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Nuon Chea

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The English translation edited by Youk Chhang and Raymund Johansen; Proofread by Julio A. Jeldres and Rich Arant.



Authors: Elizabeth van Schaack, Reed Brody, David Chandler, Raymund Johansen, Dacil Poeu, Kenton J.Clymer, John Ciorciari, Steve Heder, Osman Ysa, Samondara Vuthi Ros, Peou Dara Vanthan. Staff Writers: Kalyan Sann, Sophal Ly, Sophearith Chuong. Assistant Editor-in-chief: Sokhym Em. First Deputy Editor-in-chief: Kosal Phat. Second Deputy Editor-in-chief: Sorya Sim. Translator: Bun Sou Sour. Editor-in-chief: Youk Chhang. Graphic Designer: Sopheak Sim. Distributor: Sopheak Try.

Letter:

ACCOUNTABILITY

National and international legal experts, who have examined the evidence of the Khmer Rouge regime have come to the conclusion that the Khmer Rouge leaders must be brought to trial for crimes committed under their leadership that resulted in the deaths of more than one million people under their control from 1975 to 1979. Despite all of the research that has been done, the chain of command through which the Khmer Rouge operated remains unclear. Briefly put, the Khmer Rouge established a network of mass murder throughout the country. Through this network, the Khmer Rouge took, on average, the lives of some 5,200 real and imagined 'enemies of the Communist Party of Kampuchea' during every week of the three years, eight months, and twenty days of the regime. Perhaps another one-and-a-half million people died from starvation, disease, and forced labor under the regime of 'Democratic Kampuchea'.

The documentation of the Khmer Rouge bureaucracy provides evidence indicating that all of the

Khmer Rouge regime's leaders were involved in these mass, historical crimes. However, twenty years after the fall of their regime, the Khmer Rouge senior leaders continue to enjoy impunity for the crimes they perpetrated upon the Cambodian people. There are several reasons for the persistence of impunity in Cambodia, but a lack of efforts to bring the Khmer Rouge leadership to justice is not one of them. A truly independent genocide tribunal will have a powerful, positive impact on this "culture of impunity" in Cambodia. For the past thirty years, the people of Cambodia have been forced to endure the injustice and menace of civil 'servants', including politicians, police, and soldiers, who have come to believe that impunity is their right. Strongmen do what they will, while the people suffer what they must, and no one dares hope that the "law" will intervene to remedy this situation. The punishment of the Khmer Rouge leaders is the most effective way in which Cambodia can begin to dismantle this culture of impunity and build a new Cambodia on the basis of law. This critically important task will be greatly facilitated by the effective participation of the international community in the Khmer Rouge tribunal.

Youk Chhang



CHAM PEOPLE VICTIMIZED BY THE ENTICEMENT OF THE KHMER ROUGE

By Ysa Osman

“There is to be an exchange of Cham people for the fuel of brotherly countries”. This was a special trick of the Khmer Rouge to convince Cham people to present themselves so that they could be rounded up and transported to other areas of the country, or accused of being enemies of Angkar and executed. During the Khmer Rouge regime, Cham people, regardless of where they were living—cities or rural areas—were routinely expelled from their place of birth, separated into small groups, and forced to live with the majority Khmer population of Cambodia. According to Ok Nha Soh Kamrei, superintendent of Islam in Cambodia, the root cause of the transportation of the Cham people was a rebellion launched against the regime in September of 1975 in the villages of Svay Khleang and Koh Phal, Kampong Cham Province. “After the rebellion in Koh Phal and Svay Khleang Villages, the intimidation of Cham people throughout the country began. The regime apparently decided to avoid a repetition of the Kampong Cham rebellion, and as if to underscore its determination in this regard, reduced Koh Phal to ashes. In addition, “Brother Pol” (Pol Pot) ordered an evacuation of Cham people from the Eastern Zone to the Northern Zone. Apparently however, the Northern Zone refused to accept these evacuated Cham people. On November 30, 1975, Comrade Chhon sent a telegram to Brother Pol (copied and sent to Nuon Chea) stating that Stung Treng refused to accept the Cham people from Chhlong and Khrauch Chmar Districts, and Peam Chileang Sub-district. “Absolutely don’t accept the Cham people, but accept only Khmer people”. In reaction to this statement, Chhon informed Pol Pot that the “Northwest and North sides must accept [them] in order to clear them away from the Mekong river banks and reduce tensions.” This is a principle you, brother, have discussed with me. In principle, the zone side [has to take] 50,000 Cham people and send them to the Northern side. (Even) so, there (will) still be more than 100,000 Cham people in the Eastern Zone.

We (will) only take those who are residing along the river sides and border, but not (those) in Tbong Khmum Sub-district.”

The fate of these Cham people who had been targeted for evacuation to Stung Treng and Prek Pra Sapp has been the subject of research. Most of these evacuees seem to have been tricked by a Khmer Rouge rumor that they were to be transported to Malaysia, Indonesia, and Arabic countries in exchange for oil. Cham people in many villages had heard of this rumor. Mr. Math Toulos, who resided in Cham Leu Village, Prek Thmei Sub-district, Koh Thom District, Kandal Province, has stated that “at the outset, it was said that the rumor had been leaked to the people via those working closely with Pol Pot. Later however, the people were accused of having started the rumor. In fact, it was those officials who had spread the rumor. When the rumor became widespread, they [the officials] assumed that the people intended to rebel against [them].”

It appears that the Khmer Rouge had great success in facilitating the evacuation of Cham people throughout Cambodia by use of this rumor. All Cham villagers wished to have a place where they could live at peace and in harmony. Seizing upon this fact, the Khmer Rouge registered the Cham people, divided them into small groups, and then sent them to target areas under the illusion that, having duly registered, they would be sent abroad. According to Mrs. Math Satah of Po Preah In Village, Kaong Kang Sub-district, Ponhea Krek District, Kampong Cham Province, Angkar registered her family in the first phase in October of 1975. One morning, her family with 34 other families in the village were taken by truck to Chhlong District, Kratie Province. “We were all very happy to be informed by the Khmer Rouge cadres (that we would) board a motorboat for Phnom Penh (and the airport). At first it appeared that the boat was directed to Phnom Penh, but the moment the boat left the bank, it turned in a different direction. In the end, I was sent to

a mountainous location in Kratie Province.”

The rumor that they were to be sent abroad was so widespread that in four Cham villages; Cham Leu, Cham Krom, Po Tonle, and Tuol Sangke, all located in Koh Thom District, Kandal Province, that every person lived in hope that she or he would have a chance to escape from the suffering and religious oppression. Mr. Math Toulos added: “All Cham people were preparing chicken soup for departure, because it was said that Arabic countries would offer oil in exchange for them. In the end, it was all to no avail, and those who had been most energetic in this process were punished.” According to Mr. Srang Mohamad, in Sach So (Ta Sou) Village, Peam Chikang Sub-district, Kang Meas District, Kampong Cham Province, “Pol Pot’s henchmen announced that Cham people (were) to be exchanged (for) fuel from Arabic countries. A ship was full with Cham people. After the ship departed the bank, the Cham people were forced into the Mekong River. As a result, approximately 1,000 Cham people were killed in early 1976.”

Mr. Ibrahim, (who had been) a fisherman with a cooperative in Stung Treng, provided information concerning executions committed in Stung Treng. In early 1977, there were many Cham people from Krauch Chhmar and Stung Treng Districts gathered together at Stung Treng District in preparation for their departure to Malaysia, having heard that Malaysia had brought fuel in exchange for their release. These Cham people were taken away in trucks. Ibrahim stated, “No one survived. A few days after the transportation, clothes and scarves of the victims were found by children in the villages.”

This rumor of emigration to Muslim lands was one of the tricks used by the Khmer Rouge in their attempt to destroy the Cham people throughout Cambodia. Based on the “confession” of Chek Brahim

(Confession Document Number D02687, preserved in the archives of the Documentation Center of Cambodia) we learn the original source of this rumor. Before April 17, 1975 a Muslim Brigadier General of the Khmer Republic, Les Kosem, publicly announced in Cham villages around Phnom Penh that “if the Khmer Republic were to lose the war, it would make contact with Malaysia for aid in transporting the Cham people of Cambodia to that country.” As a result of this announcement by Les Kosem, in combination with the desire of the Cham people to live in harmony in a society where there were rules permitting them to worship and adhere to their traditional religious beliefs, the Khmer Rouge were assisted in implementing their policies of expulsion, torment and massacre.



Searching for remains along the Mekong River



LONG MUY, A TRANSLATOR OF THE CHINESE LANGUAGE, IS ACCUSED BY THE KHMER ROUGE OF DISLOYALTY TO THE REVOLUTION AND EXECUTED

By Sophearith Choung

The following is based upon the “confession” document of Long Muy, dated September 2, 1977, and held at the Documentation Center of Cambodia (J00636). Readers are cautioned that these “confessions” were extracted under torture and that therefore the truth of their factual assertions cannot be assumed.

Long Muy was a Chinese language who worked at Office K-16. The Khmer Rouge arrested him and sent to Office S-21 on the grounds of disloyalty for having joined the KMT Party (hereinafter “KMT”), a political party which had worked against the Chinese communist party. The KMT was established in Cambodia by a movement of Chinese immigrants residing in Pear Reang District, Prey Veng Province, the focus of Chinese immigration to Cambodia. The party became active in 1957 with the objective of attaining leadership of the Chinese immigrant community in Cambodia.

Prior to 1970, the KMT’s fight against the Cambodian communists was directed by Te Heng Kry, alias “Ly Chreal”. In 1957, a meeting of the KMT members was held at a Chinese language school in Pea

Raing District under the chairmanship of Ly Chriel, with Un Pang Lien acting as secretary. It was decided that “in the schools, we must select only those teachers who have the standpoint of Kuo Meng Taing Party, and only text books published in Taiwan and Singapore should be used. The portrait of Chiang Kai-shek, the leader of the Kuo Meng Taing party against communism in China, has to be displayed at all school headquarters. The flag of the Kuo Meng Taing Party has to be put in the middle of the wall. A flag of the party with a “star of twelve points” has to be drawn for the reflection of loyalty of every individual towards the Kuo Meng Taing Party as well as Chiang Kai-shek.” Ly Chriel stated that “we must be clear about what is to be taught. That is we learn in order to serve our ideal—freedom of democracy. The communist party rules with dictatorship. There is no freedom. I used to live in China and know clearly that the Chinese Communists mistreated poeple and didn’t allow the people to have free time and enjoy entertainment. So, we have to be against communism.”

Between 1970 and 1975, the leaders of the KMT Party in Pea Raing District, Prey Veng Province recruited forces from among the villagers and students in Snay Pul Sub-district. Their plans included political attacks and attacks upon the economic, military, and health care systems. To achieve these goals, the leaders of the KMT Party called monthly meetings and made changes based upon the prevailing circumstances. From 1971 every combatant of the party was assigned to transport food and animals to areas controlled by the traitorous group once a month. In January, 1972, when the Khmer Rouge were



The meeting



S-21 prisoner

engaged in battle and needed provisions from the people, the leaders of the KMT Party had their members pack insufficient amounts of rice, without dishes, containing nails, tree leaves, and sandy soil. Later, the leaders of the KMT Party instructed their members to mix sandy soil and gravel with rice. These measures were taken in December 1972.

In February, 1973, the leaders of the KMT Party in Pea Raing called a meeting that began with the introduction: “You have all been asked to join the meeting for our main plan, now that the people have nearly finished the harvest. If any people can afford to buy the harvested rice, please buy as much as possible at a higher price than the price limited by the communists. We can buy now, and later the price will rise, so we will not lose money. Our objective is to starve the armed forces and people. This year they will come to buy rice from us like last year. When they come, we must not sell. So, one cart of rice will be an obstacle to them to settle, which may starve some people or their armed forces.” In addition, the Kong Meng Taing partisans in Pea Raing District, Prey Veng Province, were to refuse to sell medicines to Angkar. For example, when communists asked for [medicines], [the partisans] were to say they had [none]. Long Muy continued that from 1974 to 1975, Angkar appealed for the building of roads for the transportation of food

supplies to the military. The KMT partisans also asked their members to join the work, and then complain: “Another damned job?. Do this. Do that. There is no time for a rest. We’re used as animals. We will all die.”

The Party established a secret movement called “CIA” with a view toward playing an active role in toppling the Khmer Rouge communist revolution. The KMT intended to burrow within the Khmer Rouge communist revolution. The KMT and CIA were in a position to fight against the Khmer Rouge regime. As a rule, for joining CIA, a meeting had to be called. The agenda for such meetings included: 1) meeting opening statement by a chairman; 2) the sponsor’s announcement of the new recruits; 3) the nominator presents the recruit’s biography; 4) the recommendation is announced by the chairman; 5) personal impression of the recruits and allegiance pledging; 6) closing. After the announcement of recognition of the new recruits, the meeting chairman delivered a verbal message: “For external picture of both theory and practical work, we must keep top secret our confidential work.”

The CIA had several main duties, including burrowing deeply inside the revolution, destroying its image, and extending their CIA forces. Under instruction from the chairman, Long Muy laid out the plans for the new recruits of CIA. For example, when the river goes up, recruits must practice terrorist



S-21 prisoner



activities, such as releasing boats from their moorings, thereby creating unfavorable conditions for the armed forces and authorities who had to cross to the other side of the river, and destroying fishing equipment. (The confession document goes on to discuss several more such meetings, describing agendas similar to the foregoing.)

Long Muy's reason for joining the Khmer Rouge revolution was to burrow deeply inside and thwart the revolution. His activities in this regard included failing to solve the living problems of the base people, the secret delivery of food supplies to traitorous elements, and the taking of money from the revolution for his own purposes. According to the confession, when people went down to work in Kang Meas District, Kampong Cham Province, they lacked food, in large part as a result of the enemy's attack on Phsar Peam Chikang and Rokar Kaong. At that time, Long Muy didn't seek to find any solutions to the people's living conditions, but instead, chose to allow middlemen to buy and sell the rice of Angkar to the people at a price. Once again the brokers profited from the villagers. Lon Muy lived and ate with the middlemen, which, to some extent, reduced the faith of the base people in the Khmer Rouge's Angkar.

Angkar's money, which had been provided by the people, Long Muy took to pay for his own expenditures, such as for noodle soup, coffee, and other things. The activities of the KMT Party against the Khmer Rouge were to propagandize against the revolution and the against the ban on 'buying something and paying for it in the future, and the buying and selling of labor in farming'. Long Muy also propagandized against Angkar's refusal to negotiate by asserting that "Angkar is too leftist to do so. Neighboring countries have weapons that are more sophisticated than ours and have more experience in war. Now they are willing to negotiate with us, and if an agreement is not reached, we can go on with the fighting. But, when Angkar refuses to negotiate, fighter planes come to bombard us and our people, causing great suffering and destruction for the people and the country." Between 1972 and 1973, Long Muy reacted against the ban on 'buying something and paying for it in the future and the buying and selling of labor in farming'. At that time, Long Muy spread propaganda



among villagers who used to practice these customs, saying: "There's no problem. We just go on with these methods secretly. When the yields are collected, we just give a greater share to those who have farmed rather than the owners of the land. That's it." As to loan and interest activities, Long Muy just encouraged the people to go ahead. In addition, between 1972 and 1973, the KMT Party forced people to build schools for educating children, propagandized against all measures taken by the Khmer Rouge Communist Party, staged economic and military sabotage, strengthened CIA elements in the sub-districts, where they had reached, and provoked troubles among merchants, Angkar, and the villagers. The KMT Party then established CIA movements in ministries to work against the revolution, by means such as transporting husked and unhusked rice and animals to areas controlled by traitors.

