROSPECTIVE TRIALS OF FORMER KHMER ROUGE OFFICIALS

John Ciociari

(Continued from the September 2001 issue)

d. Chain of Command

A witness should also provide testimony regarding the CPK chain of command, if possible. If he or she knows anything about how the local, district and regional CPK command was organized, he or she should relate (i) the identities of the specific people involved, (ii) their positions; (iii) the nature of the general command structure; (iv) how commands were given from superiors to subordinates; and (v) how the potential witness acquired the foregoing information. If the witness knows anything about the zone or national CPK organization, that information is also very useful, provided that it comes from a reliable and identifiable source.

e. Systematic Offenses

Finally, a potential witness may have important information regarding the systematic nature of certain CPK offenses. Ideally, he or she will be able to testify as to (i) how often he or she saw CPK members commit the offenses (described in subsection c above); (ii) when those offenses occurred, how frequently, and in what geographic scope; and (iii) whether anyone told him or her about similar offenses elsewhere. If the potential witness was told about other systematic offenses, he or she should (i) describe those reports, (ii) identify his or her sources and (iii) identify any known physical evidence of such offenses. Of course, this latter information constitutes hearsay, but it should have some evidentiary weight as evidence of the renown of certain systematic offenses and as a means to track down other potential witnesses.

If the potential witness ever saw or heard an explanation by national CPK leaders or local CPK officials explaining why CPK members were committing the offenses mentioned above, the most useful testimony would include (i) the identity of the

person making such statements; (ii) a detailed account of the statements; and (iii) the time and place of the statement.

It is not likely that many potential witnesses will be able to provide such detailed information about all aspects of their experience during the DK regime. However, the DC-Cam materials include leads to many persons who may be able and willing to provide some such information. By using a number of strong witnesses, the prosecution should be able to corroborate the evidence from the documentation and to present evidence unavailable in the DC-Cam materials.

V. EXAMPLES: APPLYING THE EVIDENCE AT DC-CAM TO PARTICULAR SUSPECTS

Given the staggering number of potential defendants in a Khmer Rouge trial, it is necessary to narrow the field somewhat in conducting legal research. In the course of my evaluation, I have focused upon the command responsibility of seven surviving men who, according to compelling documentary information and historical accounts, occupied leadership positions in the hierarchy of the CPK. Their identities are as follows, with their most notable CPK position included in parentheses:

1. Nuon Chea (Deputy CPK Chairman)
2. Ieng Sary alias Van (Deputy Prime Minister)
3. Chhit Choeun alias Mok (Southwest Zone CPK Chairman)
4. Khieu Samphan alias Hem (Chairman of Office 870)
5. Ke Pauk (Central Zone CPK Chairman)
6. Kang Khek Iev alias Duch (Chairman, S-21 Security Division)
7. Mam Nay alias Chan (Chief Interrogator, S-21 Security Division).

The documentary holdings of DC-Cam provide potential legal evidence against each of the former

CPK leaders listed above, although the evidentiary strength of the materials varies from suspect to suspect. The following subsections present some examples of documentary and related evidence available at DC-Cam against each of the individuals named above.

IMPORTANT:

The following subsections do not present an exhaustive picture of the evidence available at DC-Cam against each of the listed individuals. The documents referenced below were drawn from a very small fraction of the overall holdings at DC-Cam and should not be taken as representative of the whole. Rather, they are examples meant to provide the reader with ideas as to how certain documents could be used as part of an actual prosecution, and how such documents would need to be supplemented with additional evidence.

A. Nuon Chea. The documentary evidence against Nuon Chea in DC-Cam is very compelling. Official CPK documents clearly establish his role as a high-ranking official with de jure civilian command authority. As Deputy CPK Chairman, Nuon was an addressee of myriad correspondence documents from subordinate CPK officers reporting “screenings,” “smashings,” or torture. Such documents clearly point to him as a superior officer and frequently request his advice. Minutes of committee meetings also include statements from Nuon discussing the CPK cleansing policies and recommending their active continuation. Thus, documents in DC-Cam include convincing evidence that Nuon Chea satisfies all three elements of command responsibility, and very strong cases exist against him for both crimes against humanity and torture. Abundant circumstantial evidence also implicates him in war crimes, genocide and forced labor.

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

1. “Decisions of the Central Committee on a Variety of Questions,” March 30, 1976 (translated and

reprinted in *Pol Pot Plans the Future* by David P. Chandler et al.)

a. Item 1 sets forth “The Authority to Smash (People) Inside and Outside the Ranks.” Thus, the Central Committee explicitly asserts that the following bodies have authority to smash people inside or outside of the ranks in their stated spheres of influence: (1) Zone Standing Committees, (2) the Committees of the Center’s office, (3) the Independent Region Committees and (4) the Staff Office of the Center Armed Forces.” The document is strong evidence that Nuon Chea, as a member of the Central Committee, knew about the CPK authority to smash people and participated in the explicit grant of that power. The document is probative of his mens rea for any CPK smashings carried out according to the provisions of Item 1. It also shows that he satisfied the actus reus requirement for command responsibility by giving his subordinates authority to smash people.

b. Item 6 declares that the Armed Forces “demolish” the Christian cathedral. Nuon Chea, as a member of the Central Committee, thus participated in the planned destruction of the Christian cathedral, which provides some evidence that he and others sought to eradicate Christianity in Cambodia.

c. Nuon Chea was named the President of the Assembly, the representative body of the central government. Nuon Chea’s position as President of the Assembly is evidence that he occupied a high leadership position and is probative of his de jure and de facto civilian command authority.

2. “Minutes on the Standing Committee’s visit to the Southwest Zone, August 20-24, 1975”: L01022 (01bbk)

a. The following was written in the report on the general situation in the base: ... “The Thais illegally came about 3 kilometers into our territory to cultivate rice. We are seeking to smash them.” Seeking to kill Thais is not enough to constitute a crime. Nevertheless, the intent of the Standing Committee to kill Thai civilians for farming rice provides a piece of circumstantial evidence that the Standing Committee members, including Nuon Chea, sanctioned or

ordered certain killings in violation of international law in the course of its conflict with Thailand.

b. The section entitled “enemy situation” presents the border clashes with Thailand in August 1975. The Khmer Rouge awaited enemy moves, reported airplane flights over the border and infiltration by small Thai groups, and ambushed certain infiltrators. The committee also reports Thai subversion via leaflets distributed in Phnom Malai. Although the passage details no international crime, it is important as a means to show that armed conflict existed between Thailand and Cambodia as early as August 1975 (at least in the eyes of the CPK Standing Committee members, including Nuon Chea). Although the report does not show that the conflict had spread beyond the border area, the existence of armed conflict may be relevant in charging certain CPK officials with war crimes, crimes against humanity and possibly destruction of cultural property.

