

Table of Contents

Letter: Supporting the Khmer Rouge Victims .....1

DOCUMENTATION

Brief History of Isoup Ganthly .....2

Isoup Ganthly’s Activities .....3

Statement of Nuon Chea .....7

Mass Graves in Kampong Cham .....10

Daily Notes of a Khmer Rouge Cadre .....12

The Shady Role of the Chinese Embassy.....14

HISTORY

Voices from S-21 .....15

Khmer Rouge Revolutionary Youth .....19

Quantifying Crimes Against Humanity .....22

LEGAL

Evidence in the Prospective Trials .....23

Laws Applicable to the Khmer Rouge Tribunal ....27

Tuol Sleng and S-21 .....29

PUBLIC DEBATE

The Khmer Rouge and the Vietnamese .....30

Bringing the Khmer Rouge to Justice .....32

How the Khmer Rouge Tribunal was Agreed .....36

Draft Law on the Establishment of Extra-Ordinary Chambers .....41

The End of the Revolution .....44

FAMILY TRACING

A Khmer Rouge Regime’s Midwife .....46

KHMER ROUGE ARTS

Photograph: A Group of Khmer Rouge .....Back Cover



Ieng Sary

Copyright ©

Documentation Center of Cambodia  
All rights reserved.

Licensed by the Ministry of Information of  
the Royal Government of Cambodia,

Prakas No.0291 P.M99

August 2, 1999.

Photographs by the Documentation Center of  
Cambodia and Tuol Sleng Genocide Museum.

The English translation edited by  
Wynne Cougill

Proofread by Youk Chhang and Julio A. Jeldres.

**Authors:** Rasy Pheng Pong, David Chandler, Vannak Huy, Craig Etcheson, John Ciorciari, Steven R. Ratner and Jason S. Abrams, Dmitry Mosyakov, Ben Kiernan, Thomas Hammaberg, David Ashley. **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. **Editor-in-chief:** Youk Chhang. **Graphic Designer:** Sopheak Sim. **Distributor:** Sopheak Try.

Letter :

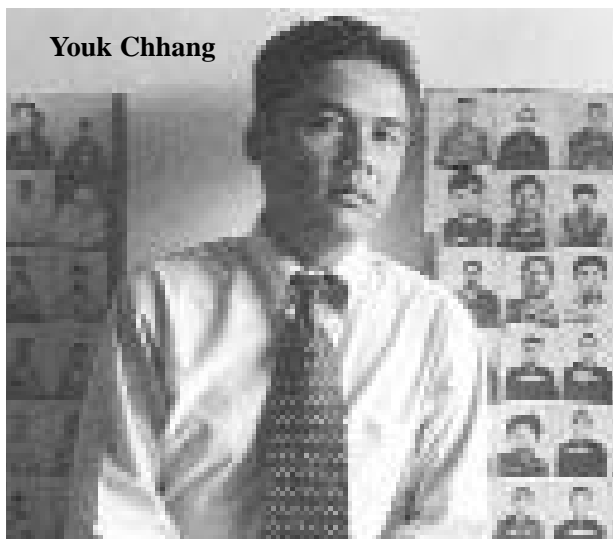
# SUPPORTING THE KHMER ROUGE VICTIMS

Despite assurances from Prime Minister Hun Sen, no effective progress has been made since the last annual Consultative Group meeting in preparing for an international tribunal to judge the crimes of the Khmer Rouge regime. Responsible officials of the Royal Government of Cambodia have explained this lack of progress with statements to the effect that the government's priority is economic development, rather than genocide justice. We maintain that this focus is counter-productive, and in fact continues to undermine Cambodia's efforts to develop. Economic development plans will be

thwarted in an environment that lacks transparency, accountability, and a firm basis in the rule of law. Cambodia today suffers from just such an environment. These problems can all be summarized under the rubric of a "culture of impunity." The United Nations Human Rights Commission has repeatedly

affirmed that the worst abuses in Cambodia's history were carried out by the Khmer Rouge.

Consequently, the Khmer Rouge also constitute the most egregious example of impunity. If Cambodia lacks the will to address the worst case of impunity, the international community and Cambodian people alike will have no confidence that the Royal Government will take measures to correct less glaring problems.



**Youk Chhang**

Cambodia's future continues to be held hostage by the Khmer Rouge. Although they have been defeated as a military force and can no longer threaten the Cambodian people with war and extermination, they continue to exercise a deeply corrosive political influence on the nation and its governmental processes. The Khmer Rouge are part of the past, but they are still with us today. They cannot be placed fully in the past until they have been formally judged in a court of law. This process must begin before the coming commune elections. Those

who understand the hearts of Cambodians will not fail to see how continuing Khmer Rouge political influence robs the people of their chance to build a better future.

Indefinitely postponing the Khmer Rouge trial assists only the Khmer Rouge, not the Cambodian people. If the Royal Government addresses the issue of Khmer Rouge impunity in a forthright manner, the Cambodian people will have greater faith that their government is working to protect their interests, will vanquish the demons of their bitter past, and will build a better future for all of the nation's citizens. With such a step, the Cambodian people will be able to bring to bear all of their powers for the development of their country.

*Youk Chhang*



# BRIEF HISTORY OF ISOUP GANTHY

(Source: File TSL Y146)



◆ Original Name: Isoup Ganthly (Revolutionary Name: Yim).

◆ Date of Birth: 12 November 1929.

◆ Place of Birth: Sangkat No. 4, Phnom Penh.

◆ Father's name: Amad Ganthly: Indian nationality.

◆ Mother's name: Fatima Sadek: Cambodian-Muslim.

◆ Occupation and Position: Cambodian Chargé d'Affairs to the People's Republic of Albania.

◆ Married a woman named Suon Malis in 1949 in Oudong. She was born in 1934. Before 17 April 1975, Malis resided in Phnom Penh. Later on the couple got divorced and Isoup Ganthly married a woman by the name of Norodom Sitharansy, who was born in 1925.

◆ Isoup Ganthly's Six Children:

1. Mariëtte Ganthly, 26, born in Phnom Penh. Prior to 17 April 1975 resided in Phnom Penh. Current address (unknown)

2. Pierre Ganthly, 25, born in Phnom Penh. Prior to 17 April 1975 resided in Phnom Penh. Current address (unknown)

3. Mariane Ganthly, 21, born in Phnom Penh (Sangkat No. 4). Prior to 17 April 1975 dwelt in Phnom Penh. Current address (unknown)

4. Chantra Ganthly, 20, student in France, born in Phnom Penh (Sangkat No. 4)

5. Pheakmoro Ganthly, 17, student in France, born in Phnom Penh (Sangkat No. 4)

6. Thiksarik Ganthly, 16, student in France, born in Phnom Penh (Sangkat No. 3). Was arrested on 9 October 1976.

◆ List of names of people involved and associates:

1. Chantha: Secretary of Cambodian Embassy in Dar-Es-Salam (Tanzania)

2. Long Boret: Director of AKP Press Agency

3. Sog Sak: CIA agent and stockholder

4. Neary Sar Saoroth: Personal Secretary to H.M. King Sihanouk

5. Nguon Chhay Kry: Secretary-General of Ministry of Foreign Affairs

6. Yem Saong: Ambassador of Lon Nol's administration to Sweden

7. Sum Voatnakya: Dentist and friend of Lon Nol

8. Huot Sambat: Ambassador to Yugoslavia

9. Chem Sngun: Member of Boeng Trabek-based Office K-17

10. Pen Nhach: Member of Boeng Trabek-based Office K-17

11. Ong Meang: Aide de Camp to H.M.

12. Suong Sikoeun: Ministry of Foreign Affairs

13. Nut Chhoeum: Office in Beijing. Hor Namhong, Long Norin, Thiounn Mumm, Thiounn Prasit, Ok Sakun, In Sokan, In Sopheap (In Sokan's brother), Pech Bunreth, Lay Ny, Nou Pech, Keat Chhon, It Suong, Ieng Sary, Khieu Samphan, Chau Seng, Ieng Kunsaky, Son San, Ke Meas, Nin Nirom, Suos Marin, Kim Bun Srun and Pung Peng Cheng.

# ISOUP GANTHY'S ACTIVITIES PRIOR TO HIS ARREST

*Sophal Ly*

Before the Khmer Rouge regime came to power, Isoup Ganthly was a press agent of the Ministry of Information. Then he was appointed as Head of the GRUNC's information office in Sweden. After 1975, when Cambodia came under the control of Democratic Kampuchea, he was arrested on the charge of being a KGB agent who was attempting to overthrow the government. The following is a condensed excerpt of his 185-page "confession" written in French, including a four-page handwritten note in Khmer.

## **1. Work-Related Activities**

In 1947 Isoup Ganthly entered the royal residence (Reach Dam Nak) for a cavalry training course. He was then appointed to the National Police under the command of Lon Nol. Later, Isoup appeared to be anti-Communist. With this in mind, he became engaged in the Security Federation, which hunted down Issarak elements. In addition, he carried out other activities, under assignments set by Chhum Chheat and Ek Moul, ranging from fighting against Phok Chhay's group in such places as Stung Mean Chey, Oudong and Kampong Kantuot to searching for alleged Vietnamese convicts.

In 1951, Isoup Ganthly, along with several members of the police force, accompanied Lon Nol on a mission along the Tonle Sap and in Kampong Cham to examine the general situation. Lon Nol said that "Viet Minh were in action in these regions" and that he considered the Issarak to be Viet Minh. Apart from this exceptional mission, Isoup was in charge of night patrolling and security buildings, his permanent duties.

It is possible that in 1951-1953 Isoup Ganthly was in cavalry training in France. Upon his return, he was promoted to police inspector in Takeo province

(beneath Chin Bo, provincial commissioner), where he was in charge of assembling information. Norodom Viriya (Sihanouk's cousin) was general director of the National Police at that time. In July 1953, Isoup was appointed deputy commissioner of Kampot's Security Department, under Tauch Roland, where he published articles in the Police Bulletin focusing on the presence of the Issarak movement in that region.

During the 1954 Geneva Conference held at the request of King Sihanouk, Isoup was engaged in defending Phnom Penh from the Khmer Rouge. Upon his return in July, he worked as a report writer, concentrating on the defections of unarmed Khmer Rouge who were massacred by Lon Nol's military. Over time, Isoup became passport controller at Pochentong International Airport for a period of seven months.

To prevent the Communist Party of Kampuchea from gaining victory in the coming 1954 national elections (preparation for the elections coincided with the opening of the Geneva Conference in 1954), Isoup encouraged King Sihanouk to abdicate the throne to enter politics and establish his own political party - the Sangkum Reastr Niyum. He asserted that the Khmer Rouge were controlled by the Viet Minh, which sought to put Cambodia under the control of Ho Chi Minh through the Indochina Communist Party. After the Sangkum Reastr Niyum won a landslide victory in the elections, Isoup sent a letter of congratulations to the King, expressing his happiness with the triumph and encouraging a crackdown on communists.

Between 1955-1958 Isoup Ganthly studied at the National Administration School in France. This school's objectives were to provide education for the bourgeois class and technocrats so that they could exploit and swindle ordinary people. Upon his return



in October 1958, Isoup Ganthly worked as a judicial police officer for a short period. Then he resigned and looked for other work. It was then that Isoup began his contacts with Long Boret, owner of a news publishing house in Phnom Penh known as Echo. Its work was made possible through a grant from the U.S. Embassy. Long Boret was an ardent critic of the Khmer Rouge. Isoup Ganthly wrote a number of articles attacking the Khmer Rouge, suggesting that they intended to end Cambodia's neutrality.