At Office K-16, KMT partisans jointly carried out activities against the Khmer Rouge revolution by breaking up the solidarity between Kampuchea and China, humiliating the Communist Party by raising the issue of the maintenance and destruction of state property, and provoking trouble among office chiefs. The obvious activities against the Khmer Rouge revolution included the many instances of depriving Chinese guests of food. For example, one day, at 5 am, Chinese guests asked them to cook rice, but they were

ignored. In addition, KMT partisans instructed all members of the CIA to ignore or pretend to forget what the Chinese guests had asked them to do, this in an attempt to cause the guests to lose faith in the Khmer Rouge’s Angkar. As a further example, during Chinese translations, the interpreters were never briefed on the subject matter of the lectures, in order that the trainees could better understand them. The Chinese were very angry with the trainees who failed to do what they had been asked to do. Loot taken in battle was left exposed to the rain. Sometimes, the trainees kicked the equipment in front of the Chinese guests, which disappointed them and caused them to accuse the communist party of not loving communal property. Moreover, the KMT Party members provoked troubles in Angkar’s offices by delivering messages of dissatisfaction from one to another.

According to the confession of Long Muy, the reason the Chinese immigrants of the KMT Party in Pea Raing District, Prey Veng Province changed the name of the CIA group to the Labor Party was that the Chinese people and Chinese immigrants hated the KMT Party very much after Cambodia was liberated. In order to lure and convince the people to believe in the Party in Pea Reang District, the CIA group’s name was changed to the Labor Party of Kampuchea in an attempt to convince the Khmer Rouge communists by using a party name that had been widely used in socialist countries around the world. The KMT Party thought that in communist regimes, there was no freedom or happiness. People worked in the heat, rain, and wind everyday without any rest time, were not provided with sufficient food, and became emaciated. The confession document concluded that, for his work with a traitorous movement against the Khmer Rouge regime, Long Muy, a member of KMT Party in Pea Raing District, Prey Veng Province, was arrested by the Khmer Rouge. Long Muy, known as “Chuon”, was interrogated by Im Oeun, interrogator at Tuol Sleng.

Aum Srim, Long Muy’s wife, was also arrested. Long Muy’s confession also contains his wife’s words: “[They] said in their propaganda campaign that there is equality, but in fact, ranking officials have never been wrong. We are blamed everyday. There will be no one to work, if Angkar continues to arrest a large number of people.” According to notations on the confession

document, Duch, the chief of Tuol Sleng prison, reported to Son Sen that:

“Dear respected Brother, 1) all forces implicated by his [Muy’s] confession are in Region 22. They are in the rank of the former network elements of KMT Party in Pea Raing; 2) the person of highest rank is contemptible Tum; 3) [Muy said] for comrade Eang Sipheng he was a revolutionist. He expressed his standpoint. With respect, Duch. October 15, 1977.” Son Sen alias Khieu also made a report reading: “1) can be important; 2) this contemptible person is the network element of translator of Chinese; 3) I haven’t yet read. I give your Brother first. Khieu, October 17, 1977.”

Son Sen had reported to the highest level of Angkar. It is likely to be the note of Nuon Chea which reads: “Already sent, November 11, 1977.” There is an additional note reading: “Especially, comrade Khieu’s side. Contact Eastern Zone.”

KHMER ROUGE SLOGANS

- ◆ Our task is to be responsible for our speech, acts and political standpoint. These must be in conformity with people’s ideas and interests. If a mistake is made, we must work it out. This is what we call responsibility before the people.
- ◆ In the military context, this stance can be described as having destroyed the enemy one after another.
- ◆ The wind from the east always beats the wind win from the west. (Notebook 053 KHN)
- ◆ Front troops mobilize their forces to smash the enemy. By so doing, we will soon gain victory and be able to protect and expand our forces. (Notebook 194 KNH)
- ◆ Strengthen and expand the absolute stance of proletarianism while absolutely sweeping out non-proletarian stances. (Notebook 135 KNH)
- ◆ All important lines and activities in the rear must be a strong and transparent backing for front line. (Notebook 200 KNH)



CHANTREA VILLAGE FELL INTO THE DEVASTATION OF WAR

By Sopheak Vichea Tieng

Chantrea Village is approximately five to six kilometers from the Vietnamese-Cambodian border, and more than fifty kilometers from Svay Rieng provincial town. It is one of the four villages of Chantrea Sub-district, Chipou District (the present-day Chantrea District), Svay Rieng Province. In 1964, the village was heavily shelled by South Vietnamese troops, and their American “advisers” who were seeking to destroy the Viet Cong. The attack left twenty villagers dead, many houses burned, and animals killed. The administration of Norodom Sihanouk responded by building new houses for the villagers victimized in the attack.

As Chantrea Village had suffered heavily and was located far away from Svay Rieng provincial town, king Sihanouk changed the name of Chipou District to Chantrea District, and the district headquarters were moved into Chantrea Sub-district. Due to the poverty and isolation of Chantrea Sub-district, lower level officials moved the district headquarters again to the less isolated Set Thngak Sub-district (Me Thngak), where there were marketplaces. This change of the district headquarters was completely contradictory to the thought of King Sihanouk, who wished to make the people of Chantrea feel that they were living closely to their civil servants, who guarded and looked after the village and its people.

From 1964 to 1975, Chantrea Village was victimized by the heavy bombardment and shelling of the government of South Vietnam, supported by the United States. This bombardment killed at least one hundred villagers and resulted in the destruction of schools, hospitals, houses, cattle, pigs, and poultry. Many people were injured and left physically, mentally, and emotionally disabled.

Brother Daek Det, 34, a farmer who was born and lives in Chantrea Village, related that in 1964 (sic) the United States bombed Chantrea Village because Viet Cong forces had entered the village. At that time,

many houses were destroyed by B-52 bombing. His own parents’ house was hit with napalm dropped from fighter planes and engulfed in flames. In the house at the time were his elder sister, Min Suon, who was



A Scar Inflicted by B-52 in

around 13 according to Sok Lam, uncle of Net, and So Savon, a neighbor, and an elder brother named Daek Nan, who was about 10. After the fire, Daek Det’s parents took their two sons to a hospital in Phom Penh, but both later died of their injuries. Daek Det’s elder

sister was horribly burned in the attack. After her wounds had healed, both arms were stuck to her body at the armpits, making even such simple tasks as showering difficult. Her arms and hands were rendered almost useless, and she is greatly pitied by the villagers. Daek Det's elder brother was wounded on the foot, and though the wound has healed, the terrible scar remains. The house of Daek's uncle was also burned, but fortunately there were no casualties, the house having been empty at the time. After the bombardment, King Sihanouk built new houses for them and the other

from the south. The bombing was even more severe than that of 1964. The attack occurred over three consecutive days and nights. On the night of second day, during which heavy bombing had taken place, Daek's parents, children, and grandchildren took cover in trenches. His father and the two elders, who had been handicapped since 1964, hid themselves in the same trench, while his terrified mother passed it and hid in another trench with his grandfather, named You. During the attack, no one knew who still survived and who had died. Villagers had no water to drink or food to eat for the several days they remained in the trenches. A few days later, his mother realized that her parents and the two elders had been killed in the trench by the bombing of the government soldiers. The three corpses were buried in the same trench. After the burial, Daek Det's mother decided to flee to an area north of Wat Chantrea, and then continued on to Tuol Pra Lean Village, Chres Sub-district. In 1975, after the war was over, Daek Det's mother was able to return to her home village for the celebration of a funeral ceremony for his father and two elders, who had died in the trench. Before he died, his mother had told his elder brother to struggle when he grew up. Daek Det was very angry with the government soldiers, who had killed his father.



Chantrea Village, Svay Rieng Province

In an interview with Prak Sarin, 64, who was born and lived in Chantrea Village, Sarin related that between 1950 and 1955 he said that he had been a Buddhist monk in Wat Serei Vong, located in Chantrea Village. He later married a girl named Prok Eng. In the dry season (January or February) of 1964, two American fighter planes bombed Chantrea Village. At the same time, four tanks had also entered the village, while South Vietnamese soldiers fired machine guns from helicopters flying at a height of approximately 500 meters. A number of bombs were dropped, leaving more than ten villagers and many cattle dead. The victims included Tuok Roeun, about 32 years old at the time; Mao Yin, about 38 years old; Chan Moeun, about 18 years old; Peou Ing, a pregnant woman about 40 years old; and Poek Saban, who was about 25 years old. Between 1963 and 1964, Sarin had served as a militiaman in Chantrea Village, using a rifle he called "Angel". Once when he saw soldiers, Sarin ran and hid among water buffaloes. When the soldiers tried to shoot him from behind the buffaloes, and a helicopter began

villagers. The standard of each newly built house was a 8 x 6 m wooden building with zinc roof.

In 1970, a horrific event happened again in the village when fighter planes of the Lon Nol administration started heavy bombing and shelling





Heung Boay

an attempt to destroy the Viet Cong forces who were taking shelter along Cambodia-Vietnam border. The American and South Vietnamese soldiers continued their pursuit of the Viet Cong soldiers into Cambodia and Chantrea Village, where they found only one or two Viet Cong soldiers. In 1970, there were many Viet Cong armed forces deployed everywhere in and around Chantrea Village. They brought unhusked rice to hide in the houses of villagers in preparation for their operations against the American and south vietnamese soldiers. They had never offered rice to the villagers. “When the Vietcong completely moved away from the village, we could get

strafting him, Sarin fled, leaving behind more than ten small amounts of rice,” said Sarin. **(Continued)**

dead buffalo. Sarin hid himself in a canal in the vicinity of the village, holding his weapon tight and hugging the ground. The soldiers didn’t see him, for if they had, Sarin would have been killed, for he was a militiaman who had exchanged fire. The other militiamen in the village had counterattacked against the South Vietnamese soldiers, but were defeated. Sarin had also exchanged fire with soldiers in Teng Mao Village, west of Chantrea Village, fearing that they would enter the village and burn it down. At first the tank had turned to the east, but as a result of Sarin’s fire, it turned back and stopped for a moment at a position 300 meters from Chantrea Village, near a pit called Anlong Prey Puos. Upon entering the village, the soldiers on the tank ordered the arrest of people in the village. Sarin’s cousin Saom Yut, 45, was arrested, but was later released. At the time of conflict, some people fled the village for Chipou, but returned a few days later.

In the dry season of 1970, many locations around Chantrea and Teng Mao Villages were heavily bombed, leaving houses, schools and hospitals ruined. The hope of people, who were struggling to build houses or buy motorbikes, vanished. The Americans bombed the village in



Sarin

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Black Yellow Magenta Cyan

CRIMES AGAINST THE PHNORNG ETHNIC MINORITY

By Peou Dara Vanthan

In December 1999, I conducted research on ethnic minorities in the Northeast Zone under the regime of Democratic Kampuchea. My team interviewed Keuy Datt, a Phnornng ethnic minority, who was the wife of Prey Sreut, a prisoner of Tuol Sleng. Keuy Datt now lives in Sokh San Village, Sokh San Sub-district, Koh Nhek District, Mondulkiri Province. Sokh San is a remote village located in the northern part of Mondulkiri, and can only be reached with great difficulty. Like most Cambodians, Keuy Datt had not yet learned the fate of her husband. When asked about him, she replied: “I know nothing, whether he died or still survives.”

According to his Tuol Sleng “confession” document, Prey Sreut, known as Kham Vatt, a Phnornng ethnic minority from the Northeastern Zone of Cambodia, was arrested in August, 1977 by Khmer Rouge soldiers in black dress. He was accused of being a network element of the Vietnamese. The Khmer Rouge routinely charged those it arrested for interrogation with being “network elements” of the “Yuon” (a derogatory

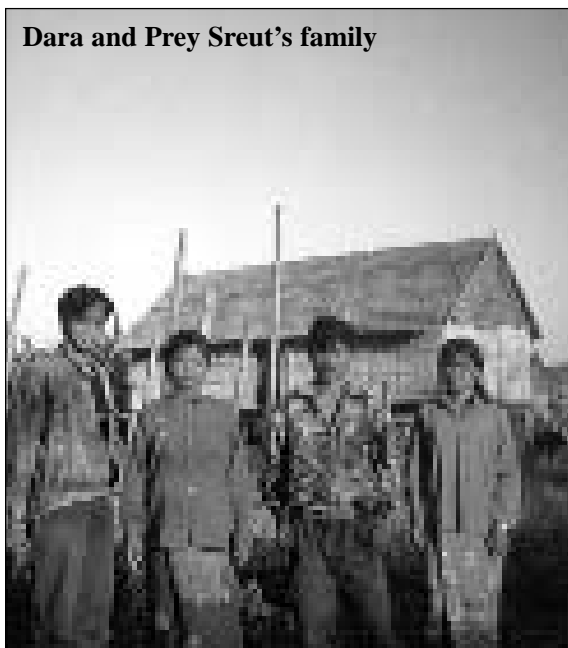
term for the Vietnamese) or “CIA” or “KGB”. I asked Keuy Datt, “What did the Khmer Rouge say when they arrested your husband?” She replied, “They said he was a Yuon network element who had brought food supply to Yuon, but no Yuon could be seen. He just led the people to do farming. There were no Yuon.”

The confession document of Prey Sreut, who was interrogated by “Khom” and “Seng” in January, 1978 contains notes of the two interrogators stating that we “Asked him about his history and experiences in order to find the main points...assembled his weaknesses to implicate him in treachery, and then asked about traitorous networks.” Here, we can make a comparison between the statements of Keuy Datt, wife of the victim named Prey Sreut, and the report of the two interrogators Khom and Seng, and consider whether or not Prey Sreut was a “traitorous element”.

The son of Prey Sreut is Sreut Phoenu. In the Khmer Rouge time, he was very young, about four or five years old. However, he said he could remember the scene in which his father was arrested by the Khmer



Dara and Prey Sreut's family



Rouge. Sreut Phoeun had hung onto his father's hands and feet as the Khmer Rouge took his father away, pushing Phoeun out of the way and warning that he would also be killed. As Sreut Phoeun recounted the story, he was on the verge of tears: "They pushed me away, warning me not to follow and saying that if I did, I would also be killed...I was young, if I were this big, I would have been arrested for being traitorous like my father." After these comments, Sreut Phoeun took a glance at his thatch-roofed house with its palm leaf walls, on which the red rays of the setting sun were reflecting. It seemed to me that the house of Phoeun was stained with the blood of Prey Sreut, who had been killed by the Khmer Rouge. As for Datt, when the Khmer Rouge took her husband away, she didn't dare to protest or say anything, but just cried. "I dared not speak for fear that I would be arrested." This year Phoeun is 29 years old. Both son and mother clearly remember the story with pain. When the Khmer Rouge military arrested Prey Sreut, his children cried and wanted to follow him. For fear that the Khmer Rouge would kill them as well, Datt tried to quiet her children, telling them that if they cried, the family would all be killed. Both Phoeun and Datt believe that Prey Sreut had not been traitorous or contacted the Vietnamese. According to Phoeun, "He never went anywhere. We don't know why he was accused of having contacts with the Vietnamese and arrested."

Based on the confession document of Prey Sreut, obtained through the interrogation of Khom and Seng, it seems that the two interrogators were intent on proving the guilt of Prey Sreut. Their signed report reads: "Already assembled weaknesses by forcing him to accept the treachery and then asked about his traitorous network elements...After assembling the weaknesses, we questioned him further. As a result, he confessed that he was a CIA agent."

Attached to the confession document of Prey Sreut, there is a report reading: "He didn't state clearly that he was a network element." There is also a small note stating: "If things are not clear, send him to be chewed for details." This phrase exemplifies the viciousness of the Khmer Rouge, because the Khmer word for 'chew' used is one reserved for animals, especially dogs, which chew bones until they turn white. Through many years of experience researching the crimes of the Khmer Rouge, the words "send to be chewed" indicate that Prey Sreut was interrogated repeatedly in a barbarous fashion before being killed. Prey Sreut once served as a chief of the cooperative in Sokh San Village, O Raing District, Region 105, at a time when a person named "Bai" was a district chief and "Laing" was a regional secretary. As evidenced by the Khmer Rouge telegrams held at the Documentation Center of Cambodia, Laing had sent telegrams to a higher level known as the Central Level in regard to many issues. These reports were routinely copied and sent to Nuon Chea. Prey Sreut apparently died without leaving any verbal message for his family. Sreut Phoeun said that his father hadn't said anything when the Khmer Rouge took him away.

Phoeun made a comment in the dialect style of Khmer Leu, "How could he leave a message? His hands were tied up like this, and a gun was pointed at him like this (motioning). He walked away with his face down. I witnessed it all with my own eyes."