c. The section on internal activities continues to report on activities tied to the Thai practice of shuttling Cambodians across the border. It asserts that “they [internal enemies] are carrying out psychological warfare and sabotage.” It reports that “there are still some persons in our line who have not been completely screened...We have gradually arrested some of them and are searching them.” Thus, as of August 1975, the members of the CPK Standing Committee voiced its belief that an internal state of psychological warfare existed. The language of the report provides evidence that the CPK did not draw a bright line between its armed Thai enemies and its internal, “psychological” enemies. This fact may help the prosecution to establish a broader conception of the war waged by the CPK against Thailand.

d. In its national defense affairs section, the report cites as a key problem the need to “settle the political situation of people.” It commands the revolutionary authorities to “control people in all areas - politics, consciousness and assignment.” By so doing, “there will be no enemy who could come to fight us.” It then goes on to describe how “our

collectives” can be strengthened. The statements in this section provide multiple types of evidence. First, they provide evidence that the CPK Standing Committee had some measure of command over local cooperatives and was instrumental in guiding widespread policies among the cooperatives. Second, the statement indicates that people’s politics, consciousness and assignment were to be controlled, suggesting (1) forced labor practices analogous to slavery and (2) an intent to engage in intense political repression. Last, the statements reinforce the notion that the “enemy” for national defense purposes included internal agents, whose activities the CPK considered an extension and/or prelude to armed conflict.

e. The section on national defense also describes the role of collectives “during wartime” to “provide all kinds of strength to conquer American imperialists.” The quote provides evidence that cooperatives were considered by CPK leaders to be instrumental machines in the conduct of war against American imperialists. This fact strengthens the argument that enemies (internal and external) were treated with little distinction by the CPK, which considered itself at war, domestically and abroad, with its “enemies.”

f. In its report, the Standing Committee instructs collectives to “push all new people out of cities” and send them to work in cooperatives. The excerpt shows that the CPK Standing Committee intended to force people into certain labor positions away from their homes and regardless of their will. This constitutes a practice analogous to slavery, and in combination with overwhelming evidence that forced exodus and labor occurred, establishes the mens rea of Nuon Chea and others.

3. Document 83bbkh/005

Two interrogators named Ham and Phen wrote a report on 10/19/77, which was sent with confession papers to Son Sen, and then to Nuon Chea, up the CPK hierarchy. The report said “after having been tortured to some extent, a man named Chout Nhe agreed to recount his traitorous acts.” Later, when Chout Nhe gave some equivocal answers to questions,

Ham and Phen “gave him some more tortures.” The language is very clear and satisfies the legal definition of torture, as it was used by a government official to extract a confession. Assuming that Nuon Chea did not punish Ham and Phen for their actions, the document establishes the necessary elements to hold Nuon Chea liable for torture.

4. Document D02106 (15bbk): “Report to Respected and Beloved Committee 870” (dated 4/10/78)

In a report by Se on the “situation of the enemy inside,” the reporter asserts that “we are continuing to wipe out the remaining [elements]...in Region 103, we have commenced the process of wiping out enemies burrowing inside our bodies...” The report was copied to Nuon Chea and Ieng Sary. The statement quoted above suggests that members of the Khmer Rouge ranks who politically opposed the regime were being discovered and executed. Assuming that Nuon Chea and Ieng Sary did not make any efforts to punish or to

stop the “wiping out,” the document establishes the elements required to hold each of them liable for crimes against humanity.

5. Document D02116 (15bbk): handwritten note dated 4/21/78

The writer reports that spies crossed over the Cambodian border and “we smashed some of them.” The note was copied to Nuon Chea and Ieng Sary, and it reports that spies were killed. It is not clear whether the spies were killed in the context of armed conflict, but it is clear that they were killed on the basis of their nationality or political affiliation. If other evidence can establish that the spies were unarmed or were first taken into captivity, the elements of crimes against humanity (and possibly war crimes) would be satisfied, assuming as always that Nuon Chea and Ieng Sary did not punish the writer or other DK officials responsible for their killings.

(Continued in the November 2001 issue)



Pol Pot Nuon Chea Ieng Sary Vorn Veth Son Sen

A PERMANENT INTERNATIONAL CRIMINAL COURT

Seng Theary

(Continued from the September 2001 issue)

Fourth, the proponents of inaction rhetorically query who should be tried. The “mob crowd behavior” theory accounts for many perpetrators. There are the state officials who issued the orders and then there are the many who executed those orders; there are “evil people” and “bad people.” The evil people make or create the conditions that leave individual bad people free to act on their depravity. Hence, where does one draw the line on culpability? But line-drawing problems exist everywhere in the law. The issue requires a balancing of interests and is rightly within the province of a tribunal.

In sum, the response of inaction serves as a reminder that the other side of the sin of commission is the sin of omission and directs one to privilege a more active response.

Another response by the international community has been to defer to the national government to try its own perpetrators within its own jurisdiction. In a variation of this response, a “mixed tribunal” is established whereby the international community aids the national government in a subordinate role. This response accords great deference to state sovereignty. In a situation where the state did not collude in the atrocity, and the judiciary is independent and competent to withstand the collusion, deference should be accorded such arrangement. However, it is questionable whether and improbable that the systems that allow such atrocities to occur in their jurisdictions in the first place are sufficiently competent and independent to try these international law crimes. The presence of official acts in the atrocity further compounds the problem. For example, some criminals in the Rwanda genocide were state actors. Had the international community left the penal process in the hands of the government, justice would not have come to the country. Thus, these issues of legitimacy and institutional competency pose a challenge to proponents of domestic tribunals.

In Cambodia, the United Nations surveyed the country’s legal system and deemed the state institutions incompetent to conduct a legitimate trial of the Khmer Rouge. Nevertheless, the United Nations may succumb to the government’s sovereignty rhetoric, which will be shameful. Strong indicators conclude that a nationally-controlled trial will be a sham and lead to the miscarriage of justice. One, a “legal state” that penetrates and textures society and orders social relations is glaringly absent. In its stead, a culture of impunity will prevail. First, in Cambodia, to be powerful is to have legal impunity. Second, the alleged perpetrators are part of the top tier of the government and currently enjoy government immunity. Third, the court lacks independence and competence. A trial’s effectiveness depends on its credibility and public prestige. Usually, a loss of respect comes by design. In the Cambodian situation, anything less than a trial conducted with international participation will prove justice invisible.

South Africa’s Truth and Reconciliation Commission exemplifies the third way nations have responded to crimes under international law. These commissions stand on the premise of the exchange of truth for amnesty to facilitate reconciliation in a divided society. However, the effectiveness of this response may be context- and culture-specific. The black South African’s spirit of ubuntu, which allows for reconciliation at the expense of justice, can be attributed to its success. Truth commissions have been established in Latin America, but they have worked with only limited success. For example, the truth commission in Haiti never released its report and diverted attention and resources away from prosecutions. Moreover, truth commissions cannot satisfactorily address the most serious violations of genocide and war crimes, for they privilege voluntarism. Thus, granting amnesty to the most violent perpetrators might provoke public outrage rather than national reconciliation.