As a reward, Isoup Ganthly was promoted to director of A.K.P Press. There, he made contacts with several American press agents, including UPI and AP, and also served the interests of Ratanov, who was in charge of information for the Soviet Embassy. Ratanov, first secretary of the Soviet Embassy, asked Isoup to publish information on Soviet industrial development.

In August 1960, Isoup returned to France in preparation for the final exam at a research institution for politics in Grenoble, under a scholarship from the Sangkum Reastr Niyum Party. Thus, his relationship with the press had to be closed for a while. This political institution housed Isoup's hybrid French and American ideologies on the Khmer Rouge issue, denouncing the Khmer Rouge for regarding Ho Chi Minh as their father.

Relations with Chanta Rainsey, a friend of the Americans and Isoup's brother-in-law, were strengthened shortly after Isoup's return in August 1962. Chanta Rainsey left no stone unturned in his attempts to undermine Sihanouk's political power, including creating several gambling resorts in an attempt to get government employees, civil servants, and the police deeply involved in bribery. Chanta Rainsey was a Khmer Rouge opponent because, he thought, the Khmer Rouge had caused lots of hindrances to his political choices, bringing about a society riddled with corruption. However, he remained Lon Nol's protégé as his wife belonged to Lon Nol's familial line. It is worth considering that it was Lon Nol himself who had requested Sihanouk to

release Chanta Rainsey. Chanta Rainsey was the one who had initiated the idea of bringing Isoup Ganthly to work at the U.S. Embassy as a CIA agent, where he was trained by Anderson, the chief of the cultural section, to be a professional agent in 1963.

In 1963, Isoup Ganthly wrote an article for *Les Réalités Cambodgiennes* on the economic crisis occurring as a result of Sihanouk policy to coordinate with the Khmer Rouge on nationalization (preventing freedom of commerce and destroying the free market economy) of existing banks and import-export consortiums. Isoup Ganthly encouraged an economic policy (working for overseas trade) of distorting reports, accusing Khieu Samphan of deceiving people through his honesty. This pretext was used in an attempt to give Sihanouk reasons for removing Khieu Samphan from his position as minister.

In October 1963, Isoup Ganthly was appointed as secretary in charge of foreign affairs (in the Ministry of Foreign Affairs) and as chief of the department for conference organization. Most Khmer diplomats were pro American and opponents of the Khmer Rouge. He organized anti-U.S. demonstrations in the Ministry of Foreign Affairs just for the sake of show. Isoup Ganthly then established a relationship with a Korean consul by the name of Hong, and later, with the Indonesian Ambassador, a Suharto protégé and anti-Communist. In 1965, he built ties with the Philippine ambassador Mr. De la Rosa, who engaged in anti-Communist activities with Isoup. As for American interests, he once organized a successful conference for the Quaker religious group in Siem Reap.

Son San, an advisor to King Sihanouk, was also a Khmer Rouge opponent. Therefore, Isoup decided to align Son San against Hou Nim, Hou Youn, and Khieu Samphan, all of whom were peoples' representatives, as they had opposed Cambodia's membership in the Asian Development Bank for receipt of financial assistance toward the cost of constructing Prek Tnaot Dam, arguing that the ADB was an American bank whose credit seemed to be raised to fund the CIA

movement. In 1963, Isoup Ganthly showed up at the U.S. Embassy in Phnom Penh where he was vying for an American scholarship to get a masters degree in humanities. He was greeted by Anderson, who taught Isoup ten lessons on how to eavesdrop for the U.S. Embassy in Phnom Penh. The main focuses of the lectures included how to solicit a good selection of information, American politics in Southeast Asia, how to practice psychology on the people around you, research on the country’s current politics, and political sabotage. Isoup began his job in the Ministry of Foreign Affairs by early 1964 and received a salary of 5,000 Riels from Anderson.

In light of Sihanouk’s anti-American policy, the relations between the U.S. and Cambodia degraded drastically. Isoup also took part in the anti-American demonstration with the staff of the Ministry of Foreign Affairs. In 1965, he came under the influence Ratanov, who would train him as a KGB agent. Prior to joining the KGB, Isoup was expected to undergo a weekly training course on political theories and spying methods for a period of three months at the Soviet Embassy. During this period, Isoup reported to Ratanov concerning Maiman Hiel’s visit to Cambodia, centering around the position of the Cambodian government regarding Chinese-Soviet conflicts. As a person in charge of international affairs, Isoup appeared to make a protest urging Soviet participation in the Africa-Asia Conference. Ratanov assigned his first secretary to be responsible for connecting with Isoup and rewarded him when he needed money. The total sum of money Isoup received was \$2,000. Isoup was then appointed deputy director in charge of participation in international conferences at the General Assembly and other professional institutions. As a result of this status, Isoup was able to begin making connections with Ambassador De La Rosa. Isoup told De Le Rosa about the political rectification of king Sihanouk’s administration, who was very close with Vietnam and against American imperialism. King Sihanouk guided foreign policies by himself.

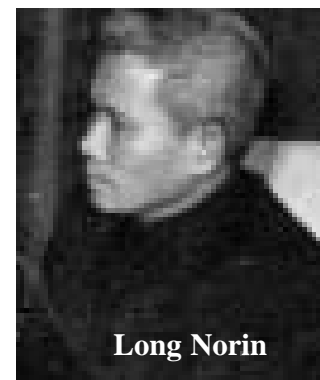
In 1966, Isoup became a member of a Cambodian delegation expected to join a Conference on Public Administration scheduled to take place in Teheran [Iran] under the auspices of the government of the Philippines. Before his departure, Isoup received US \$500 from De La Rosa. Kim Son of Sirik Matak was also present at the meeting.

To show his respect towards Sirik Matak and anti-Communist and anti-Khmer Rouge efforts, Isoup visited Sirik Matak’s house quite often. Isoup had sent a message supporting the coup on 18 March 1970. The reason Isoup was convinced by Lon Nol’s propaganda was the fact that North Vietnam carried out their aggression against Cambodia and its people. Isoup and Ambassador Kem Merom worked against King Sihanouk and accused the king of selling part of Cambodia to the Vietcong. Isoup called Sihanouk a national two-timer.

In 1967, Isoup became a mediator for Cambodia’s admission into membership of the Asian Development Bank based in Manila.

Between March 1967 and August 1969, Isoup was out of the city for conferences in Tokyo, North Korea, France and Vienna.

In October 1967, the Cambodian government designated Isoup to be a representative member of the Cambodian delegation to Vienna, where the Soviet delegation ask Isoup to intervene and persuade Afghanistan not to “change its existing boundaries with Pakistan so that there would be no changes in terms of Soviet boundaries with other countries.” As a reward, Isoup was given US \$2,000. In 1969, in Prague, Czechoslovakia, Isoup was appointed first secretary of the Cambodian Embassy, where he made connections with the first secretary of the Soviet Embassy in Prague, Zakov, who was also a KGB agent. The two pledged to contact each



other as needed.

After the coup, in Prague, in July 1970, Isoup and Long Norin went into detail about the consequences of the war against the nation and the people with a view to establishing a third party to challenge other two forces (the National United Front of Kampuchea - the Viet Cong's ally and Gang of Lon Nol-headed Traitors - American allies who hoped that the Soviets would help them). Two difficulties arose, however.

First, the Soviet Union was an ally of the Viet Cong and the Democratic Republic of Vietnam. Thus, the Soviets would neither comment on the Viet Cong invasion of Cambodia nor on their pledged aid to the NUFK, yet it remained possible that the Soviets would agree to aid the Viet Cong and DRV in terms of military equipment. The ministry of foreign affairs of Czechoslovakia asked the ambassador of Lon Nol's administration to desist its intervention with the Ministry of Foreign Affairs against the DRV and Viet Cong, as both were its allies. Second, it was possible that war would occur in this country.

With these omens in mind, Long Norin asked Isoup Ganthu to give up this plan. During their discussions, Isoup made secret contact with Zakov to seek his recommendation on the Soviet position. Zakov suggested that his government had not yet made any decision on such issues, while he himself appeared to take Lon Nol's side. As far as the plan to create the third force was concerned, Zakov pointed out it would be impossible to enter into the NUFK without serving Soviet interests. Isoup reported to Zadny of the Czech Ministry of Foreign Affairs about joining the NUFK in order to capture the embassy in Czechoslovakia with a certain group of students. Zakov instructed Isoup to eavesdrop and carry out sabotage to break up the front. At Lon Nol's embassy to Prague there was an announcement addressed to the Ministry of Foreign Affairs in Phnom Penh, stating that Chuon Mom, Sihanouk's minister, had paid a visit to Prague, where he met with an official from the Czech Ministry of Foreign Affairs for its intervention

in favor of the National Government of the National Union of Cambodia (RGNUC). However, the decision taken by Czechoslovakia was too late. Long Norin said he had met with Chuon Mom, who hinted that "Isoup Ganthu would be welcomed by the National United Front of Kampuchea if he decided to act against Lon Nol's embassy, that is, to put the embassy under the supervision of NUFK." In other words, putting the embassy in the care of NUFK would make Czechoslovakia support NUFK.

On 8 August 1970, Isoup Ganthu was with his family in France. At that time, Long Norin called from Prague to coerce Isoup to return to Prague immediately for negotiations, as he had already contacted the embassy of the People's Republic of China for accommodation. Isoup returned to Prague and encouraged the involvement of all Cambodian students to act against Lon Nol's embassy. On the morning of 10 August, Isoup managed to subsume the Cambodian embassy under the governance of NUFK. During the 21 days they took over the administration of the Cambodian embassy, Isoup and all students involved were forced by Zadny and the government of Czechoslovakia to leave the building. Zadny affirmed that his government would not surrender to such activity, contrary to international law.

The Czech ambassador got in touch with representatives of NUFK in Beijing and studied the possibilities of opening a NUGK office of information in Prague to be headed by Isoup. Isoup and the students then tried to escape and seek asylum in the embassy of the People's Republic of China at the decision of the prime minister of the Chinese government. In Beijing, Thiounn Prsit took off for Moscow to open negotiations with the Czech ambassador to Moscow; it was Isoup who made the preparations. However, the negotiation concluded without success. Chuon Mom agreed about opening an information office of NUFK in Prague, while Sarin Chhak supported the Czech government. Isoup was instructed by Thiounn Prsit to seek advice from king Sihanouk on the plan. **(Continued in the July 2001 issue)**

**STATEMENT OF THE COMMUNIST PARTY OF KAMPUCHEA  
TO THE COMMUNIST WORKERS PARTY OF DENMARK,  
JULY 1978, BY NUON CHEA, DEPUTY SECRETARY, CPK**



Nuon Chea

On behalf of the Communist Party of Kampuchea, I wish to express our deep thanks for your visit to Kampuchea. It is a great honor and a source of encouragement for us to have you here.

**1. On Building the Party, 1960-1970**

From the beginning we believed it was necessary to have a party led by the working class and to base ourselves upon the conflicts in Kampuchean society. In that period, that is, in 1960, Kampuchean society was neo-colonial and semi-feudal. The conflict between the Kampuchean nation and U.S.

imperialism was very sharp. That was the external conflict. As for the internal conflict, it was between the working class and capitalists on the one hand, and the poor peasants and feudal class on the other. At that time, capitalists and reactionaries together oppressed our people. On the basis of these conflicts, the party determined its revolutionary tasks: to make national democratic revolution, to fight US imperialism and the feudal class, and to liberate the Kampuchean nation and the poor peasant class. It laid down this strategic line for the national democratic revolution:

(1) The party leading the revolution had to be a party of the working class. It had to lead the revolution directly and not allow other classes to lead the revolution or the party. The party had to define the forces of the revolution; first, the strategic forces in the revolution and second, the tactical forces in the revolution.