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

MAO CHOEUN TORTURED INTO CONFESSING

By Sophal Ly

Mao Choeun, known as Ly, was 33 years of age when he was arrested by the Khmer Rouge. He was born in Koh Peam Pra Sna, Stung Treng District, Region 42, Northern Zone. Before joining the revolution, Chouen worked transporting rice for a sub-district chief named Ly. Encouraged by the sub-district chief, Choeun became a logistics chief of Division 174 in the Central Zone. Under the leadership of Sei and Riep, Choeun was assigned to various work until the day of his arrest on September 17, 1977. He was accused of being traitorous, and was tortured three times into confession by prison security guards.

The following is a summary of Chouen’s “confession”:

Mao Choeun was 14 when he went to the Wat School of Peam Koh Sna. At the age of 19, he became a primary student of Peam Koh Sna School. In 1962, he left school to help his parents in farming. In 1963, Choeun worked at the Boeng Ket Rubber Plantation. He was assigned to clear forests in Cham Kar Krauch. At the rubber plantation sub-district chief Ly got to know Chouen well. In 1965, sub-district chief Ly (Chouen’s first confession gives the date as 1968) started propagandizing Choeun by convincing him that in reality he wanted to improve his living conditions, that he didn’t want to serve as a worker, and that he wanted to have influence and a high salary. In 1969, Choeun was appointed to serve as a spy. (Song, Ret, Chhin and Ly were also assigned to work as spies at this

time.) As a spy, Choeun managed to eavesdrop on the revolution and report to Ly two times, convinced people to be afraid of the Khmer Rouge, and recruited more spies. Ly and a teacher named Chhorn contacted Roeum, the cooperative chief, Hoen, and Pul to keep track of the Khmer Rouge in Peam Koh Sna Sub-district. In 1967, with the nomination of Pul, Choeun was assigned to contact Dan, assistant of Logistics of Division 174.



In 1969, sub-district chief Ly contacted his CIA network elements Song, Chhen, and Ret with the aim of destroying the revolution. In 1970, Ly assigned Dan, Pul, and Choeun to contact a woman, Sim, to burrow within the revolution in the unit of Peam Koh Sna Sub-district. Choeun was assigned to burrow inside the mobile unit of Chhen in the Northern Zone. When comrade Ke Pauk took Doeun and Hoeun to work with him at Office K-2, contact between the networks was cut off for a period of time. At K-2, Doeun motivated people to be free and spoil 70 sacks of unhusked rice. At the end of 1971, he was moved to Office Toch Yum, Chikreng District, Siem Reap Province, with a view to linking a new network with Sann Hav, an assistant at the Economic Section of Region 43. Hav educated Doeun a lot before realizing that Doeun was a CIA agent. In June 1971, Choeun succeeded in recruiting five people and assigned them to work as guards at a salt and husked rice warehouse. As a consequence of negligence, half of this husked rice was spoiled.

In 1972, Choeun moved to Office CH-7. Angkar appointed him as deputy chief of military in the Northern Zone, where he was able to link up with the network of Sei for work against the revolution. Later, Choeun managed to recruit two more people, who were network elements of Chhun and Hoeun. Then Hoeun sponsored the two to join the CIA in a meeting held at Phsar Sre Veal. At this meeting, the CIA elements were instructed to encourage an attitude of defeatism on all battlefields and to destroy the ammunition of Angkar. After receiving the plan, Choeun and Lorn exposed looted weapons to the weather in an attempt to render them useless.

In September 1974, at the Siem Reap Battlefield, Choeun and Sei succeeded in recruiting two more forces. The key points for persuading the two were questions about the revolution and the presentation of rank-ism, salary and the comparison between the living conditions in the previous regimes, in which people were well dressed, and the in the revolutionary regime,



At S-21 prison

100 100 100 100 100 100 100 100 100 50 50 50 50 50

Cyan Magenta Yellow Black

which in the future, would be isolated and would face suffering. At the Logistics Office for Regions 45 and 46, there was a meeting participated in by Sei, Sam, Lim, Sun, Phorn, Pet, Duong, and Hoh. (The last four persons had previously been arrested by Angkar.) At that time, Sei made a comment: “If Angkar manages to break through at Siem Reap, all armed forces must be mobilized and run into the enemy’s side in Oudar Mean Chey Province. If the revolution cannot win, we must retreat, but don’t let the enemy win the battle.” In December 1974, at a front-line position in regions 45 and 46, Choeun, Sei, Lim, Sun, Phorn, Pet, Duong and Hoh ordered all armed forces stationed at Angkor Wat to retreat.

In 1975, Angkar assigned Choeun to transport unhusked rice to the arsenal in the former Banteay Sam Re barracks in order to collect weapons from Siem Reap provincial town. There he discussed with Sei about the plan to destroy weapons and ammunition. They exposed weapons and ammunition to the rain until a warehouse was built. As a result, a thousand guns and two truckloads of medicine were ruined. There, Choeun managed to recruit two forces. In February 1975, in the battlefield of Siem Reap provincial town, Choeun ordered armed forces to retreat again in order for the soldiers in Siem Reap to arrest those from Kampong Thom Province.

After the liberation in April 1975, Choeun and Sei met their network elements in Kampong Cham. Choeun was appointed as assistant of Division 117 and Sei was appointed as a secretary of the Division. After the appointments, they called a meeting in the vicinity of Wat Chroy Thmar with a view to introducing the CIA forces, both new and old, and to plan to recruit more forces to be ready for a coup against the main revolutionary cadre. Sei ordered elements to collect weapons from Kampong Cham and Kampong Thom to put most of them in arsenals in Kampong Cham. Sei reported only the remaining weapons to Angkar. After making the report, Sei called Hoh, Khann, Veng, Sim, and Phen to join a meeting. At the meeting they decided to choose six Battalion combatants, who had already been convinced, to be responsible for the weapons and ammunition so that they could be used secretly. In August, another meeting was held focusing on the previously developed plan to ambush a revolutionary

cadre. Also discussed was a plan to attack trucks transporting rice and medical supplies so that the latter they could be used in the organized coup. In September 1975, old and new networks attended a meeting in Kampong Cham Province to plan a two-front campaign for the coming coup. The first front would consist of Khann and Hoh, who were to attack Kampong Thom. The second front would consist of Choeun, Sim, Veng, and Phen, who were to attack Kampong Cham provincial town. However, the plan was aborted.

Also, at barrack Sarep, there was a meeting, in which Sei said: “To prepare forces for attack, 30 soldiers in the Regiment should be recruited, as currently Angkar is in need of forces. We had to send anti-revolution forces to Angkar. This is a good chance to join the bandits. When we have forces, we will organize a plan to destroy the Party equipment at all spearheads.

In January 1976, Choeun brought certain female and male combatants in the Logistics Unit of Division 177 to linkup with his network. Later, Choeun joined a meeting with Sei to discuss issues concerning the plan of Angkar to go to war against the bandits in Regions 41 and 42. Sei said: “We have to go, but don’t arrest bandits. Instead, we have to increase the number of bandits.” So, in Region 41, Sim had a duty to lead the forces from Traeng to Skun. Choeun, who was responsible for carrying out activities in Region 42, would bring seven forces to burrow and practice activities from Traeng to Stung Treng. After carrying out activities, Choeun, Sim, Loeun, Nhak, Riem, Ly, Sev, Rann and Pheap stole rice from cooperatives in Thmar Phoun, Prey Chhor and Pha-av, Kampong Cham Province. They also shot a chief of Pha-av in the leg. In December, Sei called a meeting to discuss the staging of a coup in April 1976, at which time the Party would be celebrating the first anniversary of their victory.

From February to March, 1976, Phen sponsored a person named Chakk to join the CIA. Chakk was assigned to prevent the newly-repaired weapons from working properly and to produce two kinds of ammunitions. One would be of good quality and the other one would be mixed with sandy soil. At that time, Doeun was assigned to contact and instruct On and Nun to encourage people to fight against and burrow forces within cooperatives, and to fail to deliver equipment to

the people in an attempt to provoke troubles between the people and Angkar. On and Nun made this known to the public in Meak and Preah Sub-districts the plan of Choeun in order to encourage conflict between them and the revolution by convincing the people that to join the cooperatives would require that they live and eat with the cooperatives, where there were shortages of everything, especially food. The living conditions were not as good as in the previous regime, during which people had lived private lives, had enough food to eat and nice clothes to wear. In April 1976, Sei called a meeting on the outskirts of Kampong Cham provincial town. There were 24 participants, some of whom had previously been arrested. At the meeting, Sei said:

“The enemies inside the country are starting to increase their activities. Therefore, to be adaptable to both internal and external situations, we must go on with our activities and stage a coup against the Party on October 17, 1977. The target to be attacked is Kampong Cham provincial town, and after that will be Angkar in the Northern Zone. After the victory, we must keep unit forces of Region 41 in Kampong Cham for protection, unit forces of Region 42 in Kampong Thom, and the rest must wait and examine the situation before crossing the river at Prek Kdam to attack Phnom Penh. Another group has to educate people in Regions 41 and 42 to destroy collectivism and then establish a new regime of privatization. Before we depended on Sreng and Tol, and Oeun waited to receive us, but now the three have already been arrested by Angkar. What should we think in such a situation? Comrade Riep said if there is a ferry or boat, we will cross the river to attack Phnom Penh. If not, we have to deploy forces along National Road 7 in order to go on fighting for the protection of territory. If we cannot hold on, we will have to withdraw and take cover from Prey Samraong, Region 42, to Preah Vihear. But if the revolution continues to attack, we have to ask the Thai authorities for asylum.”

About three months later, Sei was arrested by Angkar. Comrade Riep took over the plan. Choeun was appointed as Logistics Chief of Division 174. Choeun cooperated and discussed with Phen, Duong, Reap, Un, and Chan ways to encourage the people and soldiers to slow down the activity of building dams so that the work could not be done as was planned. Choeun and Sour promulgated the plan in Prek Pra Sap Sub-district.

When they returned, they razed new houses to use as firewood, keeping the old ones for Angkar. During that time, Choeun, Sei, Veng and Sim succeeded in propagandizing two people, one of them being the Logistics Chief of Division 174. Veng, Ve, Sokh, Kaen, and Pea assigned a group of CIA to destroy a hectare of the villagers' crops. In August, or maybe in September, Angkar assigned Choeun to cut wood in Sandan District. At that time, Sokh ordered his network elements to open fire, provoke troubles, rob, and put the people's property in the jungle, thus making them lose faith in the party. In October, after consecutive failures to organize a coup, there was a meeting focusing on a plan to crush cadre in the Central Zone.

In February 1977, Choeun was responsible for transporting husked rice to Kampong Thom. After discussion, Comrade Penh and many forces transported Angkar's rice to hide in preparation for the plan to be done in April 1977. Choeun and Chum cooperated with each other and used the previous plan to propagandize villagers in Meak Sub-district, Stung Treng District, for two days. In July, Choeun managed to recruit 11 forces, most of whom were combatants who guarded a warehouse of Division 174. After the recruitment, Riep called all comrades to join a meeting at Regiment 601, adjacent to Phom Pros Phnom Srei, with 23 participants. The meeting was held to revise the previous plan of Sei. Riep said:

“After their machinery of government is swept out, we must go on to attack Kampong Thom and Kampong Cham without fail. The first position targeted for attack is Kampong Cham, in which forces of Battalion 701, under the command of Chhean, Sot and Thean, are defending up to the outskirts north of Phnom Pros Phnom Srei. Battalion 705 is commanded by In and Sev, who have a duty to defend the areas along the river east of the city. Battalion 703, with Phorn, Chet and Vorn, is responsible for launching attacks on Kampong Cham provincial town. Battalion 702, with Kol, Voerun and Al, has to start attacking from Daem Chan to the south. Battalion 704 has to start attacking from Wat Thmei to Kampong Cham, and Battalion 901 has to shell from Wat Ang into Kampong Cham. The second position targeted for attack is Kampong Thom, where Battalion 709, will start attacking from the creek to Kampong Thom provincial town. Battalion 708, with

Ren, En, Lach, and Song, has to start attacking from Wat Kampong Thom, and Battalion 902, under the command of Chhem, must attack from Chum Rum O Bakk to Kampong Thom.”

During June and July Choeun destroyed six water pumps, removed and destroyed street lights, and transported rice and medical supplies to his partisans in the jungle. In August, after Sei was arrested by Angkar, Ly still continued his contact with Chan, Riep and Sao for more forces. In September, at a time when military cadre of the ministry attended a training course in Kampong Cham’s Central Zone School, Sao and Choeun came to discuss the issues concerning the arrest of Sei and the plan to murder Comrade An, secretary of Region 41. They came to the conclusion that if the plan to murder An was carried out, Angkar would assign Sao to take the position, which would ease the recruiting of forces against the revolution, and that it had to be done secretly. However, the murder plan was aborted as comrade An had been alerted. In mid-September, Choeun began carrying out another plan, assigning seven people, namely Boeun, Khon, Noeng, Moeun, Ket, But and Vuth, to take two fighter planes bombs to Kampong Cham and explode them. Next, Choeun received orders to assign a group of forces in the Logistics Office of a Division that had a duty to guard warehouses to burn down the arsenal. Before carrying out the plan, comrade Riep said:

“No matter what you do or not, you would be killed. But if we ensure that it is done, we will have advantages. If the bombs explode, we will have to report to Angkar saying that a fighter plane has attacked, like the case in Siem Reap, and when the arsenal is destroyed, that the bombing caused secondary explosions. If Angkar doesn’t trust us anymore, you comrade have to say you cannot prevent any more. Then it will be only you [Choeun] alone that Angkar does not trust. Later, Angkar will transfer the control of the arsenal to the soldiers. Then we will have much possibility to attack the party as well as this arsenal. And to destroy this arsenal, it needs five people. After the destruction, we have to report to Angkar that the five have disappeared. But in fact we take the five to hide in Ren’s place in Battalion 709, Regiment 602. In the case that they cannot be hidden, we will take them to their birthplace, by reporting to Angkar that they are no-good

elements.”

During the evening of September 14, 1977, Choeun came to meet Boeun and Noeng in the above office. Boeun and Noeng insisted that they could not do such a thing as they did not have the expertise. However, there were five people who could do this work, namely But, Vuth, Khon, Moeun, and Ket. Choeun met with them to discuss this plan. On the 15th, the above-mentioned persons brought approximately 400 mines to hide and remove their powder at a place between the weapons and mine warehouse. This operation took two days, and on the morning of the 17th, they put the powder in the middle of the warehouse and placed bombs and mines on top of it. After these preparations, Choeun left and saw comrades moving into the houses next to Division 174. At about 4 p.m., the bombs exploded and the two arsenals were engulfed in flames. The five persons managed to escape. At 5 pm, Ly reported to Angkar in the Central Zone (Brother Pauk or Ke Pauk) about the cause of the fire and the disappearance of the five persons. He then returned to his place. Earlier that night, Angkar had come to arrest Choeun and detained him for questioning.

The preceding text is a summary of 72 pages of text from file J00074bbkxh, held at the Documentation Center of Cambodia. Choeun’s first confession was made on September 24, 1977, and his second confession was made on September 27, 1977, under the interrogation of two persons, “La” and “Lakk”. In the first confession, there is a list of Choeun’s purported partisans totaling 73, including 22 who had already been arrested. In the second confession, there is a note reading: “sent two copies to Angkar, October 1, 1977”. Choeun’s third confession was made on October 28, 1977 under the interrogation of “Vuth”, “Ra” and “Ny”. On the confession document, there is a note reading: “Central Zone, sent two copies to Brother Nuon, November 10, 1977”. In the final confession document, there is a conclusion by an interrogator: “First I asked him about his history and his surrounding environments. Next I tortured him into confession. Then he recounted his networks, spies and CIA agents from start to finish”. A list of 71 names of persons wanted by Angkar also appears.