These first three responses available to the international community defer to state integrity. The next two privilege human values at the expense of state autonomy.

The fourth way states have responded to the gross violations of human rights in another country takes the form of unilateral action. Spain's audacious arrest of Chile's General Augusto Pinochet illustrates the expansion and depth of the human rights culture since its inception after World War II. This case parses out the distinction between legal and criminal conduct, and raises issues relating to diplomatic immunity. First, upon

arrest, General Pinochet did not deny this responsibility for acts of murder and torture. He merely contended that this conduct was justified and legal. Second, does Pinochet's alleged immunity arise from his status as a former head of state or from his current status as "senator for life" in Chile? The Vienna Convention on Diplomatic Relations (1961) renders this distinction meaningless. It states: "The purpose of such privileges and immunities is not to benefit the individuals, but to ensure the efficient performance of the functions of diplomatic missions. It is not created to insulate people against prosecutions for crimes against humanity or other atrocities." Third, Chile

The 1979 Khmer Rouge tribunal



granted him amnesty. Are other countries required to honor this amnesty? In this situation, other countries must show deference to the desire of the Chileans. Finally, the question of whether Spain could try Pinochet's actions in Chile should be answered in the negative. A unilateral action against another sovereign state accords too much power in the hands of a single state and leaves wide discretion for abuse. The inadequacy of this response further directs the international community toward the permanent establishment of a criminal court.

Finally, the international community, via the approval of the Security Council, has responded to the

serious violations of human rights - genocide, war crimes, and crimes against humanity - by establishing ad hoc tribunals. The creation of these tribunals is preferred to inaction by the international community. However, the system is punctuated with flaws.

On a pragmatic level, the ad hoc nature of the response begets institutional and administrative inefficiencies. Each time an atrocity occurs, the proponents of a tribunal must procure the authorization of the permanent members of the Security Council, thus resulting in costly delays in the administration of justice. These proponents will encounter two obstacles in the process. One, the permanent members are very reluctant to use the Security Council to create new institutions. Two, the Council is a political body. Traditional sympathies among the members will result in the omission of justice in countries otherwise deserving of intervention. For example, the tribunals for Rwanda and the former Yugoslavia were created during a cooperative political period. In Cambodia, however, the Council has yet to gain authorization for the establishment of a tribunal to try the Khmer Rouge. As a principal former supporter of the Khmer Rouge, China would be reluctant to agree to an international tribunal to try its former satellite state.

Moreover, the costs and time-consuming aspects of having to start up a new administration every time a tribunal has been authorized are unnecessarily onerous and can be easily resolved with the establishment of a permanent court.

The advent of the Rwanda genocide paints yet another aspect of the costs of delay and the need for expedited, non-political mobilization. In a coded cable, the Rwanda UN force commander warned the UN of the oncoming slaughter. Despite the warning, the West did not try to stop the killing. And once the genocide started, the West did not try to halt it. The refusal of the UN and the United States to call the massacre "genocide" shielded them from action. However, had there existed a standing mechanism, e.g., the international criminal court, the political game of semantics would not have been so costly to Rwandans.

On an equitable level, the ad hoc process leads to selectivity and arbitrariness in the decision to establish a tribunal, and inconsistency in case judgments. Justice



should be uniform and perceived to be credible. However, the present case-by-case framework metes out disparate justice to countries that are neither geographically relevant nor economically important. For example, strong efforts were made to try General Pinochet, whose crimes pale in comparison to those of the Khmer Rouge. Yet, little effort has been made to try the principal architects of Cambodia's murderous regime until recently. Thus, an ad hoc system of justice apportions true justice to one, second-class justice to another, and no justice to yet another. In sum, the present ad hoc system is neither optimal nor desirable because of inherent institutional inefficiency, and arbitrary and inconsistent administration of justice. Politics mire each creation process and thus result in injustice or second-class justice for countries that are not geo-politically or economically relevant.

III. The Rome Statute

At present, the Rome Statute offers the preferred solution for dealing with crimes under international law. The Statute proposes to establish a permanent international criminal court (ICC) that would have prospective jurisdiction over crimes of genocide, crimes against humanity, war crimes, and the crime of aggression. However, certain provisions within the Statute raise certain key concerns that need revision. First, the definitions of the crimes are uncomfortably expansive, creating ambiguity regarding the scope of the court's jurisdiction. For example, Article 8 (2)(b)(xii) defines "war crimes" to include "declaring that no quarter will be given"; similarly Article 8(2)(b)(xxi) prescribes jurisdiction to the ICC over persons "committing outrages upon personal dignity, in particular humiliating and degrading treatment." In addition, in enumerating Article 1 (d) the "crime of aggression" on par with genocide, war crimes, and crimes against humanity, the Statute dilutes the seriousness of the former violations and undermines the effectiveness of the court in its expansion of the court's jurisdiction.

The scope and function of the prosecutor raise the second key concern in the Rome Statute. On par with the State Party and the Security Council, Article 13 confers upon the Prosecutor the power to refer the exercise of jurisdiction. Hence, the international community should pause to reconsider the self-initiating, widely

discretionary, and independent role of the prosecutor.

The United States has refused to ratify the Rome Statute in its present form. In addition to the above-mentioned concerns, the US fears suits against itself that are driven by political motives. Moreover, it opposes Article 120, which prohibits the making of reservations to the Statute. It views the "take it or leave it" approach to be in conflict with its domestic constitutional requirements.

However, despite the gravity of these concerns, the Statute does provide certain safeguards. First, it gives priority to the national courts if they act on good faith. Second, war crimes must be intentional, thus assuaging fears about prosecution for accidental bombings. Also, the Statute carves out a place for the protection of sensitive national security information. Moreover, Article 11 puts everyone on notice; the Court only has prospective jurisdiction with respect to crimes committed after entry into force of this Statute.

Conclusion

In affirming that the most serious crimes of concern to the international community as a whole must not go unpunished, this paper has argued for the establishment of the international criminal court. The creation of this permanent body is justified on moral grounds rooted in the basic concept of human dignity, and legal and historical precedence in the area of human rights. Indeed, the international criminal court will not be the optimal mechanism, but will be nonetheless superior to the existing alternatives. At this juncture in time, the proposal in the Rome Statute establishes the laudable basic framework for the establishment of such a standing mechanism, but should not be ratified until two main inherent flaws are addressed. The international community must give pause to the State's overreaching definitions of crimes that fall under the Court's jurisdiction and to the wide discretion conferred upon the independent Prosecutor.

The United States has cause to be concerned about the Statute's ratification. However, instead of severing itself from the process, the US should remain engaged in this endeavor to create an enduring structure for responding to horrific crimes. In doing so, the US will help to create the "constitutional moment" where exhortation leads to legislation, and rhetoric to normative force.