(2) Strategic forces are the workers, peasants and some of the petty bourgeoisie. Of these, we see the working class as the basic class, while the petty bourgeoisie was something like an allied force. National capitalists were supplementary forces. Moreover, we regarded some high-ranking personalities within the ruling class - including some big capitalists and officials in the civil service and government, and some Buddhist monks - as supplementary forces. Those people had to have a patriotic, progressive and national outlook, that is, progressive in relation to the reactionaries.

Based on this classification of forces, we tried to construct a national democratic front for the



purpose of struggling against U.S. imperialists and their lackeys. We wish to stress to you that all these forces depended upon the leadership of the working class and the party.

(3) Our party chose two forms of struggle: political struggle and armed struggle. These are interrelated. Political struggle was promoted through legal struggle and illegal struggle, with the illegal being the basic form of struggle. Now we struggle openly and in secret, with secret forms of struggle being the basis of our struggle. We define the forms of struggle in this way as a result of our own experience. Defending, expanding and building our forces requires working in this way.

(4) We took up the struggle in the cities as well as in the countryside.

(5) The struggle in the countryside was the basic one, especially the struggle in the most backward and remote areas. Those were the base areas.

(6) We recognized that we had to conduct a people's war, to overcome all obstacles, and make any sacrifice in order to resolutely and finally win victory and to launch a final offensive. We resolved never to put ourselves on the defensive, but always to take the offensive.

(7) Our strategic line took as its premises independence, sovereignty, and self-reliance. It was based upon the right to choose our own destiny with dignity.

(8) Our struggle was based on international solidarity with all brotherly parties in the world and with all peoples and countries in the world who oppose revisionism, imperialism, neo-colonialism and colonialism of any kind.

These principles and practices are not new. They have been recognized around the world, but we review them with you because they reflect our own

experiences. We have followed these principles in our struggle and we have learned from them. This line was adopted by the first congress of our party on 30 September 1960.

I would like to stress that putting this line into practice was not easy, especially before 1970. In 1960, we were badly affected by the twentieth party congress in the Soviet Union. Vietnam also opposed our party line, especially the armed struggle, as well as our line of independence, sovereignty and self-reliance. The Vietnamese said we had to make national democratic revolution on the basis of the documents of the twentieth congress in the Soviet Union. They said it was not clear how the classes in Kampuchea had to be divided. They believed the feudal class had a progressive function in Kampuchea and that it would be able to make the revolution with us. Moreover, they thought the revolution could be achieved through the parliament and on the basis of cooperation among different classes. Then and now, they saw and still see our line as putschist and too much to the left. But we defended our party line. Having correctly defined our party line and our party activities, we sent most of our cadres to work in the countryside. We kept only a few in the cities.

Our army was built from scratch, from a small army to a big army. In the beginning, we created some secret self-defense corps. We selected the best youth. Almost all cadres had to do illegal work at that time. Only a few worked legally; some in the parliament, some in the administration, some in the press. The legal work was for the purpose of mobilizing popular forces, but the basic work was the work done in the countryside and among the workers; it had to be done illegally and secretly. This meant that our enemies - the U.S. imperialists, their lackeys and the reactionary classes - could not find out who was leading our revolution. They knew the names of a few comrades

such as Khieu Samphan. They thought those comrades were the real leaders of the revolution. But they did not know the real leaders. And because they could take action against only the people they knew, most of our leaders were able to work safely.

During 1960-67, we organized and consolidated many bases in the countryside. The movement in favor of production and against landowners was very strong. Peasants pitted their strength against the ruling class. They had nothing but used everything: stones, knives, sticks, axes. Some of the wives of poor peasants participated by taking their children to demonstrate in front of the National Assembly. Revolutionary forces in the rural areas were very strong then. We let our party members from the working class go to work among the poor and peasants.

In the cities, there was a related movement among workers and students. They demanded that the government cut off U.S. aid and kick out the U.S. ambassador. Demonstrators burnt the U.S. flag and the embassy. In the countryside, the movement of the people ignited. Those who were hungry rose up against traitors, reactionaries and agents of the administration. The slogan was “Make the National Democratic Revolution, that is, fight U.S. imperialism.” The spirit of patriotism was very high. Everybody felt they had to fight U.S. imperialism. But we divided the struggle into two parts: the national struggle and the democratic struggle. In the latter, we raised slogans demanding rights for students, workers and peasants; higher wages; land to the peasants; better prices for rice, bean curd and meat; and better living conditions for the people. The struggle embraced big issues and small and involved all regions and means. The enemy tried to suppress us but failed because we fought legally and secretly, big and little battles at the same time. In this way, we

were able to defend and strengthen our revolutionary forces step-by-step.

Through struggle, we built up the leadership of the party, recruiting good cadres from among the workers, peasants, civil servants in the administration, Buddhist monks and women. In struggle we were able to temper cadres from all strata. Thus the conflicts in our society deepened, the conflicts between workers and capitalists, between the peasants and landlords, between workers and government officials.

The enemy tried harder to suppress our movement. In this situation, confronting these acute conflicts, we had a Central Committee meeting. We decided we could no longer continue the legal struggle, and that we had to start the uprising. This was in January 1968.

The Soviet ambassador in Phnom Penh opposed us. The Soviets said our party was out of its mind to launch armed struggle.

They began to build a new party aimed against us, gathering people who had surrendered to the enemy and who were traitors, opportunists and vagabonds. Vietnam also opposed our armed struggle. Vietnamese cadres took action against us, by sneaking around giving our cadres pamphlets such as Lenin’s Left-Wing Communism: An Infantile Disorder. They said we were too left.

We tell you this in order to point out that Vietnam did not help us! A lot of people misunderstand this.

It was at that moment that our party consolidated its position as independent and sovereign. We realized our case was different. We had to take account of the concrete situation in order to resolve our social conflicts. Perhaps it is different in other places, but this is what it is like here.

**(Continued in the July 2001 issue)**

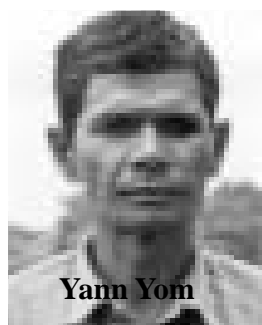
# MASS GRAVES IN KAMPONG CHAM PROVINCE

*Rasy Pheng Pong*

(Continued from the May 2001 issue)

## 2. Execution Site M-18, Geographic Code No. 030209

On the evening of 25 May 2000, a Documentation Center of Cambodia research team reached Lot M-18 located in a rubber plantation compound in Village 32, Svay Meas Base, Chamkar Leu District. This place has also been called “Lot M-18,” despite the fact that extremely old rubber trees have been replaced with new ones. This site lies at a latitude of 12°13’06:43 north and a longitude of 105°18’50:54 east. It was a huge Khmer Rouge execution site between 1975 and 1979.



**Yann Yom**

Yann Yom, 48, a native of Ta Keo and currently living in Village 32, Svay Meas Base, told us that one day in Pol Pot’s time, while he was cutting trees for rubber, he saw a number of truckloads of people taken to this site. He affirmed that the trucks entered this rubber plantation at about 7 or 8 p.m., but he didn’t dare show himself until the executions had concluded. Yom recalled that he had seen a variety of commodities there, including bags, jars of fish paste and pipes. He claimed that those killed here were brought not only from Svay Teap Base but also from places where new people were relocated, namely all subdistricts of Chamkar Leu and other districts of Kampong Cham. He said he saw almost 20 freshly dug killing pits 10 meters in length, 5 meters in width and 2 meters in depth.

Similarly, Sim Ly of Village 32 recalled that the people brought here were kept for less than one night. They were slain immediately after being taken out of



**Sim Ly**

the trucks. Sim Ly claimed he had seen most of the crimes committed at Lot M-18. According to Ly, the Khmer Rouge used a wide range of methods of execution, but mostly they squeezed victims’ throats with palm leaves. At the surrounding sites, different methods were used. Sometimes background music was played while people were working so that they would not sense the predetermined attempts on their lives. Victims were hit with hoes or bamboo sticks. Heinous acts were also carried out against children who were swung and smashed against rubber trees. Sim Ly stated that most of the victims were slaughtered after the Khmer Rouge deluded them into thinking they were being relocated. Bags containing the victims’ clothes were burnt shortly after the owners died. Sim Ly recounted seeing a heap of such materials approximately 1 meter high. This informant also claimed that all 500 families in Svay Teap Subdistrict were brought to be killed at Lot M-18. Unable to estimate the number of victims killed here, he exclaimed “People killed are numerous, incalculable!”

### Prey Chhor District

#### 1. Security Office of Comrade Sop, Geographic Code No. 031306

Located in Ta Keo Village, Kor Subdistrict, this office functioned as a security apparatus for Region 41 of the Central Zone. It looks like a common school, with a tiled roof and wooden walls 12 meters in length and 6 meters in width. This building was under the supervision of comrade Sop, a native of Samraong Subdistrict, Prey Chhor District.

The land, which is currently owned by an elderly couple, Ta Hul and Yeay Siep, contains a 100x60 meter pond built by office prisoners. It is surrounded by Chinese stupas. This site lies at 12°06'58:20 north and 105°12'22:43 east.

Nai Kim Sann, second subdistrict deputy, is a native of Ta Meas Village, Kor Subdistrict, Prey Chhor District. He recalled that most prisoners brought to this office had been accused of having some sort of political trend, including being Lon Nol soldiers. They were tortured using sticks and iron bars before being killed. As for eating, Kim San recounted, there were neither plates nor spoons. Prisoners were shackled by wooden foot-cuffs 5 centimeters thick; they were not released to eat meals, urinate, or sleep, but their shackles were unlocked for work from 7 to 11:30 a.m. Prisoners had no bed to sleep in and used a jar for defecating.

Kim San claimed that the prisoners executed here were buried not far from the office compound, in such places as Tuol Krasaing, Tnaot Chour, O Ta Kong and Tuol Daem Ampil.

## 2. Execution Sites

### a) O Ta Kong. Geographic Code No. 031303.

Stretching 1,000 meters from Ta Meas Village to Steng Toek Chhay, this stream functions as a reservoir for nearby farms, and runs along the border of Ta Meas and Ta Keo Villages in Kor Subdistrict. It was used for mass graves beginning in 1975. Kim San estimated that the Khmer Rouge placed about 1,000 corpses in the stream, which is 1 meter in depth and 2 to 2.5 meters in width. Most victims were civilians and cadres purportedly having political trends or committing moral offenses. This site is at a latitude of 12°07'05:94 north and a longitude of 105°12'19:20 east.

### b) Tuol Krasaing. Geographic Code No. 031304.

Located in Ta Keo Village, Kor Subdistrict, Tuol Krasaing covers an area of 100x50 meters planted with sour-fruit trees. In Pol Pot's time, according to Kim Sann, this mound functioned as a killing and burial site. He estimated that the site's hundreds of pits contain almost 1,000 victims. Each pit held 3-5 bodies. Lying at a latitude of 12°07'00:81 north and a

longitude of 105°12'08:20 east, this graveyard is about 500 meters west of Comrade Sop Security Office and northwest of O Ta Kong.