The original name of Nuon Chea is Long Rith. In the Khmer Rouge time, Nuon Chea was generally referred to by the cadre as “Brother” Nuon or “Uncle” Nuon. Some other called him “Ta Pra Hok” (“the old fish-paste man”), as he apparently liked fish paste. Nuon Chea’s birth date remains unknown. However, it is public knowledge that he was born in Battambang Province and went to Thammasat University in Thailand in 1945. In Bangkok, Nuon Chea was a member of The Communist Party of Thailand. In 1951, he was appointed minister of the economy in the United Issarak Front. In 1954, he attended a training course in Hanoi, Vietnam. Some evidence indicates that in 1976, Nuon Chea was appointed as Prime Minister in the Khmer Rouge regime, with Pol Pot taking over the position in October of that year. Nuon Chea was a full-rights member of the Central Committee of the Communist Party of Kampuchea and its Standing Committee. It is this latter committee that determined the policies of the Khmer Rouge



regime that took the lives of millions of people. A number of documents reveal that the policy set for implementation in the bases had to be informed, supported and approved by the Standing Committee. Following are several documentary examples of this fact:

A. Telegram Number 2, dated October 12, 1976, states: “Dear beloved Brother Nuon, we have received your telegram, which included all instructions...with warm revolutionary fraternity, Comrade Laing.”

B. The minutes of a meeting between Comrade Tall, Division 290 and Division 170, dated September 16, 1976, at 16:15 hours, include the following:

“Comrade Duch’s comment: After the meeting, comrade Sokh and comrade Tall reached an agreement

proposing [to arrest] 29 persons more...The proposed names come from a decision made by S-21 and Division 170. The number doesn’t include the 11 persons proposed in a meeting held on September 15. Based on the reason confirmed by S-21, the observations of the Division that has witnessed subsequent activities, and on the principles of Angkar...the meeting decides to take the names of [the] 29 persons...[We] must carry out on the basis of our experience, according to which we have subsequently arrested these types of persons. Avoid the situation of chaos in the unit, grasp the unit firmly and keep it secret.

C. Document Number 353, dated July 26, 1977, bears a note reading: “Brother Nuon has already received a copy”.



Photo: Hong Hun, female combatant arrested October 1976.

Voices from S-21

Chapter One: Discovering S-21

By David Chandler

(Continued)

The code name S-21 began to appear on Khmer Rouge documents in September 1975. For the next nine months, until the facility came into operation in May or June 1976, the security service's work was spread among several units in Phnom Penh, the southern suburb of Ta Khmau, and in Sector 25, north of the capital. By the end of 1975, according to a former guard, Kok Sros, interviewed in 1997, santebal coalesced under the command of Kang Keck Ieu (alias Duch), a former schoolteacher who had been in charge of security in the so-called special zone north of the capital during the civil war. Duch became the director of the Tuol Sleng facility in June 1976. He remained in

command until the day the Vietnamese arrived.

Sensing the historical importance and the propaganda value of their discovery, the Vietnamese closed off the site, cleaned it up, and began, with Cambodian help, to examine its voluminous archive. On 25 January 1979, a group of journalists from socialist countries was invited to Cambodia by Vietnamese to report on and celebrate the installation of the new Cambodian government, known as the People's Republic of Kampuchea (PRK). The journalists were the first official visitors to see Tuol Sleng. Chey Saphon accompanied them to the site. One of the journalist, the Cuban Miguel Rivero, wrote later that "there were still traces of blood on the floor. The smell was even more penetrating. There were thousands of green flies circling the room." Rivero added that he saw documents "written in Sanskrit" and "several" copies of Mao Zedong's Little Red Book at the "Dantesque" site.

Soon afterwards, in February or March, 1979 (his own memory is uncertain), Mai Lam, a Vietnamese colonel who was fluent in Khmer and had extensive experience in legal studies and museology, arrived in Phnom Penh. He was given the task of organizing the documents found at S-21 into an archive and transforming the facility into what David Hawk has called "a museum of the Cambodian nightmare." The first aspect of Mai Lam's work was more urgent than the second. It was hoped that documents found at the prison could be introduced as evidence in the trials of Pol Pot and Ieng Sary, DK's minister of foreign affairs, on charges of genocide. These took place in Phnom Penh in August 1979. Although valuable information about S-21 was produced at the trials, none of the documents in the archive provided the smoking gun that the Vietnamese and PRK officials probably hoped to find. No document linking either Pol Pot or Ieng Sary directly with orders to eliminate people at S-21 has ever been discovered, although the lines of authority linking S-21 with the Party Center (mochhim pak) have been established beyond doubt.

Because of his penchant for history, his experience with museums (he had organized the Museum of American War Crimes in Ho Chi Minh City), and the criminality of what had happened at S-21, Mai Lam approached his work with enthusiasm and pride. His genuine, somewhat patronizing fondness for

Cambodia and its people, based on his experience in Cambodia in the first Indochina war, also inspired him. “In order to understand the crimes of Pol Pot-Ieng Sary,” he told interviewers in 1994, “first you should understand Cambodians, both the people and the country.”

In turning S-21 into a museum of genocide, Mai Lam wanted to arrange Cambodia’s recent past to fit the requirements of the PRK and its Vietnamese mentors as well as the long-term needs, as he saw them, of the Cambodian people. Because numbers of the “Pol Pot-Ieng Sary genocidal clique,” as the Vietnamese labeled them, had been Cambodians themselves, the message that Mai Lam was trying to deliver was different from the one that he had hoped to convey in the Museum of American War Crimes, but it was just as harsh. The history that he constructed in the exhibits at S-21 denied the leaders of the CPK any socialist credentials and encouraged viewers to make connections between the DK regime and Tuol Sleng on the one hand, and Nazi Germany and the other. The comparisons were fitting insofar as S-21, like the Nazi death camps, was a secret facility where all the inmates were condemned to death, but any more explicit links between Nazism and DK, although seductive, were inexact.

A Cambodian survivor of S-21, Ung Pech, became the director of the museum when it opened in 1980. He held the position for several years and traveled with Mai Lam to France, the USSR, and Eastern Europe in the early 1980s to visit museums and exhibits memorializing the Holocaust. Although Mai Lam remained in Cambodia until 1988, working at Tuol Sleng much of the time, he concealed his “specialist-consultant” role from outsiders, creating the impression that the initiatives for the museum and its design had come from the Cambodia victims rather than from the Vietnamese—an impression that he was eager to correct—



in his interviews in the 1990s.

Over the next few months, people working at the prison constructed a rough history of the facility, drawing on entry and execution records, memoranda by prison officials, and the memories of survivors. Between April 1975 and the first week of 1979, they discovered, at least fourteen thousand men, women, and children had been held by S-21. Because the entry records for several months of 1978 were incomplete, the true number of prisoners was undoubtedly higher. Of the documented prisoners, all but a dozen specially exempted ones, including Ung Pech, had been put to death. Since 1979, seven of these survivors have come forward. Their memories, corroborated by those of former workers at the prison, have been invaluable for this study.

The records from S-21 also showed that most of the lower-ranking prisoners had been held for a few days or weeks, whereas more important

ones, and lesser figures suspected or grave offenses, had been incarcerated for several months. Thousands of the prisoners, regardless of their importance, had undergone interrogation, prepared “answers” (Chom-laoy) or confessions admitting counter-revolutionary crimes, and submitted lists of their associates, titled “strings” or “networks of traitors” (khsae kbot), that sometimes ran to several hundred names. The texts range from a single page to several hundred pages. Roughly 4,300 of them have so far come to light, including those of nearly all the important DK figures known to have been purged. Confession texts, survivors’ memories, and the grisly instruments discovered at the site made it clear that torture was widely inflicted at S-21. Tortured or threatened with torture, few prisoners maintained their innocence for long. Considered guilty from the moment they arrived—the traditional Cambodian phrase for prisoner, neak thos, translates literally as “guilty person”— (Continued on page 26)

THE PERILS OF NEUTRALITY: THE BREAK IN U.S. - CAMBODIAN RELATIONS, 1965

By Kenton J. Clymer

(Continued)

...During the John F. Kennedy administration, the Americans attempted to keep Thai and Vietnamese plotting under control and quickly informed the Cambodian government of conspiracies that came to their attention. On balance, relations between the two countries during most of the Kennedy period were reasonably good—not the least because of the able work of Ambassador William C. Trimble, one of the very few Americans whom Sihanouk trusted.

Trimble left Phnom Penh in 1962, however, and during the summer of 1963 South Vietnamese forces entered Cambodian territory on several occasions in pursuit of the Viet Cong. In August Khmer Serei clandestine radio broadcasts suddenly began, originating from South Vietnam. Sihanouk broke relations with South Vietnam and began to charge that the CIA was once again supporting his opponents. Early in November the Ngo Dinh Diem and his brother Ngo Dinh Nhu badly shook the prince. Although his dislike of Diem had been “deep and visceral.” He feared that the Americans might have similar plans in store for him. As David Chandler put it, “Their deaths confirmed

the prince’s suspicion that America could never be trusted as an ally.” In mid-November two former Khmer Serei publicly acknowledged American support for the anti-Sihanouk movement, and shortly thereafter, only two days before Kennedy’s assassination, the Cambodian leader informed the United States that he would expel the MAAG and henceforth accept no more American aid. He had apparently concluded that American aid could no longer protect him from his enemies and that, in fact, close ties to the United States would be detrimental should the Communists prevail in Vietnam, as increasing he thought they would.

Relations quickly went down hill. On 8 December 1963 Prime Minister Sarit Thanarat of Thailand died, and Sihanouk called for a national celebration, which Undersecretary of State for Political Affairs W. Averell Harriman called “barbaric.” But what particularly angered the United States was Sihanouk’s broadcast assertion that the deaths of Ngo Dinh Diem, Sarit Thanarat, and John E. Kennedy resulted from divine intervention to save Cambodia. “We had only three enemies, and the leaders of these three countries all died and went to hell, all three, in a period of a month and a half,” he allegedly stated, “They are meeting there in a conference of the Free World’s SEATO.”

The United States protested strongly. Sihanouk reacted angrily, denying that he had made the broadcast, closing his embassy in Washington, and ending negotiations on the formalities of terminating America aid. The United States considered cutting its staff in Cambodia to a bare minimum, and Ambassador Philip Sproule prepared to return to Washington. Although the Cambodian-



American relationship lay in tatters, neither side broke relations.

For the next seventeen months, as Milton Osborne writes, “dealings between the two countries became a dialogue of the deaf.” Many of the issues were not new. Sihanouk continued to charge that the United States was collaborating with Thailand, South Vietnam, and his arch enemy, Son Ngo Thanh, to destabilize his country. In January and February 1964, for example, the Cambodian government made at least three serious charges of American involvement with its opponents.

Whether these allegations were accurate is difficult to determine, since many documents remain classified. But there is some intriguing evidence that some within the American government wanted Sihanouk replaced despite general acknowledgment that no one came close to rivaling him in terms of support among the general populace. Late in February a report from Vientiane, Laos, hinted that Cambodian general Lon Nol (who was strongly anti-Communist) might be plotting a coup. When Ambassador Sprouse learned of the report, he urged that it not be disseminated, because if Sihanouk learned of the plot this would “eliminate from [the] Cambodian scene [the] most influential anticommunist personality [Lon Nol].” Then in May the well-known journalist Marquis Childs claimed that the Pentagon wanted Sihanouk overthrown, an allegation that fueled the prince’s suspicions of American intentions.”

Equally serious (and more numerous) were allegations

that the United States had sanctioned and participated in military raids on Cambodian border villages launched from South Vietnam. This was not a new a new charge. But as the war in Vietnam heated up, the number of incidents involving Cambodia increased in number and seriousness. Sihanouk was reportedly infuriated when on 5 February 1964 South Vietnamese aircraft attacked the village of Mong (or Muong) two kilometers inside Cambodia, killing five and wounding six.



Lon Nol

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Even more serious, on 19 March-only nine days after the violent demonstration at the American embassy-from aircraft-aircraft from South Vietnamese forces, seeking to destroy a secret Viet Cong base, attacked the Cambodian village of Chantrea using napalm and machine guns. Seventeen villagers died and nineteen were wounded. South Vietnamese troops on the ground with American advisers also participated. Michael Forrestal, a senior member of the White House national security staff, informed President Lyndon Johnson that American personnel had penetrated Cambodian territory, allegedly because they were, in Forrestal's official double talk, "deficient in determination of their geographical position." South Vietnam immediately apologized for the incident. President Johnson was also inclined to apologize but was persuaded that to do so would play into Sihanouk's long-standing contention that the United States controlled South Vietnam. In the end, the United States officially regretted the Chantrea incident, acknowledged that American advisers were present, and ascribed it to an error in map reading, but it did not apologize or accept responsibility. The seriousness of the incident led some in the U.S government to demand that steps be taken to ensure that this sort of action would not occur in the future. But the military resisted. Maxwell Taylor refused to ask the commander of American forces in Vietnam, Paul Harkins, what steps were being taken to prevent a similar incident in the future. In the administration's view, Cambodian considerations took second place.

A third major irritant was American reluctance to support Sihanouk's efforts to convene a Geneva conference to guarantee his country's sovereignty and keep its borders inviolate. Sihanouk had first proposed such a conference in the summer of 1962. Because of Thai and South Vietnamese objections, the only conference the United States wanted to support was one that would ratify agreements reached ahead of time by quiet diplomacy, and consequently it had stalled. Now, however, because both the French and the British supported Sihanouk's idea, Secretary of State Dean Rusk was more open to the idea, provided satisfactory results could be obtained. But officials in the White House resisted. Pointing to the negative South Vietnamese and Thai views, Clifford Alexander, a

special assistant to the president, complained to National Security Adviser McGeorge Bundy about "the momentum over at State to go along with a conference... In our race to the conference table no one to my knowledge has given one sound benefit which we might derive from such a gathering."

The opposition prevailed. While the United States never officially opposed the conference in principle, it stalled for months. Sihanouk charged that this demonstrated "bad faith and hostility and obstinacy." In mid-February 1964 Sihanouk stated bluntly that if a conference were not called by the end of May 1964, he would break diplomatic relations with the United States and all of its allies. "The future of United States relations with Cambodia hangs in the balance," embassy officials concluded. Shortly thereafter Cambodia demonstrators attacked the American embassy, carrying placards criticizing the Americans and British for failing to support the conference. Although the Cambodian government officially regretted the incident and offered compensation, Sihanouk himself seemed to take pride in the size of the demonstration.

Some, including French Foreign Office officials, thought the Americans had brought this unfortunate situation on themselves by being entirely too rigid." But the Americans believed that nothing they could reasonably have done would have improved the relationship. Sihanouk's actions, they believed, resulted from his conviction that China's strength was growing and that the National Liberation Front would prevail in Vietnam. Consequently, they concluded, he had decided he must cut the best deal with them that he could. Offers of reasonable American concessions, therefore, would have been futile. Furthermore, the United States considered its relations with Thailand and South Vietnam "far too important to be jeopardized by concessions to Sihanouk which, even if they should prove acceptable, are unlikely [to] purchase any lasting benefit as long as he is convinced of [the] forthcoming victory [of] communist forces in SEA." There was, in sum, little the United States could do to influence events. It could only keep a low profile and be patient or so American officials believed.

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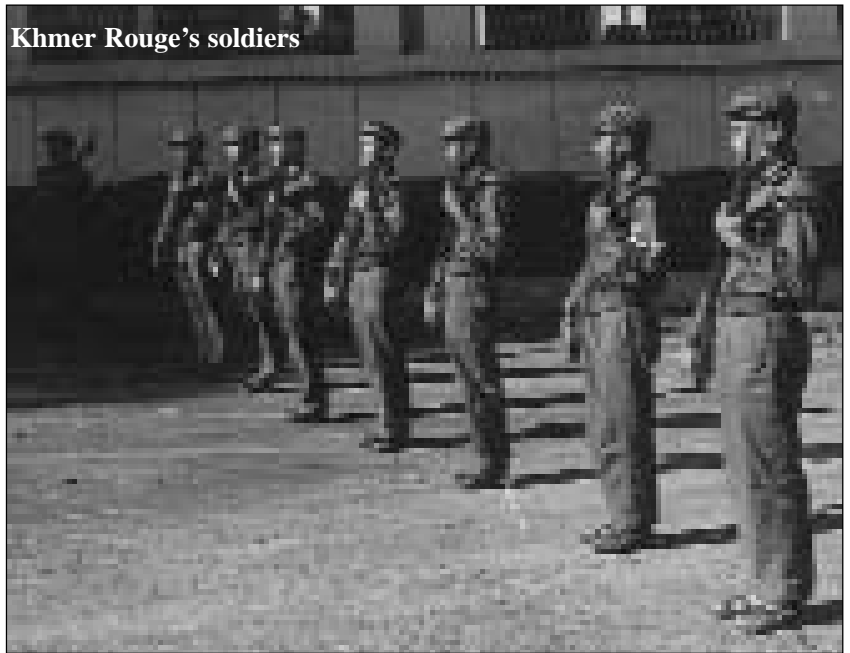


UNDERSTANDING THE LAW ON WAR CRIMES

By Elizabeth van Schaack

International Law derives from both customary and declaratory sources. Broadly speaking, the laws of war govern when force may be used by a state and then conduct of hostilities once an armed conflict has begun. The laws of war apply equally to inter and intrastate conflicts, although interstate conflicts are more heavily regulated.