SHOULD KHMER ROUGE LEADERS BE PROSECUTED FOR GENOCIDE OR CRIMES AGAINST HUMANITY?

William A. Schabas

Did the crimes committed by the Khmer Rouge between 1975 and 1979 constitute “genocide”? For many years it has been common practice in human rights circles to speak of the “Cambodian genocide.” With the realistic prospect of criminal prosecution of certain Khmer Rouge leaders finally in sight, it will become important to determine whether, in a strictly legal sense, it is appropriate to use the word “genocide.”

A strict construction of the scope of the term, defined in article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, suggests the conclusion that the Khmer Rouge atrocities were not genocide. According to the Convention:

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

This debate is not about whether the crimes committed by Pol Pot and Milosevic actually took place; it is only about whether they are more properly described as crimes against humanity rather than genocide. There are several definitions of crimes against humanity, but they share the common denominator of persecution of individuals or groups in a widespread and systematic fashion. In the 1970s, the generally recognized definition of crimes against humanity was derived from article VI of the Charter of the Nuremberg Tribunal: “murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population,

before or during the war, or persecutions on political, racial or religious grounds.”

If the term “crimes against humanity” is more accurate, why have we tended to describe the atrocities as “genocide”? There are several reasons. First, genocide is the most severe form of crime against humanity. Although crimes against humanity involve terrible stigma, it is probably even worse to describe acts as genocide. Second, the existence of the Genocide Convention, to which Cambodia was a party at all relevant times, imposed clear international legal obligations. The same could not be said of crimes against humanity, for which no real international treaty of universal application existed until the adoption of the Rome Statute of the International Criminal Court in 1998. The Rome Statute has no retroactive application, although an argument can be made that it largely codifies customary international law, including its definition of crimes against humanity.

Although it is now clear that crimes against humanity can be committed in peacetime, this was not the case at Nuremberg. At some point between 1945 and 1998 the nexus or connection between crimes against humanity and armed conflict disappeared. But when? Khmer Rouge defendants will argue that this took place after 1979, and that they cannot therefore be prosecuted for crimes against humanity absent proof of an armed conflict in Cambodia between 1975 and 1979. Genocide does not face the same legal difficulty, because article I of the 1948 Genocide Convention specifies that the crimes can be committed “in time of peace or in time of war.”

Probably aware of these legal complications associated with prosecution of crimes against humanity, in 1979, the regime that finally chased the Khmer Rouge from power held a show trial of Pol Pot and Ieng Sary on charges of genocide. They were of course convicted, which is unsurprising given that the preamble of the Decree Law establishing the so-called People’s Revolutionary Tribunal denounced the massacres committed by the Pol Pot-Ieng Sary clique. The

convictions were not for genocide as defined in the 1948 Convention, but rather an idiosyncratic definition that is substantially akin to the concept of crimes against humanity: “planned massacres of groups of innocent people; expulsion of inhabitants of cities and villages in order to concentrate them and force them to do hard labor in conditions leading to their physical and mental destruction; wiping out religion; destroying political, cultural and social structures and family and social relations.”

Genocide, as defined in the Convention, requires the intentional destruction of a “national, ethnic, racial or religious group.” Which group was in Cambodia? The indictment at the 1979 trial talks about a “systematic plan to kill all strata of the population.” Indeed, it is generally agreed that the Khmer victims of atrocities were identified by social or economic standing. Those wearing eyeglasses, for example, were singled out for persecution because they belonged to the suspect class of intellectuals. When the definition of genocide was being devised by the Sixth Committee of the General Assembly in 1948, there were proposals to include social and economic groups, but these were quite unequivocally rejected. Furthermore, over the years, many have pleaded (unsuccessfully) for an expanded scope of the Convention so as to cover political, economic and social groups. Hurst Hannum and others have argued that because the victims were members of a national group, this must constitute genocide.

But the argument leads to the conclusion that all mass killing is equivalent to genocide, because obviously any large group of people will belong to one or more national groups. The reasoning becomes circular, tautological, and in effect deprives the distinct concept of genocide of any real meaning. To be fair, the argument has found some sympathy before the Spanish courts in the recent Pinochet case. The more perverse consequences of such an argument emerged when Milosevic charged NATO countries with genocide on the same basis before the International Court of Justice in what is surely one of the more frivolous claims to be submitted before that august body. Most serious observers now reject such a simplistic construction of the genocide convention. The United Nations Group of Experts that inquired into Khmer Rouge prosecutions was also quite skeptical of the

argument. While agreeing that the Khmer people of Cambodia constituted a national group within the meaning of the Convention, the Group said that “whether the Khmer Rouge committed genocide with respect to part of the Khmer national group turns on complex interpretative issues, especially concerning the Khmer Rouge’s intent with respect to its non-minority-group victims.” The Group declined to take a position on the issue, saying that the matter should be addressed by the courts if Khmer Rouge officials were charged with genocide against the Khmer national group.



Thus, the fundamental difficulty with using the term genocide to describe the Cambodian atrocities lies with the group that it the victim of genocide. Destruction of Khmers by Khmers simply stretches the definition too much. At the same time, many observers attempt to salvage the genocide allegation in Cambodia by focusing on the persecution of religious groups, which are, of course, encompassed within the Convention definition of genocide. The Khmer Rouge considered Buddhist monks to be social parasites. They obliged them to abandon their religious robes and to work in manual labor alongside the

Cambodian peasants. Those who refused were punished with great brutality. Symbols of the religion, including the pagodas, were vandalized and pillaged. The Khmer Rouge were no more tolerant towards minority religions than they were towards Buddhism, that of the majority. Thus, for example, the Muslim Cham were also singled out for attack, with the goal being their “assimilation” into the majority Khmer population.

The destruction of cultural institutions and forced assimilation are, of course, very effective techniques for destroying religious or ethnic groups. They are prohibited



by international law. The problem here is that these are not acts of genocide within the scope of article II of the Convention. Indeed, the drafters of the Convention quite expressly excluded cultural genocide, with one exception, the forced transfer of children from one group to another. The principal opposition to including cultural groups came from countries of the “new world,” notably the United States and Canada. They wanted to stifle resistance to assimilation by immigrants and, perhaps only intuitively at that time, were nervous about future claims from aboriginal groups. In any event, that “cultural

genocide” was excluded from the Genocide Convention is uncontested. For this reason, what was essentially cultural genocide perpetrated against the Muslim Cham and the Buddhist monkhood falls short of what is proscribed by the Convention. The treatment of the Buddhist monks and the Muslim Cham would meet our contemporary definitions of crimes against humanity without great difficulty. And they certainly fit within the tailor-made definition of genocide adopted by the organizers of the 1979 trial.