### c) Tnaot Chour. Geographic Code No.031305.

Covering an area of 200 square meters with 70 to 80 killing pits, this site is located in Ta Keo Village, Kor Subdistrict. Found at a latitude of 12°06'51:49 north and a longitude of 105°12'18:46 east, it is approximately 500 meters south of O Ta Kong and 200 meters from the Comrade Sop Security Office. Each grave is 2-3 meters deep and 2x2 meters in size. A local informant claimed that about 240 to 300 people are buried here.

### d) Tuol Daem Ampil.

Sharing borders with Ta Meas Village and O Ta Kong, Tuol Daem Ampil is located in Ta Keo Village, Kor Subdistrict.

This site can be recognized by a row of tamarind trees. Kim San told us that there were about 20 graves, each of which is 2x3 m and contains 3-4 corpses. It is thus assumed that these graves contain 80 cadavers.

### e) An execution site on the premises of Bun Rany Primary School, Kor Subdistrict. Geographic Code No.031307.

Situated in Ta Maut Village, this building functioned as a transit spot for victims and an execution site between 1975 and 1979. Its walls are still stained with blood and several instruments of torture, such as bars, remain. Kim San said that after 1975, the Khmer Rouge relocated villagers and replaced them with new people, particularly in Ta Keo and Ta Meas Villages.

The new people were put in these new areas just for a short period, after which they were brought to the school at midnight for execution. People taken here had been told by the Khmer Rouge to attend a meeting. Their corpses were dragged to a latrine about 100 meters north of the building. Kim San, who estimated that almost 200 people were executed here, still remembers the names of two executioners: Tem and Dan. The areas west of the latrine contain 60 pits on a piece of land 100 m long. About 250 people were executed here.

## DAILY NOTES OF A KHMER ROUGE CADRE

(Continued from the May 2001 issue)

### III. Our View and Standpoint

1. Must take a view that we'll win and try storm attacks both at the battlefield and rear. Try to fulfill duties no matter how big or small they are. In the spirit of fighting, never to stay far from the battleground.

2. Try to construct and strengthen the stance of independence and capability to resist all sorts of hardship. Try to overcome austere tasks no matter how much mental affliction and shortages of materials are being confronted. Independence and self-mastery, capability, and toughness must go together. The most important thing is not about rank; rather, it's about obligation: to what extent can the task be performed? The desire for high rank would affect other people and also cause restlessness. Be committed to build yourself as a good soldier.

3. Heighten vigilance and crack down on all enemy tricks, while sharpening the spirit of struggle until obtaining victory.

4. Widen the scope of solidarity [and] determine to obey the organizational disciplines, even though we already know that the mission is difficult to achieve. Do not always criticize other people and boost yourself. Good solidarity is the result of obeying organizational disciplines. Solidarity is not about deep involvement in making friends; rather, it has to do with consolidation of the Party's leading strength, e.g., consolidation for struggle and vice versa.

5. Endeavor to eliminate personal ownership and individualism. There is neither privacy nor individualism any more; collectivism is the most important. An actor's good performance is the result of his or her group's cooperation; if the performance is bad, the group is to be blamed. Nowadays, our state

has "revolutionary people dictatorship" characteristics:

- ◆ privatism
- ◆ semi-state governance and semi-privatism
- ◆ collectivism and cooperativism
- ◆ socialism led by the state.

**Date: 26 March 1975**

Meeting to set up an Educational Committee:  
27 March 1975 - 2 April 1975

Information: Lectured by Brother Thong. Make good preparations. [Education] for all- party members, youths, and the masses. If there is time remaining, certain people should become assistants...by regarding it as a core task, including Mei, Tong, and Nup (if they are not busy with accounting).

**Direction:**

1. Build a good stance and view in accordance with the political line and standpoint of the Communist Party of Kampuchea on the following issues:

- ◆ The world situation
- ◆ The current situation in Kampuchea
- ◆ The stance of the Party's workers.

Absolutely abolish pacifism [and] private ownership from the ministries.

2. Indoctrinate the theory and knowledge for [correct] analysis and division:

- ◆ Social classes in Kampuchean society
- ◆ Current situation in the world and in Kampuchea

◆ Abolish subjective views, both in analysis and consideration

3. Raise the spirit of obeying organizational disciplines "on command":

- ◆ Solidarity in terms of appointment and achievement
- ◆ Democratic centralism, collective leadership,

individual responsibility.

### Program and Document

1. Dialectic materialism, 27 March 1975.
2. Historical materialism, 28 March 1975.
3. Division of social classes, class conflict, and class struggle in Kampuchea (29 March 1975).
4. Views on the world and domestic situation (30 March 1975).
5. Build and strengthen the ideological stance in accordance with the stance of the party's workers class (31 March 1975).
6. Strengthen the organization towards correctness and consolidation.
7. Endeavor to eliminate subjective views and individualism, and intensify a sense of high responsibility in order to implement and lead the implementation of Angkar's political line well. Work together, abolish individual ownership, promote the idea of democratic centralism, communal leadership, [and] individual responsibility (2 April 1975).

### Practical Work

1. Victory is clearly the result of sweat and blood and the devotion of our people, youths, sons, and daughters under the leadership of the Communist Party of Kampuchea. No one will appear to save us. This becomes convincing through obvious tasks and consciousness.

2. Try to spread news on the victory in order to convince forces throughout the entire nation and in the international arena. When we have the upper hand in the military field, other tasks will be easier to accomplish if we know how to use this advantage.

Therefore, our radio must have a good grasp of the Party's Front Guidelines, which highlight two expressions: Enormous and Strong. Try strenuously to build up a huge and strong military. Enormity is about gathering the forces of the whole nation, for our party is responsible for all problems. At first, music should be far away from human sensation. Strength depends on the workers and lower middle-class peasants. Compared to other classes, these classes are far beyond competition. They have a basic

and progressive nature, on which work must be based.

3. Here we communicate with foreigners. This task is to forge good relationships with foreigners. Do everything to convince other people that this victory is ours, but do not hesitate to express gratitude [to them] because for the time being we are believed to be the most progressive. However, there must be no stance of lackeydom, no stance of subordination. This is a real job.

◆ Protocol: money circulation must be grasped = keep up with the news and report with an objective perspective, so that the leaders have... think how this mission can be done well; the future is dependent upon the present.

### K.G. Our Feeling in the New Period

1. Today's main goal is to heighten the spirit of class struggle.

◆ Heighten the spirit of revolutionary vigilance.

◆ Heighten the spirit of collectivity. Must improve further, without thinking about personal benefits and be committed to moving forward to eliminate personal ownership.

2. Spirit of Organizational Disciplines: Do not believe in any unknown speakers. Better to follow Angkar. Syndicate dictatorship shall not yet be carried out, but the revolutionary people's dictatorship must be prioritized. Examine people in the field of organizational disciplines, especially those with overjoyed spirits.

3. Absolutely reject pacifism, liberalism. Build upon the revolutionary, modest behaviors of a model peasant, which belongs to our party's worker class.

My departure must be top secret

Brother Va: Responsible for overall activities; obey, keep secret, even though doing that may annoy others, but try not to be a target of suspicion.

Kong: Broadcast very clearly; do not tell other people.

Khon: Take good care of the department and help observe....Brother Va will explain more.

**Note: Class struggle is very sharp at the moment.**



## FROM KAMPUCHEA TO THE HOA: THE SHADY ROLE OF THE CHINESE EMBASSY IN HANOI

*(Peking Agents' Confession)*

**(Continued from the May 2001 issue)**

The following confession was made by a young red guard named Luong Thien Phuc. He was born on 30 June 1960, is of Kwangtung origin, and lives at 44-A, Hang Bo Street, Hoan Kiem District, Hanoi:

“Voong Man Ha used to invite me to his house at 38, Hang Dieu Street to listen to Western pop music, and to read Chinese novels about knights and pornographic literature he got in Saigon. There were also books, newspapers and pictorial magazines he had from the Chinese Embassy.

“My father told me that Ha’s wife, Phan Ai Thuyen, was his niece and that Ha’s mother-in-law had moved South. After the 1975 victory, she fled to Hawaii and married an American there. She occasionally sent gifts to Ha and his wife, and Ha often told me rapturously about the high standard of living in the countries where Chinese residents made big fortunes, always drawing the conclusion that we should not let this opportunity of the motherland’s opening its arms to Chinese residents in Vietnam pass, since nobody would prevent us from going on to other countries after returning to China. He added that in my case, the Chinese authorities would arrange for my departure immediately, since I have relatives in the United States and Canada and that is a sure guarantee of emigration.

“Voong Man Ha speaks both the Kwangtung dialect and standard Chinese fluently. He took me to the Chinese Embassy occasionally, whispering: ‘You must come here to help the Embassy do their job; you must do your best for the motherland. Now

the motherland is calling on the Hoa in Vietnam to return and contribute to national construction, so as many of us as possible must leave and the sooner, the better. Young men like you should go first. If you stay, you will sooner or later be compelled to adopt Vietnamese citizenship. How degrading for sons of a big nation to have to adopt Vietnamese citizenship.

“I remember that early in the second week of May 1978, Ha took me to the Chinese Embassy to ask for a visa application form. His manner and his many acquaintances at the Embassy showed that he was a frequent visitor there.

“He took a bundle of twenty visa forms, gave me one, and took the rest to Haiphong where he sold them to the Hoa who had been panicked by the threat of war and were desperate to leave Vietnam as soon as possible.

“A few days later, Ha again took me to the Embassy, but not only to ask for the visa forms he would later sell. He was received by Ambassador Chen Zhi-fang, who cautioned him to operate subtly and secretly: any slips might jeopardize the master plan. If anything happened during our tricky operation, we were to report immediately to the leading committee for immediate assistance, the Ambassador added.

“Using a typewriter my father borrowed from his office, I typed out provocative documents to be spread among the Hoa students. Voong Man Ha told me to always obey the instructions of Ambassador extraordinary and plenipotentiary Chen Zhi-fang at all costs, despite all difficulties, hardships, dangers and sacrifices.”

(Continued from the May 2001 issue)

**The Final Purges**

By September 1978 the Eastern Zone had been “swept clean.”

The closing months of DK were marked by the regime’s desperate attempts to seek military support from China and political backing from non-Communist countries while playing down some of the harsher aspects of DK rule. The purges continued, but at a slower pace. In the process, previously immune entities were targeted. Prisoners were brought into S-21 from the railroads, the factories, and even from the supposedly loyal southwest, where a tightly focused, xenophobic anti-intellectual, Ta Mok, had been in command for many years. Toward the end of 1978, the factory workers were joined in S-21 by nearly a hundred Vietnamese prisoners of war. Von Vet, a deputy prime minister, and his long-time associate, Cheng An, the deputy minister for industry, were also purged in November,



**VOICES FROM S-21**  
**Chapter Four: Framing the Questions**  
**David Chandler**

charged respectively with plotting a coup and with mobilizing factory workers, many of whom were former soldiers. Any organized group of young men was now potentially a nest of traitors.