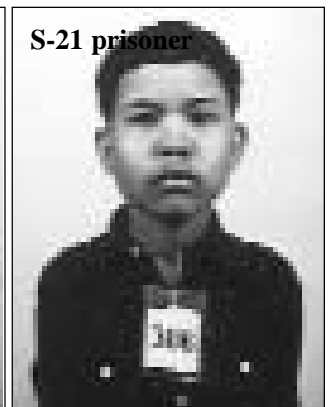
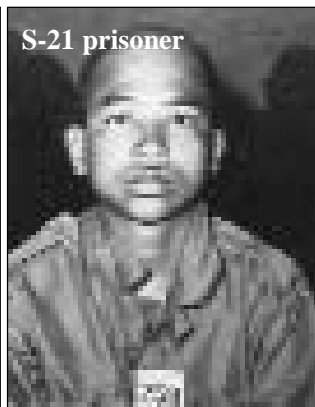
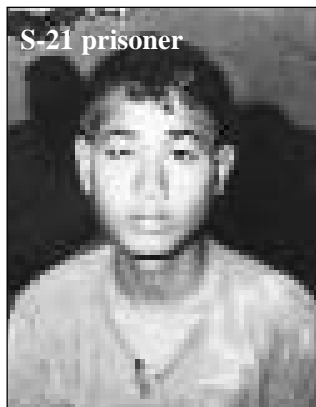
As a crime, genocide plainly violates the Geneva Conventions on the laws of war and the Universal Declaration on Human Rights. General in their intent, neither of these explicitly mentions the maltreatment of occupied civilians, POW's or medical personnel provided by the laws of war. Written provisions governing the above mentioned category exist only for interstate conflicts. The perpetrators of domestic genocide must be prosecuted through customary law and Common Article 3 of the Geneva Convention. The spirit and intent of customary law governing select groups is embodied in the Geneva POW Convention of 1949, the Fourth Geneva Convention on civilians and the First and Second Geneva Conventions regulating



treatment of the sick, wounded and their care providers.

a. Jurisdiction

Common Article 3 of the Geneva Conventions provides an international law interest in an armed conflict not of an international character” occurring in the territory of one of the states party to the Conventions. Common Article 3 has been interpreted to apply to the treatment of civilians in all armed conflicts. The 1977 Additional Protocols to the



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Geneva Convention expand and clarify the provisions of the 1949 Geneva Conventions. Parts of the 1977 Protocols are regarded as authoritative statements of customary rules of the laws of war which govern all states.

b. Purpose

The laws of war aims to confine fighting to limited arenas while protecting civilians from state sponsored aggression. As such, the laws of war provide a floor beneath which the life and liberty of individuals is protected. In theory, that protection is triggered by any armed conflict. Systematic domestic massacres promulgated by armed government forces constitute a breach of the peace as readily as a formal declaration of war – an event that has not occurred in practice since 1945 and which has lost much of its legal significance.

c. POWs

The treatment of prisoners of war (POWs) is the subject of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War (“Third Geneva Convention”) A prisoner of war is neither a criminal nor a hostage but a combatant detained for the purpose of preventing him or her from rejoining enemy force. Opponents of the government do not become POWs merely because officials of the state in question have employed violence or authority against

them, POWs are the product of an actual armed conflict and enjoy the unique legal protection provided by the Third Geneva Convention.

The Convention states that POWs are to be detained in a POW camp. Reprisals against POWs are strictly prohibited, and POWs must be released and repatriated at the close of hostilities and not kept to extract concessions from the enemy. The detaining state is under a strict obligation to not mistreat or tolerate the ill-treatment of POWs. It is therefore a clear breach of the Convention for a State to murder,

torture or abuse POWs or to permit members of its forces or civilian population to do so.

Political and other prisoners of a coercive or genocidal state receive similar humanitarian safeguards afforded POWs through the application of customary international law. Protections designed for POWs assist the victims of an authoritarian regime such as the Khmer Rouge only insofar as the regulatory convention is interpreted to establish norms for the rights of all prisoners, domestic or international.

d. Civilians

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (“Fourth Geneva Convention”) was adopted to protect the nationals of one belligerent who are in territory occupied or controlled by an enemy belligerent. Designed as a response to the inadequate protection afforded nationals in occupied territory during the Second World War, the Fourth Geneva Convention protects civilians from ill-treatment of any kind. The Fourth Geneva Convention applies to civilians as noncombatant populations. Applying the Fourth Geneva Convention to Cambodia would create a standard applicable to all civilians during an armed conflict.

Civilians in occupied territory are entitled to



protection from ill-treatment of any kind and, if interned, must be held in conditions which meet the minimum standards of the Fourth Geneva Convention. The Convention prohibits the deportation of civilians from one occupied territory to the territory of the occupying state or to any other state, irrespective of motive. The wholesale detention and transfer of ethnic groups, as occurred in the former Yugoslavia, clearly violated the Fourth Geneva Convention, as did the conditions in which these detainees were held. The transfer of civilian populations and the massacre and detention of specific religious and ethnic groups represents plain contravention of the customary international law standard established by the laws of war.

e. The Wounded and the Sick

The legal protection afforded the wounded, sick and the medical personnel who attend to them may be summarized as both a negative duty not to harm the injured or their care providers and a positive obligation to assist enemy wounded. They must be

given the same access to medical treatment as the State's own wounded and sick, priority among the injured being determined solely by considerations of medical need (i.e. triage), not by nationality, allegiance or status.

Medical transports, hospitals and dressing stations for both fighting forces and civilian medical facilities (a protection extended by Additional Protocol I) must not be attacked unless they forfeit their protection by becoming a shield for active military combat as set forth in the Geneva Conventions. Medical carriers marked with the Red Cross or Crescent are strictly protected. Medical personnel are not to be attacked unless they commit acts harmful to the enemy outside their humanitarian duties. Reprisals against the wounded, sick shipwrecked or members of medical unit are prohibited. In concert with the Fourth Geneva Convention, any interference with civilians or agencies attempting to aid victims of crime against humanity is also proscribed.

(Continued from page 20) thousands of these men and women were expected to confess their guilt in writing before they taken off to be killed. This bizarre procedure drew some of its inspiration from the notion of revolutionary justice enshrined in the Reign of Terror in eighteenth-century France and enacted in the Moscow show trials in the 1930s and also from the land reform and “reeducation” campaigns in China in the 1940s and in Vietnam a decade later. In spite or perhaps because of these manifold influences, no precise or overriding foreign model for S-21 can be identified. Moreover, the severity of practices at S-21 and the literalness with which interrogators went about their business also reflected prerevolutionary Cambodia punitive traditions, by which prisoners were never considered innocent and crimes of *lése-majesté* were mercilessly punished.

Although DK's economic and social policies do not fit into a fascist framework. The resemblances between S-21 and Nazi death camps are striking. Works discussing the Holocaust provide insights into the psychology of torturers, administrators, and victims at the prison, as do more recent works that deal with

torturers in the “dirty war” in Argentina in the 1970s and early 1980s. the list of materials that I have found useful for comparative purpose could easily be extended. The most striking difference between the German and Cambodian cases lies in the extent of the documentation produced at S-21. Prisoners both under the Nazis and in DK were removed from any semblance of legal protection; but whereas those in the Nazi death camps were simply exploited for physical labor while awaiting execution, those in S-21 were treated almost as if they were subject to a judicial system and their confessions were to provide evidence for a court of law. In this respect they resemble the alleged counter-revolutionary who went on “trial” in the Soviet Union in large numbers in the 1930s. In Nazi Germany, political prisoners were kept in separate camps from those targeted for execution and were somewhat better treated. At S-21, all were charged with political offenses, and all were to be killed.

Like the Nazi extermination camps and the Argentine torture facilities, S-21 was a secret facility, and the need for secrecy influenced much of what happened inside its walls. The prison's existence. **(Continued)**

WAR CRIMES AND THE CAMBODIAN GENOCIDE

By Raymund Johansen

To those who have actually taken part in armed conflict and faced the daily horrors of life and death struggle, the idea that war is governed by any law other than that of “kill or be killed” may seem strange. In fact however, the very brutality of the twentieth century, with its mechanized “total war” in which civilian populations became targets of destruction along with the enemy’s armed forces, gave rise to international agreement that the methods of war could no longer remain beyond the reach of international law. A body of international law gradually developed whose major purposes were to afford protection to civilian populations and prisoners of war in situations of international armed conflict. At this point, it must be made absolutely clear that the concept of “war crimes” does not make criminal the legitimate acts of soldiers performing their duty in time of war. Obviously, a soldier’s job in time of war is, and always has been, to engage in combat and kill the enemy. This is the nature of war, and the proposed Khmer Rouge tribunal has nothing whatsoever to do with punishing soldiers of the Khmer Rouge army for having performed their lawful duty as soldiers.

Briefly described,

for purposes of establishing criminal responsibility on the part of the Khmer Rouge leadership, war crimes will be of importance in two respects. First, war crimes will be independently chargeable with regard to the abuse and murder of enemy civilians and prisoners of war of those nations that the Khmer Rouge regime was engaged in armed conflict with (i.e., Vietnam, and

S-21 prisoner



arguably, Thailand). Second, as I discussed in last month's issue of this magazine, the commission of war crimes during these international armed conflicts will be of importance should the upcoming tribunal determine that the "nexus to armed conflict" requirement for prosecution of crimes against humanity was still in effect during the Khmer Rouge regime. In that case, the connections between the Khmer Rouge murders of foreign civilians and prisoners of war, on the one hand (that is, "war crimes"), and the regime's mass murder of Cambodian citizens as "internal enemies" of the regime, on the other (that is, "crimes against humanity"), will be critical. As of the time of the Khmer Rouge regime, the concept of individual criminal responsibility for war crimes had not yet been applied to non-international, civil wars such as that which took place in Cambodia between 1970 and 1975, nor is the law of war crimes involved in a government's repression of its own citizens such as that which took place after the Cambodian civil war under the Khmer Rouge regime of 1975 to 1979. Since it is a basic principle of criminal law that a person may not be prosecuted or punished for conduct that was not legally defined as criminal when the conduct was engaged in, there can probably be no prosecution for war crimes in connection with acts committed outside of the context of Cambodia's international conflicts during the Khmer Rouge era.

In the context of the "Cambodian Genocide", the subject of war crimes committed under the Khmer Rouge regime against the people of Vietnam may touch a politically sensitive nerve for many Cambodians. 'Why', it may be asked, 'should the murders of Vietnamese civilians and prisoners of war be the subject of a tribunal whose objective is to attain justice for the people of Cambodia?' As a citizen of a nation that is



itself responsible for past criminal acts of brutality against the people of both Cambodia and Vietnam, I do not approach this subject lightly. The simple answer is that within the context of the tribunal now being contemplated to prosecute those surviving members of the Khmer Rouge leadership for the massive human rights abuses committed during their regime, the law mandates that all of the victims, by their common humanity, have the right to seek justice. Human suffering admits of no distinctions based upon race, religion or nationality. The objective of a tribunal is to seek justice for all who suffered under the calculated, planned brutality of the Khmer Rouge leadership.

The reader will note that I refer repeatedly to the responsibility of the Khmer Rouge leadership for war crimes, as similarly I spoke last month of the Khmer Rouge leadership's responsibility for crimes against humanity, and as I will speak in a future issue to that leadership's responsibility for genocide. The reader may wonder how criminal responsibility for torture and murder can lie with those who did not actually commit the deeds themselves. The answer lies in two legal concepts that go far towards ensuring that those who are truly responsible for human rights atrocities

are punished for their crimes. These concepts are "conspiracy" and "command responsibility". Pursuant to the law of "conspiracy" a person becomes responsible for criminal acts that he or she did not actually commit, where he or she has assisted in planning, instigating, or ordering such crimes to be committed. Thus for example, a government minister who encourages or orders a subordinate to commit a crime can be held criminally liable for those acts just as if he or she committed them. Another example would be a situation where several individuals plan to murder

someone, and only one of them actually carries out the killing. Those who assisted in the planning but did not actually take part in the killing may be held criminally liable for the murder on the basis of “conspiracy”, just as if they had fired the gun themselves.

Pursuant to the related concept of “command responsibility”, discussed at length in last month’s issue of this magazine by John Ciorciari (“Doctrine of Command Responsibility”), a military or civilian commander is criminally responsible for crimes committed by a subordinate where the commander: knew or had reason to know of the crime, and the power to prevent or punish the crime, and failed to do so. As was noted in the cited article, this rule of command responsibility will play a central role in any prosecution of the Khmer Rouge leadership. However, as I intend to argue in a future article, it is this writer’s opinion that convincing documentary evidence exists tending to demonstrate that a great deal, if not most, of the apparently arbitrary killings of Cambodian citizens that took place under the Khmer Rouge regime were the result of actual orders from the very top levels of the regime. The fact that the Khmer Rouge leadership delegated to low-level cadre the authority to identify those specific individuals who constituted “internal enemies” of the party should in no way prevent a finding that by doing so, and simultaneously specifying how to identify these “internal enemies” and directing that they were to be killed, the leadership effectively planned and ordered the resulting mass executions that took place throughout Cambodia. Further-more, any individual shown to have been a party to the adoption of these policies, whether or not he or she was in the effective chain-of-command for purposes of the doctrine of “command responsibility”, will be subject to criminal liability for the mass murder that directly and proximately resulted from the adoption of these policies.

Returning to the subject of war crimes, abundant and convincing evidence exists indicating that during the Khmer Rouge regime’s border wars with Vietnam and Thailand, Khmer Rouge troops repeatedly engaged in the mass murder of civilians of both neighboring nations. For example, a telegram from one, “Chhean”, dated April 29, 1977 and copied to Ieng Sary, speaks of an incident that took place in June of 1975 at Po Lov, in

which 515 Vietnamese were kidnapped by Khmer Rouge forces and were never heard from again (L01417). This same document acknowledges the “great damage to Vietnamese.....lives and (property)” caused by Khmer Rouge forces during border incursions from Ha Tien to Tay Ninh, and speaks of 113 Vietnamese civilians kidnapped from Kontum Province, Vietnam. An August 1978 Khmer Rouge memorandum relates that “one-hundred Vietnamese people - small and big, young and old”, had been “smashed”. (D02165). According to interviews conducted by Charles Bowers, 500 residents of Tan Lap, Tay Ninh Province, Vietnam, were massacred in Khmer Rouge raids in late September, 1977. These raids included such incidents as children being strung on a wire and dropped down a well, a baby being torn in two by the ankles, and a pregnant woman having her abdomen cut open and the unborn child ripped out and thrown in her face.

Documents held at DC-Cam indicate that this last-mentioned method of torture was employed on other occasions as well (D01780). These are but a few examples of documented war crimes committed by Khmer Rouge troops against Vietnamese civilians. Evidence also exists demonstrating that similar, if less widespread atrocities were also committed against Thai civilians in Khmer Rouge border raids. For example, the minutes of the CPK Standing Committee’s August, 1975 visit to the “Southwest Zone” speak of the “smashing” of Thai peasants alleged to have been cultivating rice on the Cambodia side of the border (L01022).

As one who has never had to endure the horrors and hardships of war, this writer discusses war crimes with a sense of humility. Soldiers, especially young soldiers, are themselves victims of the brutality of the wars they are required to wage.