Nevertheless, while it is legally inappropriate to use the term “genocide” to describe the Khmer Rouge atrocities, it may have irrevocably entered our human rights nomenclature. One of the great think tanks on the subject is called the Cambodian Genocide Program, at Yale University. Legislation enacted in the United States in 1994 declares: “The persecution of the Cambodian people under the Khmer Rouge rule, [when] the bulk of the Khmer Rouge were subjected to life in an Asian Auschwitz, constituted one of the clearest examples of genocide in recent history.” A General Assembly resolution adopted in 1997 states: “Desiring that the United Nations respond positively to assist efforts to investigate Cambodia’s tragic history including responsibility for past international crimes, such as acts of genocide and crimes against humanity.”

While this colloquial use of the term genocide may have considerable appeal, it becomes troublesome once criminal prosecution is contemplated, as is currently the case with respect to the Cambodian atrocities. In the course of negotiations concerning the establishment of a United Nations-supported Khmer Rouge tribunal, the Cambodian government proposed to redefine genocide once again, the better to convict. A United Nations delegation, headed by legal officer Ralph Zacklin, noted that discrepancy with the Convention definition and charged that any such provision would violate the prohibition of retroactive offences. It added, however, that the categories not covered by the Convention definition would be captured under the rubric of crimes against humanity. A United Nations counter-proposal confined itself to the text of article II of the Convention. This is the better approach, although it will make convictions for genocide, as opposed to crimes against humanity, rather less likely.



Thomas Hammarberg

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

Thomas Hammarberg



(Continued from the September 2001 issue)

The enabling law would make clear that a limited number would be prosecuted; it would use a formulation like “the Standing Committee of the Central Committee and those responsible for the most egregious crimes”. Also, the government promised that those indicted would be arrested. It also confirmed the formula in the June 1997 letter that the temporal jurisdiction period would be 1975-79—thereby dropping the idea that Hun Sen had floated that crimes before and after that period also be covered.

The UN had made clear that the possibility of amnesty and pardon should not be available in cases of crimes against humanity. The government, however, was not prepared to formally bloc the Constitutional right of the King to grant amnesty or pardon. However, it seemed this was not a matter of serious dispute.

On the whole, the American intervention had caused some optimism but also confusion. The fact that it was the US acting alone was significant. Hun Sen, and others, obviously believed that with US support any trial would not be much criticised abroad.

He made a statement on 19 October at the Pochentong airport which was obviously unplanned and took others in the government by surprise: “At this hour, we and the UN, especially considering the US position towards us, can reach a deal. I have agreed to this proposal, there is no more doubt left”. Some days later when I met him he made no reference to this statement and gave the impression of talking a totally different language.

Government Reply

The General Assembly in its annual resolution on human rights in Cambodia encouraged the government to continue its co-operation with the UN with a view to reaching an agreement on the tribunal issue.

The reply to the document that Ralph Zacklin had handed over in late August came on 20 December. It bore clear traces of the proposals by Ambassador Wiedemann. Special or Extra-ordinary chambers (or “sessions”) would be created at the Municipal Court, Appeals Court and the Supreme Court. There would be a majority of Cambodian judges at each level: three out of five at the first, four out of seven for the Appeals and five out of nine at the Supreme court level. The President of the court would always be a Cambodian. All in all, there would be 14 Cambodian and nine foreign judges. They would all be appointed

by the Supreme Council of Magistracy. The foreign judges would be nominated by the Secretary-General, after consultation with the Government.

The decisions by the judges would be taken by “super majority” as proposed by the US Ambassador. For instance, for a decision at trial court there would be a need for support by four of the five judges, in the Appeals by five of the seven.

There would be criteria defined for the selection of judges and prosecutors—to be determined later. The text seemed to say that the pool of Cambodians would be limited to judges who were now in service which is a serious restriction in view of the limited number of suitable professionals among them. Another noticeable restriction was that the support personnel would be recruited from Cambodian civil servants (this effectively excluded good candidates from the civil society, an important pool in Cambodia). The Government itself would make the appointment of the Director of the Office of Administration.

There would be co-prosecutors, one Cambodian and one foreigner. They would also be appointed by the Supreme Council of Magistracy, the foreigner nominated by the Secretary-General. For prosecution both of them had to approve the indictment, which meant that one of them could block a prosecution proposed by the other.

There were also some problems on the substantive law aspects, including a reformulation of the definition of genocide—in comparison with the Convention—which would create problems. However, the main problem was that there were not sufficient guarantees for an independent process.

The record of the Supreme Council of Magistracy with regard to integrity was not convincing. Even if it, in reality, was unable to turn down nominations from the Secretary-General, it was a major flaw that the international community was not given an opportunity to comment upon Cambodian nominations. This, also, would create the impression of two categories of judges, one of which would not be able to say that it had international support. That one co-prosecutor, according to the draft, could block the action of the other was also a major problem; in reality, it could prevent legitimate prosecutions.

In early December, the Prime Minister had himself made a significant intervention in the judicial field. He had accused judges of corruption and ordered the re-arrest of people who had been acquitted by court decisions. Though his criticism about malpractices tallied with my own observations, his intervention also demonstrated that the integrity of the judicial system was not respected by the executive power. The Supreme Council of Magistracy was clearly sidelined in this incidence, a bad omen for its possible contribution to a Khmer Rouge tribunal.

On the controversial issue about how many Khmer Rouge leaders would be charged, the Prime Minister had again made public statements. He said in a speech that “we will try four or five of the people responsible”. This was unfortunate, especially against the background of the other question marks regarding the independence of the judiciary in Cambodia.

The figure of four or five indictees almost named them in advance. On whether Ieng Sary should be indicted, the Prime Minister had declared different positions on different occasions. In December he said that Ieng Sary should be excluded from prosecution.

In sum, the draft law proposal was not acceptable. It did not contain sufficient guarantees for justice, fairness and due process. Even in a formal sense the Government had not divorced itself from the proceedings. Knowing also the real influence from the Government on the judiciary we had to conclude that

there was not sufficient protection built into the proposal.

My view was that the “super majority” approach would only be acceptable if an international mechanism screened all judges and prosecutors. The international community should at least be given equal status with the Supreme Council in the appointments.

The idea of a “mixed” tribunal was built on the assumption that the international community would introduce the necessary standards. It was important that the tribunal be credible also in Cambodia itself. This in turn appeared to be directly connected to the degree of international participation. It was significant that the local human rights groups had argued for a majority of foreign judges, if not a totally international tribunal. For the sake of credibility it was also important to demonstrate that the Khmer Rouge proceedings were organised in a way that was clearly different from other trials in Cambodia. That was one argument for a special tribunal approach, rather than the “extra-ordinary sessions” linked to the existing system.

Further UN Clarifications

In its 20 December 1999 submission, the Cambodian government had asked the UN Secretariat to reply quickly and so it did. On 23 December a response was given with points as outlined above. The cabinet was now being involved in Phnom Penh and on 28 December the UN received another proposal, with minor amendments to the 20 December text—again with a request for a speedy response. The Secretariat sent its reaction on 5 January. On 18 January the UN received an approved translation of the draft law which was also submitted to the National Assembly—and thereby made public.