In December suspicions fell on Son Sen, who had been made secretary of the Eastern Zone in addition to his other duties, following Sao Phim’s suicide. Because of these new responsibilities and the burden of the fighting with Vietnam, Son Sen may have been exercising less control than usual over the operations of S-21. He had been closely associated with Von Vet since the civil war, and scattered evidence suggests that the

two men might have been considering a self-defensive coup d’etat against the Party Center. The Vietnamese invasion and the collapse of DK probably saved Son Sen’s life. Without such extraordinary interventions, no mechanisms at S-21 or in the Party Center could stop or decelerate the process of “sweeping clean.” Any command to do so would have had to emanate from the “upper brother,” and until the last few months of 1978 it never came. At that time, while fewer and fewer prisoners were being targeted, those who were tended to be high-ranking cadres. As conditions throughout the country worsened, suspicions deepened in the upper ranks of the Party, and as fighting with Vietnam went badly, scapegoats were needed. Inevitably, as the lower ranks of the CPK were eliminated, suspicions fell on increasingly senior figures.

Even Ta Mok and the Southwestern Zone cadres whom he commanded came under scrutiny in the regime’s closing weeks. Who might have come next? Where could the persecutions end? The all-consuming purges made macabre sense: how could anyone ever be sure that the last concealed enemy had been found?

A larger more experienced, and more self-confident Communist Party might have been able to restrain the purges when they got out of hand. Belated efforts along these lines were made in the closing months of 1978, when the prisoner intake at S-21 dropped off sharply. However, the Party Center still felt itself surrounded by enemies. There was ample evidence from S-21 to prove it: Santebal’s mission had always been to validate the Party Center’s worst





suspicions. After the Vietnamese invasion of 1977-1978 and the purges in the Eastern Zone, the Party Center was beset by fears and racing against time.

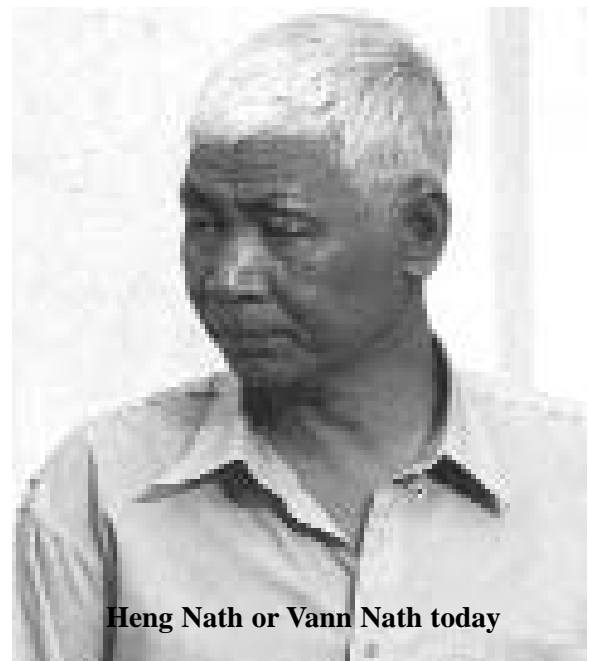
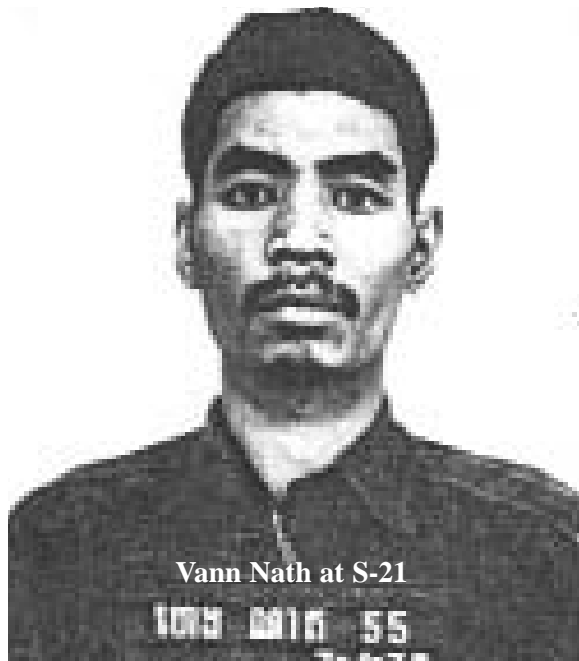
Reigns of terror and continuous revolutions (in DK, the two phenomena overlapped) require a continuous supply of enemies. When these enemies are embedded in a small, inexperienced political party, ethnically indistinguishable from the majority of the population, attempting to purge all its enemies can have disastrous effects. As Duch and his colleagues did what they were told, they undermined Cambodia’s military effectiveness, dismantled the administrative structure of the country, and destroyed the Party. The killing machine at S-21 had no brakes because the paranoia of the Party Center had no limits. The half-hearted reforms instituted in 1978 — the amnesty proclaimed by Pol Pot and the reduction of torture at S-21—were counterbalanced by the fact that several of the revolution’s highest-ranking figures were arrested at that time, just when the Party needed experienced cadres to present a united front in the conflict with Vietnam. By the end of the year, the Party’s administration of the geographic zones had largely broken down; Ta Mok had assumed command of

several zones at once.

When the Vietnamese launched their invasion in late December 1978, the CPK’s Central Committee had been decimated. Except for Ta Mok, all the original zone secretaries and most of their replacements had been purged, as had the administrators of nearly all the nation’s factories and hospitals and hundreds of military cadres. By the end of 1978, there were not enough experienced people to run the country or enough military leaders to organize a coherent defense. As the one-time Communist Mey Mann told Steve Heder in 1997, recalling this period, “Everybody was accusing everybody else of treason, and nobody knew what was really happening.”

In July 1997, when Pol Pot was placed on trial at the Khmer Rouge base at Anlong Veng. Ironically, his crime was ordering the murder of Son Sen—one of his accusers blamed him for encouraging a generalized paranoia among his followers. Although the accusation focused on the 1990s, its vivid wording suggests, in hindsight, some of the destructive energies unleashed at S-21.

“[Pol Pot] saw enemies as rotten flesh, as swollen flesh. Enemies surrounding. Enemies in front, enemies



behind, enemies to the north, enemies to the south, enemies to the west, enemies to the east, enemies in all eight directions, enemies coming from nine directions, closing in, leaving no space for breath. And he continually had us fortify to kill our own ranks.....even strugglers of the same rank in the movement.”

Between 1975 and the collapse of the regime, tens of thousands of its “enemies” were arrested and killed throughout the country. At least fourteen thousand had been held, questioned, tortured, and put to death by Santebal. Had the Vietnamese invasion been delayed, the end of the spiraling, destructive process at S-21 is impossible to envision. The “wheel of history” had developed an inexorable momentum, crushing everyone in its path. Indeed, as an interrogator from the prison arrested at this time asked plaintively in his confession: “If Angkar arrested everybody, who will be left to make a revolution?”

**Chapter 4: Framing the Questions**

In January 1978, Vann Nath, a commercial painter in Battambang, was arrested there and interrogated for several days before being shackled and driven in a truck to S-21. In 1978, he had no idea why he was arrested. He still doesn’t. Talking with Sara Colm in 1995, he recalled his first interrogation:

“What was the problem that caused them to arrest you?” the interrogator asked.

I said I didn’t know.

“The Organization isn’t stupid,” he said. “It never catches people who aren’t guilty. Now think again—what did you do wrong?”

“I don’t know,” I said again.

Many other prisoner at S-21 were asked to explain why they had been arrested and therefore why they were guilty. Like Joseph K in Kafka’s novel *The Trial*, they had not been accused because they were guilty; they were guilty because they had been accused. The questions were intended to throw the prisoners off balance, but the interrogators themselves were often genuinely curious and sincere. They believed that the

prisoners were guilty, but they had no idea what offenses they were supposed to uncover. The first encounter, which was bewildering on both sides, resembled interrogation techniques used by police officials everywhere, and also drew on the practices of other Communist regimes. As in the USSR and Maoist China, many of the prisoners’ hidden “crimes” had taken place only in the minds of their accusers. The interrogators’ duty was to validate the Party’s verdict by extracting full confessions. These documents, once recorded, became induced historical texts that supposedly demonstrated a given prisoner’s “objective” connection to serious offenses, the assiduousness of the staff at S-21, and the clairvoyance of the Party.

In addition to Communist models there are also striking parallels between the techniques used at S-21 and those employed in the Spanish Inquisition, seventeenth-century witch trials, the French Reign of Terror in the 1790s, and, more benignly, in the early “archaeological” phases of Freudian psychoanalysis. Freud noticed one of these parallels himself. Writing to his friend Wilhelm Fleiss in January 1897, he asked, “Why are [the witches’] confessions under torture so like the communications made by my patients in psychic treatment?”

One answer to Freud’s question might lie in the confident, lopsided relationship imposed by many judges, interrogators, and analysts onto their prisoners and patients. Moreover, analysts and interrogators frequently claim to know what they are looking for, while patients and prisoners often have no idea what is supposed to be “hidden.” One of Freud’s own youthful heroes was the archaeologist Heinrich Schliemann, who “knew” where the ancient city of Troy was located and was proved right when he began to dig.

When combined with other kinds of pressure, including torture, a skillful interrogator at S-21 could often induce memories that had little or no relation to “historical truth.” In some cases, the prisoner concocted them to please the interrogator and to validate the



latter's insistence that they were true. The vexed issues of "recovered" memories and transference then come into play.

At S-21, some prisoners came to believe that they were genuinely guilty of counterrevolutionary crimes. This is hardly surprising, for under extreme conditions, as Richard Ofshe and Ethan Watters have written in another context, "We desire to create a comprehensive cause and effect story out of our lives and.....when we are unable to do this we are most vulnerable to the ...suggestions offered by others." At the same time,

echoing a prevailing belief in the USSR in the 1990s, counterrevolutionism in DK was not an activity but a "state of mind from the point of view of the state." Whatever the prisoners had actually done, in other words, they were forced to agree with the Party's assumption that they were guilty because they had been caught. Thus, Suy Chheng Huot, a former electrical worker, stated frankly at the end of his confession:

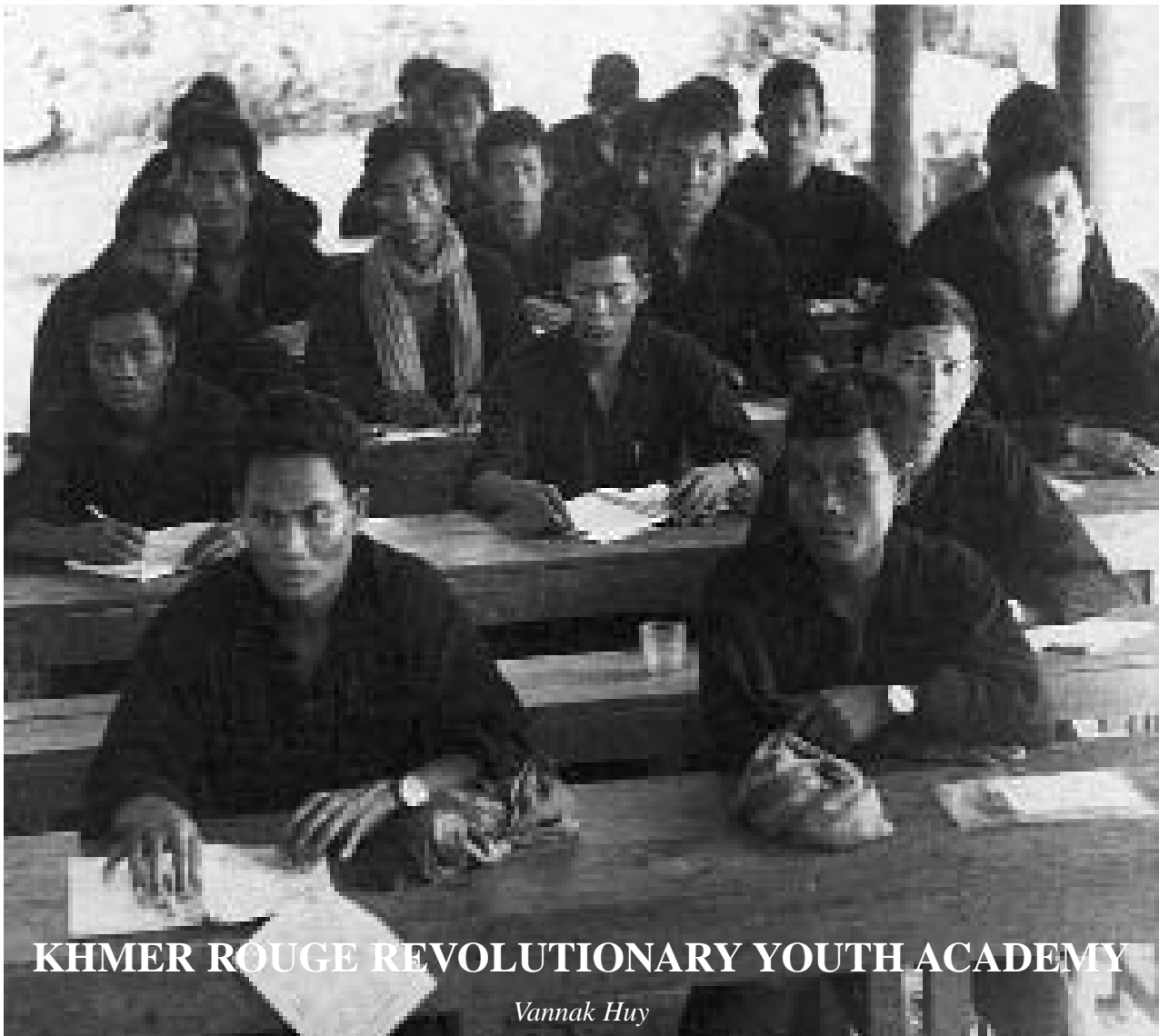
"I am not a member of the CIA. I confessed to being CIA when confronted with my guilt."

(Continued in the July 2001 issue)



Pol Pot

Ieng Sary



**KHMER ROUGE REVOLUTIONARY YOUTH ACADEMY**

*Vannak Huy*

The Academy of Revolutionary Youths was a section of Democratic Kampuchea’s Armed Forces, and was under the command of a company. (The Armed Forces were formed following a strict scheme. Each section included a division, regiment, battalion, company, platoon, group and squad, with about 100 people forming a company and up to 5,000 forming a division.) The Academy was organized to help the Commanding Committee put three points of “democracy” into practice within the ranks of the People’s Armed Forces. In this way, it was intended that the Academy cadres would gain combat strength and build up their units in terms of

political, ideological, technical, economic, military, and organizational discipline.

The number of members selected into the Academy depended upon the size of the units to which the youth cadres belonged. In general, the Academy consisted of 9 to 11 members. It was headed by a chief and deputy chief.

The members of Youth Academy’s Committee were elected by secret vote, with full members of the Academy voting first, followed by reserve members, if any. The number of company and platoon cadres who were eligible to vote on candidates for Committee membership was not to exceed two-



fifths of the total voters. The Youth Academy Committee members then elected their chief and deputy chief. Candidates for the Youth Academy Committee were to meet five requirements. They were to: 1) to have basic “classlessness,” 2) take a progressive standpoint, 3) be brave, 4) be hardworking and a good role model, and 5) be trusted by the masses.

To accomplish its political, ideological, technical, economic, military, and organizational disciplinary objectives, the Academy was divided into three groups:

1) A political group headed by a leader supervising two to three subordinates. This group was to ensure the practice of political democracy and to achieve all initiatives of the party’s policy and the disciplines of the people’s armed forces.

2) An army group, which consisted of a leader heading two to three subordinates. This group had a duty to ensure the exercise of military democracy, and was in charge of military tactics, technical fields, keeping secrets, and recreation for the company itself.

3) An economic group, which was also made up of a leader and two to three subordinates. This group was responsible for the application of economic democracy, sanitation, and for monitoring each unit’s equipment utilization and maintenance.

The group leaders were to help their group members achieve three democratic points:

#### **Democracy in Political Practice**

This point was aimed at increasing a company’s sense of responsibility, equal rights, and solidarity in order to enable the company to have more power in building up the units. In addition, it was critical that companies encouraged the involvement of the masses and youths to make contributions to carrying out the party’s policy initiatives and conducting political and ideological education within the units. At the same time, they

were to exchange ideas in order to be clear about the circulars and orders from higher levels and the decisions of party cells. In this vein, companies were to carry out self-criticism in order to promote and strengthen internal solidarity. In addition, they were instructed to try to make some sort of appraisals of their units, ranging from expressing approval for those who had achieved something to criticizing those who deserved censure. Companies were to follow correct procedures for making complaints about cadres and youths who were not satisfied or disagreed with the party, so that the party could help them solve their problems.

#### **Military Democracy**

This aimed to strengthen the companies’ sense of responsibility and creative spirit so that they could contribute to making combat plans, conduct training, and build their military capacity. Before launching an attack, the group was to spend time consulting on and thoroughly discussing orders from the higher levels. Additionally, the group was to give ideas on how to design battle plans. During each battle, cadres were to observe any change in a situation. They were also to keep their resolve to fight and observe the party’s guidelines for warfare. After each battle, the group was to call a meeting, and depending on the situation and under the advice of the chief of political affairs, review what had happened with the rest of the company, including discussing the advantages and disadvantages of individuals and the whole unit. In so doing, companies were to learn from their experiences and use what they learned in future battles.

Besides using theories regarding the front and rear lines and base support units, the Youth Academy Committee was to learn how to obey orders from the higher levels. Regarding the latter, training was to meet three criteria:

◆ The Youth Academy Committee had to think clearly about the circulars and the commands of the

higher levels. At the same time, the Academy was to make comments in connection with how it would implement the circulars and orders effectively, as well gaining practical experience by completing difficult tasks and preparing equipment for future training.

◆ The training process itself was to be democratic in terms of being open about giving ideas to the trainers and trainees in order to improve learning techniques.

◆ Meetings were to be held after training sessions to evaluate the training itself, in order to benefit future training. All the lessons were to be put into practice within the guidelines set up by the party.

### **Economic Democracy**

This point was designed to help cadres and youths meet their responsibilities in using equipment and in improving the unit's standard of living. Cadres and youths were to be clear about the party's policies on the use of funds as well as expenditures. They were to take good care of weapons, war materials, and other basic supplies such as rice, clothes, and money. In regards to the spoils of war, their utilization was to be economical: cadres were to avoid greedy or negligent behaviors.

To enable the Revolutionary Youth Academy to achieve their political tasks with quality and effectiveness, the political leader was required adopt and adhere to guidelines and coordination principles. His unwavering performance at the Academy was to be attained by means of an authoritative examination of the following points: "1) Proposals. 2) Organizational adjustments. 3) Guarantees that the Academy had the "genuine nature of mass organization." Generally, [the academy] has to strengthen democratic centralism both in the ranks of the armed forces and the masses. 4) Guarantee that the Academy is qualified both in terms of quantity and materials to ensure the

sustainable continuation of revolutionary activities. 5) When there is a need to transfer any individuals to another workplace or due to their injury, their positions must be quickly replaced by new members. 6) If a group lacks members, the Academy must select new members so that the group can continue its activities. 7) In the case that a chief is not selected by an election, the Academy must reserve individuals along with openness of democracy for appointment and then report to the Party's Cell Committee for approval. Then the declared membership shall be confirmed one more time by a conference of the Revolutionary Youth Academy. 8) When the Academy terminates at the end of its three-month mandate, the political group leader must report to the Academy's assembly and then initiate an election to choose new members of the Academy before reporting to Party's Cell Committee for approval. By virtue of the cell's guidelines, the political group leader must take appropriate measures for the Academy to assist the Commanding Committee in effectively practicing the three points of democracy among the armed forces.

"At the same time, the Academy must bring together the ideas and requests of the military cadres in order to report to the Commanding Committee and then make requests for directives and resolutions. The Academy shall be instructed to organize democratic regiments and exercise practical works for avoiding SNAFUs."

*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>*



# “THE NUMBER”—QUANTIFYING CRIMES AGAINST HUMANITY IN CAMBODIA

*Craig Etcheson*

(Continued from the May 2001 issue)

Many of these unsurveyed areas are in the most remote and inaccessible locations in all of Cambodia, which is a country known for difficulty of access. Some of these areas are also quite dangerous, due to a variety of hazards including malarial jungle, unmarked minefield, bandits and armed “former” Khmer Rouge who sometimes appear unenthusiastic about this type of research. The last miles to be traversed by the mass grave mapping teams will be especially difficult.

Moreover, once all the mapping data have finally been compiled, then the Documentation Center will face the final and perhaps most difficult phase of the work, forensic examination of a selected sample of the mass grave sites. This will be necessary to add additional scientific confirmation concerning the identity and causes of death of the victims in these graves, in order to augment the evidence already collected through physical inspection of the site by the mapping teams, the testimony of local witnesses, and the wealth of

information discovered in the archives of the Khmer Rouge secret police, the Santebal.

The dedicated personnel who have contributed to the Documentation Center’s mass grave mapping project have helped to ensure that the truth about the magnitude of Khmer Rouge evil can be known to Cambodians and to the world. They have also helped to ensure that those who attempt to deny the truth about the Khmer Rouge genocide will not prevail in civilized debate.

We are moving from the day when the Cambodian people feared the Khmer Rouge, to a new time when the Khmer Rouge have excellent reason to fear that if they are ever brought to justice for these gigantic crimes, the evidence to secure their convictions will be plentiful. For all who would deny that the Khmer Rouge ruthlessly killed innocent Cambodians on a massive scale, the evidence unearthed by the Documentation Center of Cambodia, through their digging in the Killing Fields, provides a devastating and incontrovertible rebuttal.



50  
50  
50  
50  
100  
100  
100  
100  
100  
100

Cyan Magenta Yellow Black

# EVIDENCE IN THE PROSPECTIVE TRIALS OF FORMER KHMER ROUGE OFFICIALS

*John Ciociari*

(Continued from the May 2001 issue)

## 2. Mens Rea

The requirement of mens rea (or mental state) is a requirement of awareness and intent, whereby the accused was aware of his or her participation and made a conscious decision to participate by planning, instigating, ordering, committing or otherwise aiding and abetting the criminal act. Both awareness and intent can be inferred from the circumstances, and there need not be a pre-arranged plan for culpability to lie.

## C. Defenses to International Crimes

### 1. Duress, Necessity and Force Majeure

Duress is established only if the defendant can show an immediate threat to life or physical well-being if he or she fails to commit the crime. Necessity or force majeure applies only if the defendant was placed in an unavoidable dilemma not of his or her own making and had to choose between the crime or an overwhelming personal interest (e.g., left on a sinking lifeboat overcrowded with people).

### 2. Other Defenses

The defenses of an act of state or sovereign immunity are not recognized in international criminal tribunals. Superior orders and command of law are also no defenses to international crimes. Under the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, the statute of limitations defense is not recognized for major international crimes. However, neither Cambodia nor any Southeast Asian state is party to the convention, and the principle's status as customary law in 1975 is dubious.