Abundant evidence exists tending to prove that the particularly brutal nature of Cambodia’s international armed conflicts mirrored the brutality of the Khmer Rouge leadership’s political war against the people of Cambodia. Prosecution of this leadership for its war crimes against the peasant farmers of Vietnam and Thailand will be an essential aspect of the search for justice for the victims of the Cambodian Genocide.





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RULES OF EVIDENCE IN KHMER ROUGE TRIALS: HEARSAY AND CONFESSIONS

By John D. Ciorciari

In every legal proceeding, the responsible court or tribunal must follow rules that govern the types of evidence it may consider in deciding the case. Permanent courts generally adhere to rules of evidence established by statutes or judicial precedents. Similarly, special court chambers or tribunals must normally adopt a novel set of evidentiary rules before hearing a case. As the Cambodian government decides upon a forum for the prospective Khmer Rouge trials, in consultation with the international community, the rules of evidence to be applied by the presiding court or tribunal form an important legal point of discussion.

The rules of evidence adopted by a court or tribunal can profoundly affect the outcome of a criminal trial, because they control the types of proof that can be used by the prosecution and the defense. Evidentiary rules are particularly important with respect to evidence of questionable reliability, which may or may not receive substantial weight in the court's deliberations. In the prospective trials of former Communist Party of Kampuchea (CPK) officials, two problematic types of evidence are apt to play significant roles: hearsay and confession transcripts. This article briefly discusses the problems with using hearsay and confessions as evidence and the importance of evidentiary rules in determining how they are treated by the presiding court or tribunal

1. Hearsay

The standard legal definition of hearsay is “an out-of-court statement made to prove the truth of the matter asserted.” As an example, imagine that a witness appears in court and says, “My friend’s Mom told me that she saw Pol Pot kill an innocent boy.” His testimony is considered hearsay, because the relevant statement (that Pol Pot killed an innocent boy) was made by an individual who is not in court (Mom) to prove the truth of the matter asserted (that Pol Pot killed an innocent boy.)

Hearsay is considered problematic, because the individual who made the relevant statement is not

present in court. The absence of that individual makes it impossible for the judge or opposing lawyer to question him and to determine the accuracy of his statement. Consequently, hearsay is generally considered less reliable than other forms of evidence, and depending upon the particular rules adopted by a court or tribunal, it can be excluded from consideration altogether.

A significant fraction of the evidence against former CPK officials for crimes such as genocide, crimes against humanity and torture constitutes hearsay. Petitions written by citizens during the Vietnamese occupation, which number well over 1.5million, are hearsay unless the authors of such petitions are available in court or can provide a duly sworn statement to the court in writing. The same is true of numerous expert reports, correspondence letters, confession transcripts, and other forms of documentary evidence, which comprise a critical portion of the evidence available to the prosecution.

Some of the hearsay discussed above can be “cured” by providing sworn statements and live testimony, which enable the court or tribunal, as well as the defense attorneys, to test its reliability. However, the death or unavailability of many persons, and the unwillingness of others to offer testimony, will leave much of the evidence in the form of hearsay. Therefore, the treatment of hearsay under the rules of evidence adopted by the responsible court or tribunal will be extremely important.

There are two major ways to treat hearsay under internationally recognized principles of law and criminal justice. The first way comes from the English common-law tradition, which excludes hearsay evidence altogether; unless it fits into one of approximately 17 complex exceptions. The second major way to treat hearsay is derived predominantly from the French civil-law tradition and allows the court to consider all hearsay evidence, weighing each piece of evidence differently according to its apparent reliability.

The latter approach gives more discretion to the

presiding judge or judges and had been followed in most international tribunals to date. It is also generally followed in domestic legal systems, such as that of Cambodia, which are historically based upon the French civil-law model. It thus represents the more likely manner of treating hearsay in a Khmer Rouge trial, which is probably in the best interest of the prosecution. Although some of the hearsay evidence produced by the prosecutors could fit into one of the common-law exceptions, substantial evidence would likely be excluded under the rule. By contrast, all such evidence would be admissible under the civil-law formulation, and even if each piece of evidence were accorded a small evidentiary weight, the importance of hearsay statements could be large in the aggregate, given the vast numbers of such statements available.

2. Confessions

A second problematic form of evidence in the prospective Khmer Rouge trials will be confessions. Voluminous documents recording confessions, particularly at the infamous Tuol Sleng prison (also known as S-21) in Phnom Penh, contain information with potentially important evidentiary value. In particular, many of the confession documents describe various statements, activities and occupations of CPK officials and cadres during the Democratic Kampuchea (DK) regime.

Confession transcripts are problematic as evidence for multiple reasons. First, they represent hearsay, which presents the concern described above. Secondly, confessions are thought to be less reliable than other forms of evidence because courts recognize that confessions may often be forced to varying degrees. Under the brutal DK regime, in its horrific prisons, there is little doubt that many confessions were obtained by torture or lesser forms of coercion. This raises doubts about the factual validity of many of the claims. For example, a Khmer prisoner who signed a paper asserting that he was “an agent of the CIA” may have been forced to do so. Alternatively, he may have been forced to sign a statement written by an officer of the CPK. Courts are aware of such possibilities and therefore frequently accord confessions less weight than other forms of evidence.

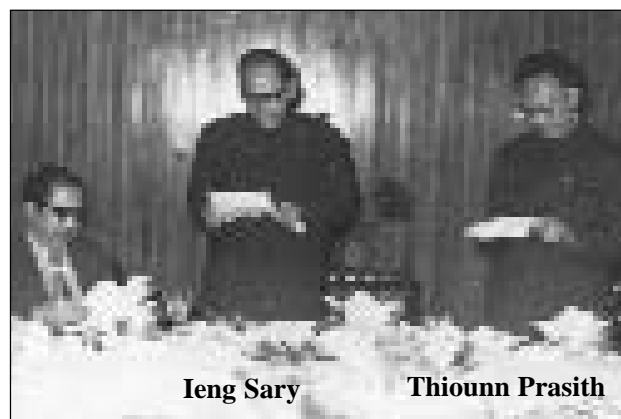
A policy consideration forms a third reason why courts are sometimes reluctant to use confession

transcripts as evidence in criminal trials. Using a transcript from a forced confession in court legitimizes the confession and effectively rewards the person or persons who extracted it. To discourage the practice of forcing confessions, and thereby to protect and uphold basic individual rights, courts generally exclude reports from confessions that appear forced or accord them very little evidentiary weight.

Although the rules of evidence adopted by a Khmer Rouge tribunal would not necessarily address the admissibility of confession transcripts, some critical points of evidentiary law must be resolved before any verdicts are issued. The first is whether to allow confession reports as evidence at all, given the widespread historical knowledge that many were extracted by coercive measures. If evidence from confessions is admitted, additional issues arise: how will the court or tribunal decide which documents are reliable and which are not? While forced confessions present a number of evidentiary concerns, confessions that were not coerced, and perhaps even sections of confessions that involved coercion could provide valuable evidence to the prosecution. If so, the court will have to decide whether to admit or afford greater weight to certain portions of a confession than others.

3. Conclusions

This article does not propose a solution to the questions raised above. Rather, it attempts to identify and elucidate some points of law that will be pivotal as the prospective CPK trials approach. The legal resolution of such questions will have a significant impact on the Khmer Rouge trials, and thus on the prospects of justice, accountability and reconciliation in Cambodia.



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A SAMPLING OF DOCUMENTARY EVIDENCE LINKING SURVIVING SENIOR LEADERS OF THE COMMUNIST PARTY OF KAMPUCHEA TO CRIMES AGAINST HUMANITY

By Steve Heder

(Continued)

From around March 1976, the Chairman of S-21 and Secretary of its Party branch was Kang Kech Eav alias Duch.²⁵ Either Duch or some other senior cadre representing S-21 attended some of the meetings convened under Son Sen's auspices of secretaries and deputy secretaries of Centre divisions and independent regiments. Duch and 11 other S-21 cadre also attended the General Staff's first nation-wide study session for Central Committee military cadre in October 1976, at which 300 other cadre from units throughout the country were present.

Statements by Ieng Sary, Pol Pot, Ta Mok and Nuon Chea.

However, available documentary evidence and testimony leave unclear the implications with regard to the chain of political command of S-21's subordination to the General Staff for purposes of administration and indoctrination. One reason to disconfirm the existence of two bodies mentioned by a September 1996 paper issued in the name of "The Research and Documentation Center" of the Democratic National Union Movement, formed by Ieng Sary after had formally "broken away" from Pol Pot the previous month.

The paper's description of the two bodies suggested that they directly oversaw S-21 politically, thus usurping or circumventing the Central Committee, the Standing Committee, the Military Committee and the General Staff. It identified them as a Pol Pot-led "Security Committee" within the Military Committee, and within this yet another "secret committee" headed by Nuon Chea, with Son Sen as its "member" and Yun Yat described as an "advisor" to her husband. The paper alleged that through these inter-locking Committees "Pol Pot, Nuon Chea, Son Sen [and] Yun Yat" made all decisions about "killings and massacres", although they also relied on "some members" of the Standing Committee who were either members of the Security

Committee or Zone Secretaries, "such as Ta Mok and Sao Pheum", for implementation of their policies. It appeared to describe authority over security matters to Nuon Chea, and also a system that effected the exclusion of other members to the Standing Committee or the Central Committee, including Zone Secretaries, from central decision-making in security affairs.

Asked during an interview three months later to clarify the September document, Sary indicated that in fact there was a single Committee responsible for both military and security affairs. However, he again asserted that the reality of security policy-making subverted its formal authority and bypassed that of the Central Committee and the Standing Committee. When asked who had made the decision that resulted in the execution of Khmer Republic "military officers, senior officials, 'secret agents' and number of other categories" of people in the period immediately after 17 April 1975, Sary said it was made "once Phnom Penh was liberated" by "only three persons: namely, Pol Pot, Nuon Chea and Son Sen", who "were the ones who figured out what to do about the problem of intellectuals, the problem of mandarins and soldiers, all such big shots. They were the only ones who made decisions, and they were bigger than everyone else." He added,

From what I know, this decision to kill so many people was not made beforehand, but after 17 April, maybe around 20 April, when it was decided to do whatever had to be done in order to make it impossible for [Khmer Republic elements] to stage a counterrevolutionary comeback. According to what I was told, these guys [i.e., the Khmer Republic elements] had made a defeat plan according to which they would assassinate the Khmer Rouge once we had arrived and carry out a coup d'état to seize power back from us. When I asked for details, I was told that searches for such a coup d'état. It was only once the evacuation had begun that this was clearly seen and the

decision was made.

The “confessions” of Communist cadre who were later to be executed for “treason” themselves can be read as describing orders ensuing from such a decision. Thus, already during the evacuation, Communist armed forces were “finding the enemies in every spearhead.” These enemies were “successively captured, especially certain high-ranking officers, from captain up, all of whom were ... smashed.” Not long thereafter, the “organization put forward a policy of successively smashing officers, starting from the government investigative agents, policemen, military police personnel and reactionary civil servants”. Eventually, the death rolls were expanded to include enlisted men who had been “activists.” A routine procedure was put in place to deal with former Khmer Republic military, police and administrative officials who had slipped through or been allowed through the evacuation net and made it to the countryside. This was for local Communist authorities to draw “up list after list” of those to be done away with, which were then submitted to the Zone party Committees, which finally “sorted out” who was to be killed. This seems to have been in line with the Central Committee decision according to which “the right to decide on smashing within and outside the ranks” of the Party should be exercised in the “grassroots” by “the Zone Standing Committee.”

According to Sary’s statements in December 1996, the intra-CPK purges and executions that took place after 17 April 1975 were similarly overseen by Pol Pot, Nuon Chea and Son Sen, again with the informal

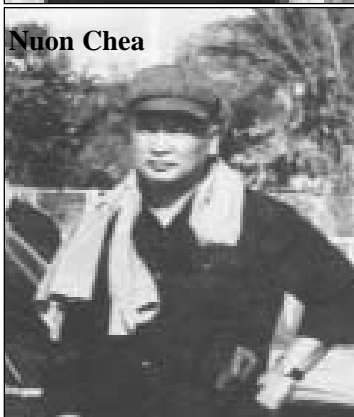
Pol Pot



Jeng Sary



Nuon Chea



Son Sen



assistance of Yun Yat. He asserted that these were “matters that Pol Pot, Nuon Chea and Son Sen decided among themselves, without asking” others on the Standing Committee, including himself. Thus, he claimed “They didn’t ... ask me, although I was in Phnom Penh, about security work, military work. There’s confusion because I was on the Standing Committee, and I was Pol Pot’s brother-in-law, but the truth is that I knew nothing of all that”.

At the same time, Sary alleged, however, “the way things were organized” was that “each of the Zones was independent such as that they could kill anyone they wanted. They could do whatever they wanted.” For example, he said, “whatever Sao Pheum wanted to do in this Zone, kill or whatever, he didn’t have to ask the upper echelons.”

In an interview with journalist Elizabeth Becker a dozen years earlier, Sary had similarly insisted that he himself “wasn’t aware” of executions in S-21 while the Communist Party was in power, because he was “not in charge of security.” However, he had given a somewhat different account of who was involved in security decisions and the system of internal discussions. He told Becker that security matters were discussed among “three or four top leaders,” who he named as Pol Pot, Nuon Chea, Sao Phim, and Son Sen, and who he stated would “then report to the Standing Committee.” He explained that the original system was that someone could be arrested as a “traitor” if he was identified as such by three people, but that in late 1977 or early 1978, Pol Pot had said that five people had to implicate someone



Ieng Thirith



Khieu Samphan

before he or she could be arrested. However, he indicated that despite his membership of the Standing Committee and the reports made to it about security matters, he had not known about the killings of those arrested.

Thus, Sary conceded in this earlier interview that he had known that a cadre named Duch ran a security office designated S-21, but claimed he had not known where it was or that those detained there were being executed. He said he had mistakenly thought S-21 was on the road to Phnom Penh's Pochentong airport, and had been told that enemy agents who had been arrested "were sent out to cooperatives to be re-educated." He said he only later became aware of the "inhuman" murders carried out by the security apparatus. He conceded that at the time of their arrests, he had believed the allegations that those detained were members of "teams of traitors" who were attempting "to gain power," but he had felt it was not necessary to kill them as long as they were unarmed. "I always said they couldn't do anything because they had no military [power]." He asserted that Pol Pot, however, "knew the accused were killed."

He thus tried to explain away his seemingly self-incriminating public statements while in power as Democratic Kampuchea Deputy Premier in charge of Foreign Affairs. These included one made in April 1978, when he said:

In April 1976 and then again in September 1976, we arrested Vietnamese and KGB agents along the border as well as inside Phnom Penh. They were plotting to organize a coup d'état against us. In 1977... the security problem persisted as our enemies continued to conspire against us. Kampuchean nationals in the pay of the CIA wanted to stage a coup.... In March, however, we arrested these CIA agents. Again in September, we captured a small group of people who were planning to attack our government. Some of them had been working for the CIA as far back as 1958, disguised as revolutionaries all the time.

(Continued)

◆ Committed to absolutely abolishing the stances of privatism, materialism, authoritarianism and moral of life. (Tung Padevat, 1976)

NEW DEVELOPMENT OF KHMER ROUGE TRIBUNAL

By Kosal Phat

February 12, 2000

Annan and Hun Sen met in Bangkok

It appeared that the dispute was resolved. Both emerged after 30 minutes of talks upbeat and expressing hope that the remaining differences could be hammered out. Annan announced a team would go to Phnom Penh to try to reach agreement.

Four proposed points by the UN to reach an agreement:

1. Cambodian and foreign judges;
2. An international guarantee that those indicated be arrested;
3. limits on amnesty ; and
4. Prosecutorial independence—considered to be the key sticking point.