The government proposal to the parliament had alternatives on who could nominate the foreign judges and prosecutor; apart from the Secretary-General, foreign governments would also be invited to make such proposals. A further option specified was for the Cambodian government itself to recruit among individual foreign jurists (these provisions had been there in an original draft, been omitted and then reintroduced again).

There were other aspects in this new draft which were problematic. The reference to investigating judges was retained, which meant, in reality, another filter against action by the prosecutor. Even in the ordinary court system in Cambodia the investigating judge procedure has been confusing and not worked well.

There was also, still, insufficient provision for the involvement of foreign defence counsels and for the protection of witnesses. Also, it was not made clear that a previous amnesty would not bar prosecution.

However, the government signalled that the dialogue with the UN might not be seen as closed. In fact, the UN had invited the government to send representatives to New York for further discussions, but the government wanted the UN experts to come to Phnom Penh instead. The UN proposed discussions on major issues of approach and principle, the government wanted technical talks.

Major concerns remained in the bill which had been proposed to the parliament as was explained in a letter from the Secretary-General to Prime Minister Hun Sen on 8 February. They included four particular issues: 1) that there be guarantees that those indicted be arrested; 2) that there would be no amnesties or pardons; 3) that the prosecutor be foreign in order that independence be guaranteed; and 4) that the majority of the judges be foreign and appointed by the Secretary-General. He wanted a response to these points of principle before deciding to send a team to Cambodia for further discussions.

In his response on 10 February Hun Sen wrote that he was surprised by “the gap between the position

raised in your letter and ours, which has been already supported by a number of distinguished UN member states”.

The Secretary-General met Hun Sen on 12 February in Bangkok. After the meeting he reported: “The main concern of the United Nations is to ensure that the judicial system set up for this purpose under Cambodian law does indeed reach international standards. It must guarantee the arrest and surrender of all indictees; it must exclude any amnesty for genocide or crimes against humanity; and it must include an appropriate international element among both prosecutors and judges”.

Hans Corell visited Phnom Penh from 16 to 22 March, heading a seven-person legal-political UN team. Some agreements were reached but the government decided not to forward these to the National Assembly, a situation which, later, would cause some confusion. The outstanding issue at the end of the Corell mission was about the possibility for the foreign prosecutor to act without support of his Cambodian colleague.

Hun Sen touched on this issue in a statement before going to a Group of 7 meeting in Havana in mid-April where he also would meet Kofi Annan. He warned that if there was no support for his position that the two prosecutors had to agree to any indictment, one of the prosecutors (the Cambodian, he meant) might press for the American leaders or those who supported the Khmer Rouge to be dragged in.

During their meeting in Havana, Hun Sen and the Secretary-General agreed to let their working groups meet once more to continue the discussions to resolve finally all differences. On 27 April, however, the Prime Minister wrote to the Secretary-General again stating that the law would also be open for prosecution of crimes committed from 1970 to 1999. This would mean a clear politicisation of the process. The issue of whether one prosecutor might bloc charges from the other came up for further discussions, including at a meeting in late April between Hun Sen and US Senator John Kerry—who this time acted in some consultation with the UN Secretariat—leading to a proposal in Phnom Penh that a separate panel of judges would resolve any dispute between the two prosecutors. A separate proposal from one of the prosecutors would only be blocked if four out of five judges (three Cambodians and two foreigners) in this special panel turned it down. Though this approach seemed unconventional and even unprincipled, it was described in some media as a major compromise on the side of the Cambodian government.

Final Rounds

Hans Corell returned to Phnom Penh in early July for a final round of negotiations. After the talks he described the tribunal as “a Cambodian court with the participation of international judges and prosecutors”. This was a clarification; the process should no longer be seen as an international one on Cambodian soil or even a “mixed” trial—the process would be Cambodian with help from outside. This appeared not only to be a question of recognising that the enabling statute would be a law adopted by the National Assembly, but also a message that the UN would not play a balancing role.

Corell handed over a draft Memorandum of Understanding that would govern the relationship between the UN and Cambodia on the tribunal; this would be signed after the National Assembly had passed the legislation faithful to the understanding between the two parties. It was made clear that the UN would be unable to support the “Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea” if the National Assembly adopted a law differing substantially from what was outlined in the draft Memorandum of Understanding.

(Continued in the November 2001 issue)

WHY DID VIETNAMESE AUTHORITIES PROVOKE A VIETNAM-KAMPUCHEA BORDER CONFLICT?

(Full Text of the Chinese Communist Party's People's Daily Commentary, July 12, 1978)

The Vietnam-Kampuchea border conflict, which has continued for more than three years, has widened in scope in the past year. China has always advocated that international disputes be settled in accordance with the five principles of peaceful co-existence and through friendly consultation and negotiation. She has always been opposed to resorting to force or the threat of force in these matters. As to the dispute between Vietnam and Kampuchea, China has always hoped that both sides will create conditions to settle it through negotiation.

While ostracizing, persecuting and expelling large numbers of Chinese residents from Vietnam, the Vietnamese authorities are making a fuss about the Vietnam-Kampuchea border conflict in an attempt to discredit China. They have gone so far as to fabricate the lie that, acting “behind the scenes,” China has not only instigated Kampuchea to oppose Vietnam but also “provoked the Vietnam-Kampuchea border war.” They have spread the slander that China is exercising “hegemonism” and seeking supremacy in Southeast Asia. Therefore, we have found it necessary to reveal the facts about the Vietnam-Kampuchea border conflict and thus refute the Vietnamese authorities’ slander against China.

As is widely known, the existing boundary line between Vietnam and Kampuchea was delineated by the colonialists. It has meant the slicing off, and incorporation into Vietnam, of tens of thousands of square kilometers of land in lower Kampuchea

together with some islands and sea areas which originally belonged to Kampuchea. Nevertheless, the Kampuchean governments, both past and present, have recognized this boundary line as valid. In 1966, Vietnam and Kampuchea (then named Cambodia) negotiated an agreement on the boundary question. On May 31, 1967, the Central Committee of the South Vietnam National Front for Liberation issued a statement which recognized and respected the territorial integrity of Cambodia within the existing frontiers. On June 8, 1967, the Government of the Democratic Republic of Vietnam also issued a statement recognizing the existing boundary line between Vietnam and Cambodia. This was followed by a letter from Premier Pham Van Dong 12 days later (June 20) and one from President Ho Chi Minh on June 23, 1967 to the then Cambodian leader, reiterating that “Vietnam recognizes the territorial integrity of Cambodia within the present borders.” In his letter, Premier Pham Van Dong said that Vietnam’s statement of recognition “is the most righteous and solid foundation for our militant solidarity against the common enemy, the US aggressors, and the fraternity forever binding the peoples of our two countries.”