### D. The Doctrine of Command Responsibility

Another legal principle of great relevance to a prosecution of former CPK leaders is the doctrine of

command responsibility, under which commanding military and civilian leaders may be held criminally responsible for the criminal acts of their subordinates in specified circumstances. The following section presents my understanding of its elements and a brief discussion of the potential uses of documentary evidence in establishing each of them.

### 1. The Elements of Command Responsibility

In skeletal form, the doctrine of command responsibility holds a commanding military officer or civilian leader responsible for the criminal acts of his subordinates when the following conditions are satisfied:

#### a. Command Relationship

First, a command relationship must have existed between the accused superior and his subordinate at the time of the criminal act's commission. The relationship may be de jure or de facto. In order to establish a command relationship, the accused superior must have had actual power to control the actions of the subordinate. Actual power is deemed present if the superior had the material capacity to (a) prevent the subordinate from committing the criminal act or (b) punish the subordinate for committing the act, as the case requires.

#### b. Mens Rea

The second requirement for a superior to be held liable under the doctrine of command responsibility is the mens rea, or culpable mental state, requirement. The superior satisfies the mens rea requirement if he had actual knowledge, proven through direct or circumstantial evidence, that his subordinate had committed or would commit the criminal act. The actual knowledge requirement cannot be presumed and must be proven according to



evidentiary standards. The indicia of a superior's actual knowledge include the number, type and scope of illegal acts, the timing and logistics of the acts, the number and type of troops involved, the geographic scope and location of the acts, the tactical tempo of operations, the modus operandi of similar criminal acts, the officers and staff involved in the act and the location of the superior at the time of the act's commission.

The mens rea requirement is also met if the superior had in his possession information which would reasonably put him on notice of the risk of his subordinate's criminal act and indicate to him a need for additional investigation of past or prospective crimes. It appears, based upon case precedents, that general criminal negligence was insufficient to satisfy the mens rea requirement as it stood in 1975. Unless actual information was made available to the superior, indicating a reasonable need for further investigation, his negligence must have been so serious that it amounted to acquiescence or malicious intent.

### c. Actus Reus

To be held liable under the doctrine of command responsibility, a superior must also satisfy the requirement of actus reus, or illicit act. A superior may meet this requirement by either an affirmative act or an omission, giving rise to "direct" or "indirect" command responsibility, respectively. Direct command responsibility lies when the superior ordered or encouraged criminal acts by his subordinates. Indirect responsibility attaches when the superior failed to punish subordinates for criminal acts committed or to take measures of reasonable prevention and investigation when he knew or should have known of a high risk of the crime's occurrence. A superior can only be held indirectly responsible for failing to take actions within his "material possibility," and there need be no causal link between the superior's omission and the commission of the act.

## III. GENERAL USES OF DOCUMENTARY EVIDENCE

### A. Evidentiary Utility

Documentary evidence is generally admissible to prove an element of command responsibility, provided that it has been authenticated or bears other reliable indicia of authenticity. In the absence of such indicia, documents are either accorded little weight or are excluded altogether. Where admissible, they can be used to establish each of the three major elements of command responsibility as follows:

#### 1. The Underlying Offense

Documents can be used as evidence to show that crimes in fact occurred. The acts can be committed by the defendant himself or by a subordinate.

#### 2. Command Relationship

Documents can demonstrate the existence of a command relationship by showing that the superior had de jure or de facto control over the subordinate who committed the criminal act in question. Probative documents may include (a) official publications of domestic laws which defined the powers of persons in a particular position, (b) instruments appointing a given person to a position and outlining its powers and duties, (c) orders signed or issued by the superior indicating a control relationship, either by recording an individual's position or by recounting overt acts which demonstrate de facto control and (d) registers showing the superior's position in a ruling party.

#### 3. Mens Rea

The requirement that the superior had knowledge of the offenses being committed can be proven by two major types of documentary evidence. First, reports received by the defendant from subordinates, foreign governments, NGOs or the media are generally admissible as probative of the defendant's knowledge, although their weight may not be dispositive. Secondly, documents showing that the defendant participated in meetings among leaders in which atrocities were planned or reported may be used as evidence to establish the required mens rea.

#### 4. Actus Reus

Any documentary evidence demonstrating that the defendant (a) ordered, aided or abetted or (b) failed to punish a subordinate committing a criminal act is probative, as is evidence showing that the defendant failed to take reasonable steps to prevent foreseeable criminal activity. Signed orders or other correspondence indicating the existence of an order to commit a criminal act, are perhaps the strongest form of documentary evidence in this regard. Presence at meetings where criminal acts were planned, discussed or ratified is also probative. When the defendant is accused of an omission (failing to prevent an act or punish the subordinate who committed it), the prosecution must submit some evidence of the superior's omission. Such evidence may include meeting minutes or letters of correspondence showing that the superior considered or discussed the criminal activity but took no countervailing action.

Documents can also be useful in proving the occurrence of the underlying crime or crimes for which command responsibility is alleged. Correspondence letters and official reports asserting that criminal acts were committed are probative. Reports by experts detailing the existence of physical evidence may also provide useful evidence.

#### B. Problematic Forms of Documentary Evidence

Though documentary evidence is generally admissible where relevant and probative, certain forms of evidence may be accorded significantly lesser weight due to judicial concerns that they possess less inherent reliability. For present purposes, the most important such forms of evidence are hearsay and confessions.

##### 1. Hearsay

The court or ad hoc tribunal that conducts the planned trial of former CPK leaders will likely apply rules of evidence based upon the civil-law tradition. Under the general civil-law rule, hearsay is not excluded as evidence, but the presiding judges are given discretion to accord hearsay evidence reduced weight. This rule is relevant in assessing the value of

interview transcripts and hearsay statements in correspondence documents. As the events alleged in the prospective Khmer Rouge trial took place over 20 years ago, interview records and other forms of hearsay comprise significant sources of potential evidence for a Khmer Rouge trial.

##### 2. Confessions

Records of confessions are a second type of documentary evidence posing concerns of reliability. Though confessions are not viewed as inherently unreliable, their weight varies greatly according to the court's perception of the means by which they were obtained. Confessions extracted by interrogation, in the absence of legal counsel and without evidence that the defendant was apprised of his legal rights, are given very little weight for two reasons. First, such confessions are deemed unreliable, because their veracity is dubious. Secondly, the use of such confessions offends basic notions of procedural justice. Since confession records constitute a sizable fraction of CPK records, this rule is of great relevance to the prosecution.

#### IV. USING THE MATERIALS AT DC-CAM AS EVIDENCE

DC-Cam houses voluminous documentation relating to the Khmer Rouge period, a significant portion of which can be used as evidence in a trial of former CPK leaders. Original documents are on file at DC-Cam and are available for appropriate inspection. It is my opinion that the risk of contamination of the evidence held by DC-Cam is low. I have reviewed documents in English translation but have also been shown original versions of documents upon request. Although I am not an expert on authentication procedures, I believe that the DC-Cam holdings discussed herein would meet legal standards of authenticity.

The following is an attempt to outline some of the principal means by which the DC-Cam documents can be used in the course of prosecution. I will begin with a discussion of an important preliminary matter: coded language used by the CPK. I will then proceed in subsection B to discuss

general ways in which the documents can be used to prove either that the defendants committed crimes or are liable for crimes via the doctrine of command responsibility. Subsection C will deal with various practical evidentiary issues, and subsection D will deal with the important issue of witness corroboration.

### A. Coded Language

An extremely important preliminary step to applying the DC-Cam materials as evidence will be to establish the meaning of certain CPK coded terms. The party documents frequently use euphemistic language and aliases, which mask both the identities of the party members involved and the content of the correspondence. In order to use the documents constructively as evidence, it is therefore essential to present compelling proof that coded terms refer to specific activities and individuals.

Although the documents certainly contain suggestions of the meaning of coded terms, such terms are by no means defined with explicit clarity. As a result, it will be necessary to recruit appropriate lay and expert witnesses to prove their meaning. Stephen Heder has recently conducted a thorough analysis of the terms “smash” and “sweep,” used throughout CPK documentation. He and other historians have arrived at the conclusion that “smashing” connoted killing, while “screening” encompassed a broader range of activities to rid the CPK of its perceived enemies. The terms “enemies” or “no-good elements” also appears frequently in the documentation, referring to perceived opponents of Angkar.

#### 1. “Smash” and “Destroy”

In some cases, it will be in the interest of the prosecution to establish a relatively narrow or precise meaning for a coded term. For example, the term “smash” should be proven to have a singular significance: killing. A broader definition, including legal forms of punishment, would give a wide loophole to the defense, which would argue that each reported “smashing” could well have constituted a lawful act. Since each element of a crime must be

proven beyond a reasonable doubt, the defense would probably prevail in their argument. The term “destroy,” which appears to have referred to killings of multiple people, should be precisely limited as well.

#### 2. “Screening” and Sweeping”

The term “screen out” is somewhat more difficult. Its meaning is more vague than “smash,” and that vagueness opens the door to a strong argument by the defense that no reference to “screening out” party opponents is sufficiently clear to establish culpability. For that reason, the prosecution must focus considerable effort upon its definition. The most helpful definition would be limited to killing, persecution, deportation or arbitrary imprisonment, acts that fall within the definition of crimes against humanity. Allowing any broader definition would grant the defendants a means to effectively attack all references to the term.

“Sweep” (often used in the past tense, “swept”) is a less frequently used term with an apparent meaning similar to that of “screen.” The prosecution should attempt to establish that “sweep” has a meaning limited to acts, such as killing and deportation, which fall within punishable crimes against humanity. Expert and witness testimony from former CPK members may be the most effective way to supplement clues given in the documents themselves.

#### 3. “Enemies” and No-good Elements”

Two other terms commonly used in the CPK documentation are “enemies” and “no-good elements.” They clearly refer to individuals singled out for re-education, punishment and “screening” by the CPK. However, the exact definition of “enemies” and “no-good elements” can have a monumental impact upon the strength and applicability of the documentary evidence at DC-Cam. In order to establish that top CPK leaders committed either genocide or crimes against humanity, enemies must be defined as members of particular legally protected groups.

(Continued in the July 2001 issue)

# LAWS APPLICABLE TO THE KHMER ROUGE TRIBUNAL

*Steven R. Ratner and Jason S. Abrams*

We offer some *prima facie* conclusions concerning the guilt of Khmer Rouge officials under Cambodian law. Authoritative determinations will require a careful analysis of the entire corpus of Cambodian criminal law and consideration of prudential and precedential factors not possible from a mere review of the criminal code.

As for the basic offenses, it would appear that the atrocities committed by the Khmer Rouge meet the general definitions of the various crimes in the Cambodian Penal Code of 1956. These include murder, torture, rape, unlawful detention, other physical assaults, attacks on religion, and other abuses of governmental authority. Because these are crimes under Cambodian law, prosecutors would not need to prove the additional elements necessary for genocide, crimes against humanity, war crimes, and other international crimes. In particular, an intent to destroy groups systematically, scale, motivation against an individual due to group affiliation, and a nexus to armed conflict are all irrelevant.

An exhaustive review of the Cambodian criminal code would doubtless reveal a host of other crimes, including many property crimes and other infringements on civil rights and property rights.

Pursuit of Khmer Rouge officials for lesser Cambodian Crimes would suffer the same shortcomings as attempts to prosecute them for lesser international crimes, namely a low return for the amount of investigation time required.