Wednesday, March 15, 2000

UN Delegation to Cambodia

According to the Office of the Spokesman of the UN Secretary-General, the following is the “list of the UN delegation to Cambodia”—which is scheduled to leave New York on Tuesday 14 March 2000 and arrive in Phnom Penh on Thursday 16 March 2000—to discuss the issue of the trial of the Khmer Rouges:

1. Mr. Hans Corell, Under-Secretary-General, the Legal Counsel
2. Mr. Ralph Zacklin, Assistant Secretary-General, Office of the Legal Affairs
3. Mr. Lakhan Mehrotra, Head of UNTAET’s Office in Jakarta
4. Mr. Shashi Tharoor, Director, Executive Office of the Secretary-General
5. Mr. John Renninger, Officer-in-Charge, Asia and Pacific Division, Department of Political Affairs

6. Ms. Daphne Shrager, Senior Legal Affairs Officer, Office of Legal Affairs

7. Mr. Mark Quarterman, Political Affairs Officer, Office of the Assistant Secretary-General for Political Affairs.

United Nations (AP)

Secretary-General Kofi Annan has made clear that any joint tribunal meet minimum standards of international justice and a senior U.N. official warned that the United Nations wasn’t interested in “settling this at any price”. But the United States, France and Japan have been urging Annan to take a more flexible and creative approach in defining those minimum standards, suggesting compromise proposals as a way to break the impasse, U.N.-based Western diplomats said.

“It’s a balance,” said French Ambassador Alain Dejammet. “We have to look at what has been done with regard to Indonesia, with regard to South Africa, and to try to find out something similar.”

David Sheffer, the U.S. ambassador for war crimes, wouldn’t go into details about the proposals or negotiations, but said he believed a deal could be reached. “We think that the differences that remain between the U.N. and Cambodia on these issues are resolvable,” Sheffer said in a telephone interview from his Washington office. “But they do require some very serious discussions between the two parties, and we look forward to that actually taking place.”

Friday, March 17, 2000

Progress Made in Khmer Rouge talks

Phnom Penh (AP)—Cambodia and U.N. negotiators said they made some progress today in an opening

around of talks on creating a joint tribunal to judge Khmer Rouge leaders.

Chief of Cambodian negotiator Sok An said headway was made on four demands the United Nations says are necessary to gain its participation and ensure justice for those who died under the Khmer Rouge’s rule in the late 1970s.

U.N. Undersecretary for Legal Affairs Hans Corell added: “We have had very constructive

U.N. team leader Hans Corell said “tremendous headway” had been achieved and said he was pleased “to be able to cover so much ground during this short time.”

Chief Cambodian negotiator Sok An said that the opening sessions have allowed for “better understanding” of the contentious issues. Corell said Saturday that “the next phase will be to go more into details,” adding that the teams will meet again on



Hans Corell

discussion this morning, and we take them point by point, but you must not expect that we can solve everything in a morning.”

Diplomats have said that the high-powered U.N. team arrived Thursday ready to make a deal, but the Cambodian government has shown little willingness to compromise, saying its sovereignty would be violated if foreign jurists hold too much power.

Saturday, March 18, 2000

Progress in second step

Emerging from a second day of negotiations,

Sunday.

“From now on, don’t expect me to answer any questions about the Khmer Rouge,” Hun Sen told reporters after inaugurating a new road in the Western province of Pursat on March 18. However, Hans Corell, U.N. undersecretary general for legal affairs said, “Honestly speaking, we have made tremendous headway during these three short meetings.”

Agence France-Presse, Saturday, March 18, 2000

Phnom Kravanh

Cambodia’s integration into the global



community is a priority, Prime Minister Hun Sen Saturday on the second day of crucial talks between the UN and officials here on a Khmer Rouge trial.

“I have said many times that if there is a question about the Khmer Rouge trial I will not answer,” he said in response to a journalist’s query.

“Now war has ended, so the remaining issue is to integrate our country into the world community,” he told villagers and provincial officials gathered in the rugged Phnom Kravanh region near the Thai border.

Sunday, March 19, 2000

UN Delegation’s visit to Cheoung Ek

On Sunday, March 19, 2000, the U.N. Undersecretary Hans Corell visited the Khmer Rouge’s “Killing Fields” execution grounds, known here as Cheoung Ek, on the outskirts of Phnom Penh to lay a wreath. In the evening, Hans Corell visited the Documentation Center of Cambodia.

Monday, March 20, 2000

Australian Broadcasting Corporation

UN and Cambodia clash over Khmer Rouge trials

United Nations delegates in Phnom Penh have failed to agree with the Cambodian Government on the composition of a court to try former Khmer Rouge leaders. Agreement on a trial process may have to wait until the Cambodian Parliament sits late next month.

Talks between United Nations negotiators and Cambodian government representatives have failed to agree on what kinds of trial for former Khmer Rouge leaders will be received. The UN has been at loggerheads with the Cambodian government over who would control a court which will try the men accused of orchestrating the mass killings in Cambodia between 1975 and 1979. They have yet to reach full agreement and any agreed points may still need to be put before Cambodia’s Parliament.

Tuesday, March 21, 2000

UN hopes for agreement on genocide tribunal framework fade

South China Morning Post

President Prince Norodom Ranariddh said the government appeared unwilling to make the four changes the United Nations had requested for a draft law on the tribunal before it would agree to take part. “There may be some technical amendments but no fundamental amendments,” Prince Ranariddh said yesterday after meeting UN envoy Hans Corell. “The negotiations with the Government are not going well.” The draft law is set to be debated in Parliament on April 19, 2000. Analysts said it was crucial for the two sides to agree on a basic framework for the tribunal beforehand or the process might become more complicated.

Wednesday, March 22, 2000

PRESS STATEMENT BY MR. HANS CORELL BEFORE LEAVING FOR NEW YORK

Pochentong Airport

Phnom Penh

July 7, 2000

Ladies and gentlemen of the press,

Thank you very much for coming today. I am pleased to report that I depart from Cambodia with a sense that I and my delegation have accomplished, together with my counterpart, Minister Sok An and his delegation, the goals we set out to achieve. After two intensive days of frank, comprehensive and positive discussion, Minister Sok An and I achieved an understanding on the basic parameters of the relationship between the United Nations and the Royal Government of Cambodia in this unprecedented endeavor: the proposed Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea.

To memorialize our understanding, I presented to Minister Sok An a draft Memorandum of Understanding that would govern our cooperation in the establishment and operation of the court. I made it clear to him that the United Nations would be unable to proceed if the law establishing the court, as passed by the Cambodian Parliament, differs from the

Memorandum of Understanding. I know that this matter is of particular concern to the Secretary-General.

The United Nations has fulfilled its tasks of drafting and negotiating a memorandum of understanding with the Government of Cambodia and, at the request of Minister Sok An, of providing advice on the provisions of the draft law. It is now the responsibility of the Government to ensure that the Parliament passes the law in a timely fashion in a form that is in keeping with the understanding we have reached as a result of our talks. That task, as Minister Sok An confirmed yesterday, rests solely with Government, and it essential to move the process towards completion.

I would like to thank Minister Sok An and his delegation for working with my delegation in a spirit of cooperation. I wish the Government success in its crucial task of informing the National Assembly of the contents of our understanding and the draft law. The United Nations remains ready, if the necessary conditions are met, to continue to work with the Government of Cambodia to bring the perpetrators of the terrible crimes committed during the period of Democratic Kampuchea to justice.

March 22, (Reuters)

Om Yentieng, a senior advisor to Prime Minister



Hun Sen, said the premier hopes to continue discussions after the law is adopted. “We hope that after the law is adopted by parliament, the government will have a clear issue in its hands to discuss with the United

Nations”. Sok An said he was hoping for an eventual agreement. “We are optimistic and hoping that we will reach a compromise with United Nations later”.

Corell said it would be up to the government to decide how to handle a tribunal if the two sides could not reach agreement. “This is an internal matter. If we cannot agree, of course then the sovereign state would decide which course to take”.



ACQUAINTANCE WITH THE KHMER ROUGE: PAST AND PRESENT

By Dacil Poeu



Dacil Poeu

Luckily, I have no personal memories of the notorious Khmer Rouge regime, but my mother, Sedhiltola Keo, has told me of her painful memories. I did not truly become aware and emotionally affected by the terror of my country until I entered middle school. The infamous outright killings from 1975 to 1979 were just that to me; I was unaware of many statistical facts and the actual mind frame and beliefs of all that were involved, from the top generals to the smallest victims. I would ask my mother questions about what had happened and she would answer relative to how mature she thought I was and at times, not give an answer at all. As I got older, she would reveal more; her stories would transform from general, short answers, to very personal, descriptive responses. While lying in bed, she would describe to me the types of unthinkable foods that she ate, when she did not eat at all for long periods of time, how she labored through the day in the fields and at night a mysterious vehicle of seemingly mute Chinese soldiers would come by to gather up the grains harvested like robots. These were just a few of the

appalling details she would force herself to tell me.

During my middle school years, the majority of my information dealing with the Khmer Rouge came from her. When I entered high school and World History as part of Wakefield High School's ninth grade curriculum in Arlington, Virginia, I thought that I was sure to learn about the Khmer Rouge. In the syllabus, the class was to study four regions of the world in four quarters (a school year), Africa, Europe and America, Latin America, and Asia. If the Holocaust is taught and regarded as such a tremendous immoral and embarrassing aspect of the human race, then surely a similar enormity would deserve to be taught as well; I was wrong. We did not learn about Cambodia, other than its geographical location, which all my classmates probably forgot because the country to them had no known significance.

That was when I decided to educate myself about my history, which is also the world's history. That was when I became initially familiarized with the psychology of the "revolution." What really bewildered me was that one moment there existed an ordinary little farm girl, and the next she would be dead, or worse, she would be the one administering death. There are still many unanswered questions and as I researched further, I was only left more perplexed, appalled, and confused.

When I asked some of my American friends if they knew or had heard of the Khmer Rouge or Pol Pot, they would understandably answer no. As I probed deeper, I noted to myself many times that I should be learning this in a Social Studies classroom, not on my own. As a matter of fact, the first time that I observed the name "Pol Pot" on any sheet of assignment paper in high school was in my senior year when the name appeared in a vocabulary sentence. Strangely, when I read the sentence, I laughed a little to myself.

Not until I visited Cambodia for the first time (I had left when I was one and a half years old) in the summer of 1999 did I truly perceive current Cambodia,

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Hans Corell

Om Yin Teang

consequence should not come from the ones that committed them, that would be stupidity in its finest. Control of the court and matters of punishment should unquestionably be for those who were not part, in any way, of the slaughter.

Realistically, the punishments for the perpetrators have to be chosen carefully; this step approaching closure is far from soon. My best hopes is that the tribunal will not be a sham and an obvious invention of Cambodian government officials with no real justice; those that

it's people and the presence of it's past. After that, and a nervous visit to see my uncle who works in the Documentation Center of Cambodia (DCCAM), did I realize that all I had known about Cambodia was just a shaky foundation to Cambodia's present conflict with the Pol Pot led regime. After that trip, I became informed about all present issues dealing with Cambodia, especially and particularly issues dealing with the Khmer Rouge such as plans for a tribunal to try former Khmer Rouge officials and the timely debate between the UN and Hun Sen about the details of the tribunal.

I must put aside my slight amusement and amazement with the argument that a tribunal would bring about factions in the nation and would unfairly discriminate and bring hatred toward the Khmer Rouge. Did they forget that not so long ago, who were the ones that not only were discriminated against and hated, but brutally murdered as well? National reconciliation can be brought only if there is some kind of authentic and valid closure to this horrific event; this closure will come once there is a court that will truly bring justice to the nearly three million souls and living family and friends. This would be a true lesson to the children and to the international community; wrongdoing on this scale must deserve a fitting consequence and this

were involved need to be brought to light and confronted by the people of Cambodia and to the world.



S-21 prisoner



PINOCHET CASE A MILESTONE: CHILE URGED TO PROSECUTE EX-DIRECTOR

By Reed Brody

(New York, March 2, 2000)-Human Rights Watch said today that the arrest of Augusto Pinochet represented a permanent advance in the cause of human rights, despite the decision by British Home Secretary Jack Straw to allow him to return to Chile. The group also called on the Chilean parliament to block a proposed constitutional reform that would give permanent immunity from prosecution to all former heads of state.

“It’s a terrible disappointment for Pinochet’s thousands of victims that he will not face trial in Spain,” said Reed Brody, Advocacy Director of Human Rights Watch, “But the very fact that he was arrested, and that his claim of immunity was rejected, has already changed the calculus of dictators around the world. The Pinochet case signified the beginning of the end of their impunity.”

Human Rights Watch noted that the “Pinochet Precedent” was already taking root in other countries. It praised the decision on February 3 by a Senegalese judge to indict the former Chadian dictator Hissein Habre on torture charges. “A sea change is underway in how the world deals with the worst abuses,” said Brody.

The Pinochet case reaffirmed the principle that human rights atrocities are subject to “universal jurisdiction” and can be prosecuted anywhere in the world. Two rulings by the House of Lords found that Pinochet was not immune from prosecution even though he was head of state at the time the crimes were committed.

Human Rights Watch also called attention to a

proposed constitutional reform in Chile that would give permanent immunity to all former heads of state. The Chilean parliament is expected to pass the new measure by the end of March.

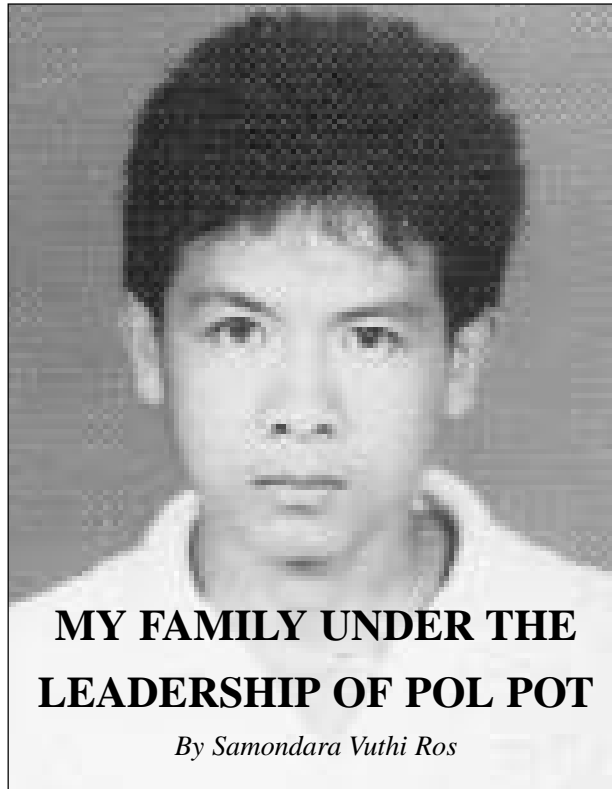
“This law would set a terrible precedent,” said José Miguel Vivanco, executive director of the Americas Division of Human Rights Watch. “Not only would it make it harder to bring Pinochet to justice, it would weaken the institution of democracy in Chile.”

Gen. Pinochet arranged “senator-for-life” status for himself when he left power in 1990, thereby ensuring his immunity from prosecution. But since the former dictator was arrested in London, the Chilean judiciary has proved more willing to consider lawsuits against him.

If Pinochet were not exempted from prosecution on the grounds of ill health on his return, Chilean lawyers and human rights activists had hoped to sue for the outright revocation of his immunity. The proposed reform would vastly complicate that undertaking. Chile’s new law would give its public officials the most extensive immunity on the continent.

On January 19, with the country in the midst of its annual summer holidays, President Eduardo Frei gave the proposal “high urgency” status, and the Chamber of Deputies approved it without modification on January 25. The bill must be approved by both chambers of parliament, meeting in plenary within sixty days. It could therefore become law in the last week of March.

The main objective of people around the whole world is to live happy and prosperous lives with their families and loved ones. Unfortunately, my family experienced suffering and bereavement so deep that I cannot put it into words. The bereavement occurred under the regime of the Khmer Rouge between 1975 and 1979. At that time I was about 10. I am the youngest son in the family. I had one elder brother and one sister. My father's name was Ruos Samondrak, a civil servant in the Ministry of Land Survey of Khmer Republic. My mother's



name was Chhim Tong, a stone seller. My brother's name was Ruos Samondrak Rung Roeung, a student at the 18 May High School. My sister's name was Ruos Samondrak Botumroath, a student at Bak Touk High School.

My father was one of the Sisowath relatives. My mother was half Chinese. Despite having been a civil servant of the Khmer Republic, my father served the Khmer Serei as an agent of "Sihanoukism", in charge of supplying food, money and medicines to its forces in the jungle. As a result of his activities, after the liberation, he and my mother were killed by the Khmer Rouge. My brother and sister died of starvation.