This clearly shows that Kampuchea’s attitude towards the Vietnam-Kampuchea boundary question has been reasonable and fair, and that Vietnam also recognized the existing boundary line.

Following the end of the war of resistance

against US aggression, however, the Vietnamese authorities made an about-face in their attitude towards the Vietnamese-Kampuchean boundary question. Since its invasion and occupation of Kampuchea's Wei Island in 1975, Vietnam has made incessant encroachments upon the territory of that country. In the 1976 negotiations between Vietnam and Kampuchea, the Vietnamese authorities even negated their commitment in 1966 and 1967 that they "recognize and respect the existing Kampuchean boundary line." They said that the agreement they had reached with Kampuchea in 1966 was made under the duress of their fight against US imperialism. This was an act of bad faith aimed to achieve their own specific political end. Moreover, Vietnam has advanced a new boundary line. It is only natural that such unreasonable conduct is opposed by Kampuchea.

Immediately after the failure of their ambition to acquire more land at the negotiating table, the Vietnamese authorities resorted to the use of armed force. Beginning in September 1977, they dispatched large numbers of troops across the border in repeated large-scale attacks on Kampuchea. A war broke out in the eastern section of Kampuchean territory and in some areas the Vietnamese army penetrated dozens of kilometers into Kampuchean territory. This was by no means a mere border skirmish. It was a naked war of aggression carried out by Vietnam against Kampuchea. The Vietnamese authorities calculated that it would simply be impossible for Kampuchea, with a population of only several million, to stand up to Vietnam, with a population of 50 million. They thought they would easily subjugate Kampuchea as soon as their troops marched in. But the Kampuchean people, with the fate of their nation hanging on a thread, rose up to defend their fatherland. They have put up valiant and staunch resistance and smashed repeated attacks by the Vietnamese aggressors.

The Vietnamese authorities, having gone out for wool and come back shorn, set their propaganda

machines rolling. They alleged that it was Kampuchea that had crossed the border and intruded into Vietnam. But they could deceive nobody. Indisputable acts demonstrated that it was the Vietnamese authorities who provoked single-handed the border conflict in an attempt to subdue and annex Kampuchea by armed force. The allegation of the Vietnamese authorities about China "provoking" the conflict is outright slander.

The Vietnamese authorities have not only provoked the armed conflict along the Vietnam-Kampuchea border, but also conducted a campaign of subversion against Kampuchea. This is a concerted attempt to overthrow Kampuchea's revolutionary regime from within and without. In the name of captured Kampuchean personnel, the Vietnamese authorities have in recent newspaper and radio reports openly advocated the "building of bases" in Kampuchea and called for the overthrow of its legitimate government. Their flouting of the fundamental principles of international relations and their blatant acts of aggression against a neighboring country have laid bare their determination to stop at nothing in their wild ambition to annex Kampuchea.

Repeatedly frustrated in their schemes of armed aggression and subversion against Kampuchea, the Vietnamese authorities now direct their fire against China. They slander China by accusing her of "provoking" the border conflict, but cannot produce any evidence to that effect. So they wantonly spread rumors and slanders against China, attacking her for supporting and assisting Kampuchea, as if Vietnam's defeat in the aggression against Kampuchea were caused by China's support for Kampuchea. These attacks and charges made by the Vietnamese authorities are ridiculous in the extreme.

It goes without saying that China, as a socialist country, regards her support and assistance to all just struggles against aggression as her own bounden internationalist duty. When the US imperialists

launched aggression against Vietnam and Kampuchea, China did everything possible to support Vietnam and Kampuchea. The amount of her aid to Vietnam was several times greater than to Kampuchea, if not more. It is only natural that China's sympathy and support now go out to Kampuchea, which has become the victim of Vietnamese aggression.

It is absurd for the Vietnamese authorities to try to use China's aid to Kampuchea as proof that China "provoked" the Vietnam-Kampuchea border conflict. It is illogical to say that a country is acting on the dictates of China just because it is receiving Chinese support and aid. China is supporting and aiding dozens of third world countries. But which of them is acting on the dictates of China? Has China given orders to any one among them? In granting aid to other countries China seeks neither her own self-interest nor to control these countries. She does so far the purpose of enabling the recipient countries to maintain and consolidate their national independence and develop their national economies self-reliantly and thereby benefit the third world peoples' common cause of opposing imperialism, colonialism and hegemonism, which in turn, means assistance to China rendered by the recipient countries. China aided Vietnam during its war of resistance against US aggression precisely because the Vietnamese people were engaged in a just struggle against aggression and because the Chinese people considered it their duty as proletarian internationalists to give the aid. This is why China continued to take overall interest into consideration, adopt an attitude of restraint and tolerance, and give all-out assistance to Vietnam during the latter's war of resistance against US aggression, even when the Vietnamese authorities, while receiving large quantities of aid from China, were fanning national hatred in anti-China propaganda by digging up the historical fact that some Chinese feudal rulers had committed aggression against Vietnam. All this eloquently shows that China

is not using her aid to dictate to others. The Vietnamese authorities are in fact insulting the Kampuchean people and smearing China's policy on foreign aid when they accuse China of using aid to dictate to Kampuchea and provoke the Vietnam-Kampuchea border conflict.

The Vietnamese aggression against Kampuchea has failed, but not because of China's support to Kampuchea. The Vietnamese authorities seem to have forgotten that the most essential factor in deciding the outcome of a war is not weapons, but the nature of the war and the support of the people. What was the deciding factor in the victory of the Vietnamese people's war of resistance against US aggression, if it were not their unified determination and confidence in fighting against US aggression? How is it that the Vietnamese forces, which once defeated the US imperialists, have now suffered defeat at the hands of the people's forces of Kampuchea? It is because the Vietnamese authorities have launched an aggressive war which finds no support even in Vietnam, whereas the war being waged by the heroic Kampuchean people is a war against aggression and in defense of national independence and territorial integrity. The Vietnamese authorities may do well to draw proper lessons from this rather than give vent to their rage in an indiscriminate attack on China's meager aid to Kampuchea.

(Continued in the November 2001 issue)

Please send letters or articles to
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*Letters from Readers:***SEARCHING FOR A MISSING FATHER**

Hi Youk,

Thanks for answering my request. Odam, Samnath, Vanthang and I are always in touch. They all are married with kids now; time flies so fast, doesn't it? I have been following your work from the start, but I didn't want to disturb you until now.

How are you and your family? It has been nearly 15 years now since we parted in Thailand. I talked to Hong Song Dara (construction in KID); he told me you were also in Cambodia with UNTAC, but for some reason, we never crossed paths in that one-year period. Where were you and with what component?