April 17, 1975

Many neighbors were very happy and a cheerful howl of laughter was heard, because they thought that the war had ended. At about 9:30 A.M., while sitting on the steps of my house, I heard the gunfire and saw the smoke of the guns. Suddenly, I rushed in and asked my father: "What's the noise?" He replied, "The sound of explosions, my son. But there's no problem. It is our side who has fired. Our country is peaceful. There is no more war, and prosperity is coming." Still I wondered, if so, why were there still explosions? A moment later,

I saw three armed men in black, with their pants rolled up, standing in front of a residence of a military officer of the Khmer Republic. Then they fired three times at the front gate of the residence, shouting, "This house belongs to puppets of Americans, who betray the nation and the people! Where are you all? Come out to meet us for a moment!" After hearing and witnessing the acts of the Khmer Rouge, I felt somewhat cold, because I had never seen people fire guns and use such rubbish words before. I rushed into our house, locked the gate door and approached my

father, who was busy repairing a car on the side of the house. I asked him: "From which side do the soldiers come. Why are they so vicious?" He replied quickly: "Oh dear, don't speak so loudly. They are Liberation soldiers of the King [Sihanouk]. They are very good. Don't worry. They will not do any harm to us. They will just search for those who have betrayed them." At that moment, the three soldiers walked towards our house and shouted: "Open the door! Let us enter!" Then my father rushed and opened the gate door quickly and invited them to sit in front of the house. One of the three asked my father: "Uncle, don't you turn on your radio?" My father replied: "No. Because I'm repairing my car." Then my father asked my brother to bring out a radio. A man in black said: "Are you a Lol Nol soldier?" My father replied, "No. I work in the Ministry of Land Survey". The man continued: "What is the Ministry of Land Survey?" They glanced sharply at my father from head to toe. "Please drink some iced water," said my father. "The Ministry of Land Survey is one section in charge of examining land, houses for standard construction. Honestly, my family actively joined the movement for national liberation although I have never carried weapons and struggled in the jungle like you.



However, I have contributed money, food, and medicines every month for our forces in the jungle.” At the moment my father spoke, the oldest of the three men glanced at my father and quickly asked him, “Has our side ever issued any letter of confirmation for you?” My father replied, “Yes. I had one, but now it has disappeared. The last time they came to check my house, my wife tried to hide it, and now she cannot remember exactly where she hid it. But no matter what happens, if they consider us as men of merit, they will not forget us.

Especially since I want nothing but to see our country in peace and prosperity.”

During the conversation, my brother had brought the radio out and turned it on just as an announcement began in a soft and slow voice (I didn't recognize the announcer, as I was so young). The announcement focused on the victory of the liberation of Phnom Penh and all places throughout the country. It stated that the victory stemmed from the reconciliation between Khmer and Khmer. My father smiled, but the three soldiers didn't. In the meantime, there was an announcement interrupting the first in a strong voice: “This triumph has not resulted from negotiation or reconciliation, but is the result of the struggle between gun point and gun point.” After hearing this announcement, the look on my father's face changed. My mother, my brother and my sister all looked at my father in doubt and fear, and my father seemed to be on the verge of despair. A moment later, the three soldiers in black stood up while two of them took the guns and walked out. The other one walked up to the car that my father was repairing, twisted the cover of car's radiator, and said: “Your family as well as some other people will be asked to leave home, and we don't know when they will be allowed to return. What I am saying is true. Please remember my words. What has been said about the people leaving for two or three days is not true.” The three soldiers then left my home without further words.



After walking about 50 meters, the youngest soldier fired his handgun into the air four or five times, shouting, “You must all be out of your houses by tomorrow!” Merriment turned to despair. My neighbors, who had been cheering, now became quiet. That part of the sky northwest of Phnom Penh was full of sparks. In the house, my mother was on the brink of tears as she packed clothes, plates, dishes, pots, and food into sacks in preparation for leaving the following day.

Life as a Parasite of Society

My family was evacuated from Phnom Penh with a car full of sacks of clothes, plates, dishes, pots and food. Along National Road 2, hundreds of thousands of people were walking with no real direction. Some families, who had political trends and were not allowed to go to their home towns, were trying to find other ways. Some other families, whose members were policemen or government soldiers known to the Khmer Rouge, were killed along the way. Pregnant women gave birth to babies along the way.

After one week on this journey, my family decided to stay temporarily in Kiri Vong District, Ta Keo Province. I didn't know in which village and sub-district we were staying. The village chief brought my family to live with base people. [Editor's note: “Base people” was the term generally used by the Khmer Rouge to refer to the peasant farmers of Cambodia.] A



month later, the Khmer Rouge's Angkar in the sub-district proposed to take our car and use it as communal property, removing the wheels, tires and inner tubes for use as sandals. My father was assigned to cut bamboo for making fishing instruments and lattice for flooring. My mother was assigned by the women's chief of the village to transplant rice seedlings and clear forests for growing vegetables.

My brother and sister were assigned to build dams and dig canals in mobile work sites. My family members were separated from each other from dawn to dusk. At the outset, my family had never known hardship or starvation. My mother tried to pick tree fruits and vegetables for sustenance. My brother and sister had never learned how to forage for crabs or snails. But with circumstances being what they were, they tried to copy from those around them, even though there were rubbish words from some of the "base people" who said mockingly, "You are Phnom Penh dwellers. You know only how to eat, but not how to grow things." I remember every night my father would sit alone by the light of a lamp in the leaf-roofed house with its bamboo floor, which was about two meters high. My mother slept next to us. She fondled my head

with tears, saying softly, "My son, I am very, very tired. From now on you will have to take care of yourself. We will be separated, and we don't know for sure when bereavement will take place." After hearing these words, it seemed to me that I was very light and flying far away from my family. I thought: "If I am separated from my parents, how can I survive?". Then I fell to sleep leaving my mother talking alone.

After living in the village for two months, my family and another ten families were moved to Wat Angkor Thum Loap. Because of the lack of food and medicine, and the forced labor, my father came down with fever. My mother's feet swelled. My sister suffered a kind of disease characterized by a swollen belly, while my brother became emaciated. In order to cure my sister's illness, my mother collected her odds and ends to trade for the medicine and the rice of the base people who lived in Wat Angkor Thum Loap Village. My father never let anyone know that he was enduring hardship or pains. After taking the medicines and eating the rice my mother obtained from trade, both my father and sister seemed to improve. Later, I heard the village chief, who had gathered villagers to join a meeting, say, "Angkar has directed that those living here be transferred to another place. This is just a temporary place. You won't need to bring along with you so many things, because Angkar has already prepared everything for you. Especially, those who once served the Khmer Republic must report to Angkar. Angkar will allow you to work in your original positions and places."

Prison without walls

My family and hundreds of others were sent by train to Battambang Province, where we were taken by tractor to Phum Tra Laok, located in Rum Duol Village, Preah Net Preah District. Along the foot of the mountains, there were about ten families of base and new people living together. The people were assigned to clear forests for growing potatoes, yam, and other vegetables. As for the base people, they were assigned to monitor the "new people" and to rear silkworms for the weaving section. [Editor's note: "New people" was a term generally used by the Khmer Rouge to refer to people who had been transported from the towns and cities to work in the countryside.] As time went by, we realized that we had been sent to this place for punishment. My father was ordered into the jungle,

where he had to walk to the top of a mountain in search of rattan and Rum Peak (a kind of vine) for weaving baskets for moving earth. My mother was assigned to clear forests and dig out huge tree trunks. My brother and sister were sent to build dams and dig canals in a mobile front unit. As for me, I was assigned to look after cattle and cut Tun Trean Khet, a common kind of small plant, to chop and mix with cow dung for the making of compost fertilizer. From then on, my family members were separated. My father and mother were gone from home from dawn to dusk. My brother and sister were sent away to the mobile front unit. We didn't know where it was. We were provided with a bowl of thin porridge as a daily ration. At night, we were not allowed to talk. Lamps and lanterns were not allowed to operate. Any one who broke the rules would be "sent to cut bamboo". Those who had been sent to do such work had little chance of returning; they were 'sent to be killed. The place we were living was as quiet as a graveyard throughout the day.

My family spent almost a year there in pain and starvation. My father came down with malaria. My

mother's illness gradually became worse. I myself had scabies covering my entire body and was emaciated. Still worse, my mother was told that my sister had died. Then my father was executed on the grounds of having been a puppet of the contemptible Lon Nol's traitorous administration. I still remember that until he was brought away to be killed, and even though he was made to do hard work without sufficient food or rest, my father had never complained, nor told his wife how exhausted he was. He seemed aware of his impending death, and told me before he was taken away, "When I am gone, you will have to look after your mother and elders. We all face the same fate-death. It is just a matter of time, sooner or later." He used to tell me that he was so sorry. He expressed his regret for his elder brother, an army chief for the Khmer Republic, and his youngest brother, a pilot for the Khmer Republic.

My father expressed his regret that he didn't believe his elder brother, who was a soldier, and his youngest brother, who was a pilot, in the Lon Nol regime.

(Continued)



Mass Grave, 1979

LETTER FROM KRATIE PROVINCE

To Highly respected Mr Director of the Documentation Center of Cambodia

First of all, I would like to express my gratitude and sincere welcome to Mr Director of the Documentation Center of Cambodia and your colleagues with great enthusiasm after receiving a letter from you and your important magazine, “The Truth”.

Beloved Director of DC-Cam, although I haven’t met you, I once had a sincere cooperation with Mr Phat Kosal, Deputy Director of DC-Cam. We have visited the main [genocide] locations in our Kratie Province. I am very excited and moved by the texts and images of the magazine, as I am one of the Cambodian victims under the Khmer Rouge regime, which killed my father, father-in-law, mother-in-law,

wife, and three children, who were all accused of being KGB agents. I lost more than ten family member and relatives. I and the approximately 80 people with whom I read your magazine, are very glad to discover that “The Truth” is free from political bias and features a wide variety of articles concerning international law which can serve to catalyze momentum for a possible trial in the future. This is the abiding hope of the Cambodian citizenry, those who survived the regime as well as the souls of parents who lost their lives under the regime’s barbarous genocide of their own people. The people of Cambodia wish to make the souls of the dead rest in peace, and demand justice according to our religious principles, national, and international law.

Highly respected Director, the Khmer Rouge



senior leaders who plunged the country deeply into the pit of death must be tried for things that cannot be forgiven. The people of the new millenium demand to have a trial, as in the case of General Pinochet and leaders of other countries who practiced fascism. The thing must be done without delay so that the leaders of Democratic Kampuchea are not permitted to become too old or die by natural or other causes. That is, a trial must be held before their deaths. The government has raised the issue of “whether a national or international tribunal will be established. How many national and international judges” As to legal procedures, I dare not express an opinion. This issue remains complicated and intricate, because there is so much involved concerning certain countries, including powerful ones. For example, Mr Benson Samay, defense lawyer for Ta Mok, in his interview on television, stated that “...Ta Mok will implicate people, including U.S. Secretary of State [Henry Kissinger] based upon existing documents...and leaders of certain countries...”

As to recommendations or advice on upgrading the quality and effectiveness of methods to educate the public, especially the victims, in the fields of history and the Khmer Rouge trial, I have no ideas or advice better than the contents designed and organized by the DC-Cam. In addition to these points of satisfaction, I would like to list down my requests in relation to your publication: 1) the print size should be increased for the benefit of older readers, as the current size doesn't work well for those who wear glasses; 2) the photos should be accompanied by brief captions; 3) the magazine should have a column for readers at the back, through which the views of all circles, including workers, farmers, intellectuals, monks, and ethnic minorities, can be aired; 4) one copy of the magazine should be distributed to each Provincial Chief of Monastery. There are only a little more than twenty provinces, and in each province there is only one chief. The

monasteries in Cambodia suffered seriously under the regime's three years, eight months, and twenty days, with most having been converted into prisons and centers of crime and torture, such as Wat Chum Puh Ka-ek in Kandal Province, Wat Chroy Ampel, Cham Bak sub-district, Kratie Province, in the well of which, hundreds of victims were killed; and 5) as a personal request, I would like to have one copy every month so that I can go on with my reading from the previous issues. I will cooperate and provide relevant documents or texts within my own capacity.

Once again I would like to say thanks to you and your colleagues and wish your historical mission success.

Great happiness, good health and success in all circumstances.

Uch Sun Lay

FROM YOUK CHHANG TO UCH SUN LAY

A song I listen to almost every day is Rum Duol Kratie (The Aromatic Flower of Kratie). An abiding fondness for Kratie Province remains always in my heart. All of the staff and I at the Documentation Center would like to express our gratitude to you, personally, and to Kratie Province as a whole, for your past assistance and cooperation. I will try to meet your requests within my own capacity and time availability. Meanwhile, that part of the magazine where readers' letters appear is already a column for public debate. In this column I welcome the opinions of all readers, regardless of political persuasion, race, sex, or age.

I would like to wish you and Kratie Province everlasting happiness. May the Mekong River bring about the greater development and prosperity of Kratie Province.

With sincere respect from me and the staff of the Documentation Center of Cambodia.



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Cyan Magenta Yellow Black

KHMER ROUGE SONG:

THE REVOLUTIONARY ANGKAR IS THE SOUL OF EVERY KAMPUCHEAN CITIZEN

Compiled by Sayana Ser

We have defeated American imperialists, who are the giants of the world, and their lackeys from Kampuchea.

The revolutionary line is as shiny as the sunrays from the east, providing light and fragrance for the people, both male and female.

As a result, we and all the minorities have been liberated from the suffering, the oppression and robbery, and we live in prosperity and a new way of life.

The revolutionary Angkar has educated and upgraded the political consciousness, has a solid backing which is third to none, and has a highly respected organizational discipline.

Our Angkar leads us to be actively involved in agriculture, building dikes and canals in all villages for the self-mastery of irrigation in all sections.

Angkar has improved the living standards of the people. People have food to eat, clothes to wear, and have freedom of movement.

The revolutionary [Angkar] is the soul and the back of the people male and female. Workers have happiness and are the masters of their territory and of their own destiny.

The revolutionary Angkar has goodness, which is as heavy as Mount Meru, and more valuable than our lives. We are committed to following its good virtue.

We are committed to painstakingly building a new Kampuchea with high democracy on the land of Angkor for everlasting happiness and prosperity.

**ដើម្បីទប់ស្កាត់ការបោះពុម្ពនិងចែកចាយដោយឥតគិតថ្លៃ ដល់មន្ទីរស្រុក និងឃុំ នៅទូទាំងព្រះរាជាណាចក្រកម្ពុជា
ទស្សនាវដ្តីចំនួន១០០០ក្បាលជារៀងរាល់លេខ និងដាក់លក់តាមបណ្តាទីរួមខេត្តនិងក្រុង មួយច្បាប់ក្នុងតម្លៃ ៧០០០រៀល**

ថវិកានៃការបោះពុម្ពផ្សាយទប់ស្កាត់ដោយឥតគិតថ្លៃនៃស៊ិចស្ត្រូនិងជំនួយមនុស្សធម៌នៃក្រសួងការបរទេសនៃរាជរដ្ឋាភិបាលនៃស្រុក មជ្ឈមណ្ឌលឯកសារកម្ពុជាអំពាវនាវដល់រដ្ឋាភិបាល មូលនិធិនានា និង សាធារណជនគ្រប់រូប សូមជួយទប់ស្កាត់ការបោះពុម្ពផ្សាយទស្សនាវដ្តីនេះទៅតាមលទ្ធភាពដែលអាចធ្វើបាន ។ ព័ត៌មានបន្ថែមចំពោះការបោះពុម្ពផ្សាយទស្សនាវដ្តីស្នើសុំផែនការពិគលេខសម្រេចក្នុងគណៈកម្មាធិការគណៈកម្មាធិការបណ្តាញឯកសារកម្ពុជាតាមទូរស័ព្ទលេខ (៨៥៥) ២៣ ២១១ ៨៧៥ ឬ (៨៥៥) ១២ ៩០៥ ៥៥៥ ។ សូមអរគុណ ។

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 (855) 12 90 55 95. Thank you.

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