My father's name was Korn Ty Chheang, but in Pol Pot time he changed it to Lim Chor to avoid detection. However, they still found him in 1977. My father was born in Takeo in 1929 and joined the French Colonial Army around 1948. He was stationed in Thmar Pech, Kampong Cham province until the French left and Cambodia gained independence. He was later transferred to Kampong Speu and then to Phnom Penh after the coup in 1970. He was a major in the Artillery Division.

After Pol Pot entered Phnom Penh, we went to his hometown in Takeo province, and later were put on the train to Sisophon. My family was "distributed" to Bos-sbov village in Phnom Srok district in late 1975. There, my father still went by the name of Lim Chor, hoping that no one knew his background. But unfortunately, there were people from his home town who knew him and were sent to the same village with us. To gain favor from the village leadership, they reported my father's army background to the district security chief. However, with luck and hard work, my father managed to hang on until March or April of 1977. One night around 10:00, according to my mother, the group leader came to the hut and called him see the village chief for a meeting. My mother knew right away that this must be the end, but dared not to ask or do anything. My sisters and I were in the fields at that time. My father never returned. Thereafter, we were warned to shut up and forced to take double workloads every day.

A few weeks later, I was told that my father was seen in Phnom Srok, the district capital, which is about 5 km from Bos-Sbov. But back then, there were all kinds of rumors and it was hard to verify because, as you know, you could only whisper to close friends.

I know that there is almost no chance that my father is still alive, but I just want to get a sense of closure on this ordeal. Moreover, after reading Issue 9 of your magazine (September 2000) on Mass Graves in Banteay Meanchey, I hope that there may be some documents or witnesses that can shed some light on what happened to my father, especially Mr. Chhum Ruom, a deputy district governor and former prisoner in Phnom Srok, who was interviewed by your magazine. Maybe he can help if we can contact him.

Youk, thank you very much for your kind attention in this search and if you need anything, just let me know.

Regards,

Ly La

SEARCHING FOR MISSING BROTHER

Dear Youk,

Thank you for your e-mail, which I read with a sense of sorrow because so many of us have gone through this most unbelievable event and it changed all our lives, regardless of age, gender or socioeconomic standing. I am so sorry to hear that your sister was savagely murdered in cold blood at the hands of the Khmer Rouge in the most sadistic of circumstances.

I know and share your pain and the bereavement you have endured for more than two-thirds of your life. Your view of life about Cambodia and its leaders will never be the same again. I say this because we're about the same age. However, my circumstances were different because I never knew what life was like under the Khmer Rouge. I was one of the first Cambodians to escape to Thailand on 14th April 1975. But left behind were my father and six other siblings, of which only one survived. I, too, might have perished under the Khmer Rouge, but perhaps it was not meant to be.

What is difficult for me is how do I go about finding my lost siblings? So far I know for sure that my father, my sister and two elder brothers are dead, as there were confirmed reports of their fates. But I also have two older brothers who may still be alive. If they are alive, they may be crippled or handicapped in some way by the events in our country and are not able to trace or locate me. It has been so difficult for me, not knowing for certain if they are alive or dead. Do you have any suggestions about where to look or how I might be able to find out if they are alive or dead? They would be in their mid 40s now, if they survived the regime.

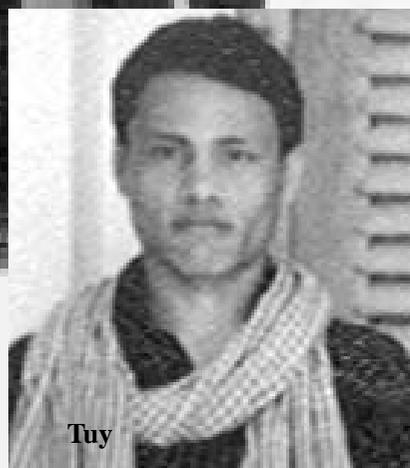
Youk, you have demonstrated a lot of humanity and the will to collect so much information for the Cambodian people and the world to reflect on the most barbaric government the world has ever known. I wish you and the staff of DC-Cam the very best for the future. I'm sure many of us are very proud to have a son like you.

Keep up the good work!

I hope to catch up with you sometime when I'm in Cambodia.

With my warmest regards,

Neru



IS THIS COMRADE TUY?

BIOGRAPHY OF COMRADE TUY

- ◆ Kim Torn, alias Tuy, was born on March 20, 1953 (the year of the horse)
- ◆ Nationality: Khmer
- ◆ Place of birth: Trea Krom village, Trea subdistrict, District 54, Region 33, Southwest Zone, Takeo province
- ◆ Father: Kim Tuon. Social class: lower middle class peasant
- ◆ Mother: Sam Mot. Social class: lower middle class peasant
- ◆ Siblings: Two older brothers (Kim Phon and Kim

Phun), one older sister (Kim Ao)

◆ Social class: lower petty bourgeois student

◆ Studies: From 1968-1969, studied in Kaodin Anprey High School, Takeo province. Fifth grader in Sangkum Reeastr Niyum (Popular Socialist Community)

◆ Joined the revolution: September 9, 1973

◆ Joined Yuvakak (the Cambodian Communist Youth League): February 1, 1975

◆ Before becoming an interrogator at S-21, Tuy was a youth in Regiment 103 of Region 33; a squad chief of Regiment 112, and a sub-unit chief of the Regiment 143 battalion (Division 703).

Iem Chan



Iem Chan

ដើម្បីទប់ស្កាត់ការបោះពុម្ពនិងចែកចាយដោយឥតគិតថ្លៃដល់មន្ទីរស្រុក និងឃុំ នៅទូទាំងព្រះរាជាណាចក្រកម្ពុជា ទស្សនាវដ្តីចំនួន១០០ ច្បាប់ជារៀងរាល់លេខនឹងដាក់លក់តែនៅក្នុងរាជធានីភ្នំពេញប៉ុណ្ណោះ មួយច្បាប់ក្នុងតម្លៃ ៧០០០ រៀល

មជ្ឈមណ្ឌលឯកសារកម្ពុជាអំពាវនាវដល់រដ្ឋាភិបាល មូលនិធិធានា និងសាធារណជនគ្រប់រូប សូមជួយទប់ស្កាត់ការបោះពុម្ពផ្សាយទស្សនាវដ្តីនេះទៅតាមលទ្ធភាពដែលអាចធ្វើបាន។ ព័ត៌មានបន្ថែមចំពោះការបោះពុម្ពផ្សាយទស្សនាវដ្តីស្វែងរកការពិត សូមមេត្តាទាក់ទងមកកាន់នាយកមជ្ឈមណ្ឌលឯកសារកម្ពុជាតាមទូរស័ព្ទលេខ (៨៥៥) ២៣ ២១១ ៨៧៥។ សូមអរគុណ!

The Documentation Center of Cambodia would like to appeal to governments, foundations and individuals for support of the publication of Searching for the Truth!. For contribution, please contact (855) 23 211 875 or By Email: dccam@bigpond.com.kh. Thank you.

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