The defenses, however, raise a number of important considerations. First, youthful offenders may well be exempt from any culpability, especially

given the totalistic control and atmosphere of terror and siege that gripped the country during that period. Thus, a finding of guilt of teenagers who could not tell right from wrong seems difficult to sustain. Second, the exact status of the *force majeure* defense will require elaboration, although the code seems to suggest that an offender would have to prove that he faced a virtual “kill or be killed” scenario. This might limit the number of persons who could rely on such a defense to a small number. Similarly, we question whether a self-defense claim would apply in many situations given the helplessness of most of the Khmer Rouge’s victims.

Third, the scope of the “following orders” defense under Cambodian law will need to be determined. Were the Khmer Rouge’s orders lawful for purposes of this defense? If not, to what degree are subordinates liable for carrying out illegal orders? The court will have to look to the precedents arising out of World War II and other situations to answer these questions. Nevertheless, whatever the outcome of this inquiry, there can be no doubt that those in a position of national leadership or others with sufficient discretion to issue orders cannot invoke such a defense.

Finally, and most important, is the question of statutes of limitations. One interpretation would simply take the provision at face value and preclude any prosecution of Khmer Rouge officials for their atrocities during 1975-79 after January 1989, ten years after they fled Phnom Penh. Indeed, crimes committed before 1979 would have had to have been investigated or prosecuted before 1989.

Other interpretations and options, however, are available to prosecutors and courts. First, a court might determine that the absence of a functioning judicial system in Cambodia since 1975 has served to toll the statute of limitations since that time.

Under this theory, the statute would not begin to run until an effective prosecutor's office and court system are again established. The maxim *nemo ex suo delicto meliorem suam conditionem facere protest* ("no one may improve his position by virtue of his wrongdoing") would suggest that the Khmer Rouge ought not benefit from their own destruction of the Cambodian legal system during the late 1970s.

This argument also has merit given that an implicit presumption behind the Cambodian criminal code (or any other domestic code), i.e., a judicial system functioning within a government with control over its territory, has not prevailed since 1979. The judicial system remains in a primitive and disorganized state, with the suspects beyond the control of the central authorities. Even if a court refused to suspend the statute of limitations for these reasons, the National Assembly might pass a law to this effect. Cambodia could rely upon analogous French legislation that suspended the statute of limitations on prosecutions due to the absence of an effective judiciary during World War II.

Second, a court might determine that the 1979 *in absentia* trials of the Khmer Rouge leaders by the People's Republic of Kampuchea served to toll the statute of limitations, and that both the government and successive governments have been investigating the crimes of the Khmer Rouge since that time. Under Articles 112 and 114 of the Penal Code, any investigations ordered by judicial authorities interrupt the statutory period, even if they are simply meant to discover the identify of the perpetrators; the statute does not start running again until the last of the interrupting acts. This argument has two

obvious shortcomings, however: the 1979 trials are themselves quite suspect as legal precedents, and we are not aware of any bona fide criminal investigations of Khmer Rouge atrocities by Cambodian authorities since the time of those trials.

Third, and most promising, the Royal Government of Cambodia could pass new legislation lengthening or eliminating (as opposed to suspending) the statute of limitations in cases of crimes against humanity, including genocide. This strategy has ample precedents in the actions by Western European governments, in particular the Federal Republic of Germany, in the 1960s, when the normal statutory period began to expire for crimes committed by Nazis. The elimination of statutes of limitations would appear to be endorsed by the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity and the 1974 Council of Europe Convention of the same name. Although the small number of states adhering to these Conventions suggests that the elimination of statutes of limitations is not yet required as a matter of custom, state practice does support the proposition that their elimination is at least permitted and not *contra legem*.

As a matter of domestic law, states have adopted different positions on whether the extension or elimination of statutes of limitations for crimes committed in the past (including those for which the statute had already expired) violates domestic law principles of non-retroactivity.

The French Cour de Cassation held in *Barbie* that France's 1964 law eliminating the statute of limitations for crimes against humanity could apply retroactively to permit the prosecution of Barbie, even though the statute of limitations for murder had expired before the enactment of the 1964 law. This position might thus receive support by a Cambodian court as well.

# TUOL SLENG AND S-21

David Chandler

I began reading documents from the Tuol Sleng Museum of Genocidal Crimes in the early 1990's, and since that time I have read thousands of them. I have also given many talks and seminars about the museum and the DK prison, known under Pol Pot as "S-21," that used to occupy its grounds. In my book, *Voices from S-21*, I summarized my research, drawing on these documents, on interviews with survivors of the prison, and with people who had once worked there.

The book had been translated, chapter by chapter, in the pages of *Searching for the Truth* (a monthly magazine of the Documentation Center of Cambodia).

On several occasions, Cambodians have suggested to me that S-21 was invented out of whole cloth by the Vietnamese, so as to blacken the reputation of the Cambodian people and to indict them en masse for genocidal crimes. None of the Cambodians who spoke to me could be considered a "Khmer Rouge."

I always replied to them that I believe that their suggestions were mistaken. The effort to invent S-21, I think, would have been far too costly for the Vietnamese, and far too complicated. The Vietnamese did not have the resources, for example, to compose the documents discovered in the S-21 archives (and thousands of others related to S-21, discovered elsewhere in Phnom Penh after the Vietnamese withdrew), to invent the names and backgrounds of workers at the prison, to fake the photographic evidence, and to invent biographies for the survivors and former workers at the facility. Moreover, had they mounted such an operation, it seems likely that someone who participated in it would have talked about it, especially after the Vietnamese withdrew their forces in 1989.

To be sure, the impetus to turn Tuol Sleng into a museum came from the Vietnamese, under the guidance of a Vietnamese army colonel named Mai Lam, who is now retired and living in Ho Chi Minh City. Mai Lam has been interviewed on several occasions. He says he

is proud of his work to turn S-21 into a museum of genocidal crimes. He is also happy to have turned the killing fields at Choeng Ek, where over 10,000 prisoners at S-21 were executed, into a terrifying tourist destination.

The Vietnamese established the museum at Tuol Sleng in 1979-1980 for several reasons. In the first place, I believe, it was important for them to base the legitimacy of their presence in Cambodia, and the legitimacy of the PRK government, on the fact that they had freed Cambodia from the "genocidal clique" of Pol Pot and Ieng Sary, who were tried and condemned to death in absentia in August 1979. It was also important for the Vietnamese, and for their allies in the Soviet Bloc, to distance the Vietnamese Communist party, and its Cambodian counterpart, from the communist regime of Democratic Kampuchea. It was important for the Vietnamese and the PRK to label Democratic Kampuchea a "fascist" regime, like Nazi Germany, rather than a Communist one, recognized as such by many Communist countries. Finally, it was important for the Vietnamese to argue that what had happened in Cambodia under DK, and particularly at S-21, was genocide, resembling the Holocaust in World War II, rather than the assassinations of political enemies that at different times had marked the history of the Soviet Union, Communist China, and Vietnam.

The Vietnamese organized S-21 into a museum, using the massive documentation that had survived at the site. Similarly, they turned Choeng Ek into a tourist destination after exhuming thousands of bodies there. In neither case did the Vietnamese invent an institution. Instead, the documents from the S-21 archives, the photographs of prisoners, and the interviews that have been conducted with survivors and former workers at the prison all convince me that S-21 was a Cambodian institution, serving the purposes of the terrified and leaders of the terrifying Cambodian regime.

## THE KHMER ROUGE AND THE VIETNAMESE COMMUNISTS: HISTORY OF THEIR RELATIONS AS TOLD IN THE SOVIET ARCHIVES

*Dmitry Mosyakov*

(Continued from the May 2001 issue)

In 1966, the Soviet embassy in Phnom Penh began to receive messages that “the Communist Party is preparing the masses for an armed revolt.” In December 1966, the journal *Somlenh polokor* (Workers’ Voice), closely connected to the communist underground, published an article stating: “Brother workers and peasants should be united by all means to destroy feudal and reactionary governors and their flunkies in the territory of Cambodia.”

Anxious that “the younger brother” was actually getting out of control and putting North Vietnamese interests aside, Hanoi decided to act in two directions: the first one was to re-deploy and introduce “necessary people” into the CPK: Khmer Communists who had studied and lived in Vietnam. They should be introduced into Cambodian party organizations with the purpose of party personnel consolidation. According to the archival documents dated 1965, for the first time after many years “the group of Cambodian communists was transferred to Southern Vietnam because of outbreaks of hostilities in Cambodia.”

The other direction was not to be involved in conflict with the new communist party administration in Phnom Penh, but to demonstrate a certain support to a ruling group in the CPK. Unlike previous years nothing was said about the progressive role of Sihanouk. The statement that “the struggle of the Khmer communists will be victorious” was also a surprise. Hanoi faced a difficult dilemma: either to create a new communist organization in Cambodia with personnel trained in northern Vietnam, or to introduce “necessary people” in basic posts in the existing Communist Party and to recognize even temporarily a not very reliable Pol Pot as the

legitimate communist leader of the fraternal party. The Vietnamese politicians chose the second, as their purpose was to strengthen communist forces in Cambodia, instead of making them weaker by an internal split.

Furthermore, there were no warranties that the pro-Vietnamese organization led by Son Ngoc Minh—a person compromised by full subordination to Hanoi—would be more powerful and numerous than Pol Pot’s party. One well-known episode shows how unpopular Son Ngoc Minh was among Khmer communists. Keo Meas, one of the veterans, publicly accused Son Ngoc Minh of “becoming fat in safety while the party faithful were being liquidated.”

In addition to the above and as some further events have shown, the policy of a new party leadership evidently was supported by other authoritative veterans of the KPRP. Among them was So Phim, future chief of the Eastern Zone and the fourth-ranking person in the party, and Ta Mok, future chief of the Southwest Zone and one of the most severe and loyal Pol Pot supporters. So it became obvious that Hanoi did not have any other special choice. It was possible to assume that the Vietnamese decided to strike a bargain by “marriage of convenience” at this time, hoping to remove Pol Pot gradually from leadership. The radicals, in their turn, also agreed on compromise, as only Vietnam could have given them the assets for the armed struggle.

It is well known that at the time, Pol Pot was looking for support both among Soviet and Chinese communists. According to some sources he visited Beijing in 1965 and, as archival data indirectly testify, gained support for his revolutionary plans from the Chinese leadership.

At least, according to information from the

Soviet embassy in Hanoi in a document dated 19 February 1968, it was pointed out that “using the critical economic situation of the peasants in a number of provinces, Chinese, based on pro-Maoist and pro-Vietnamese elements of the left-wing forces, rouse actions of the so-called Khmer Rouge in the Northern and Northwest provinces, smuggle weapons, and create small armed groups of rebels.”

Ung Khon San, the Deputy Chairman of Internal Affairs at the Council of Ministers of Cambodia, told Soviet representatives about Beijing’s active participation in the rousing of rebel activities. He said that “rebels are armed with modern Chinese-made weapons (automatic rifles, grenade launchers, and 81 mm. mortars)..these weapons were found in boxes addressed to a textile factory in Battambang where Chinese experts were working.”

One cannot but admit that besides his trip to Beijing in 1966, Pol Pot expressed a desire to meet representatives of the Soviet embassy in Phnom Penh, expecting to receive support from Moscow. The meeting took place; however, Pol Pot was dissatisfied that a non-senior embassy official was sent to the meeting with him (as the former ambassador in Cambodia, Yuri Myakotnykh, told me in Barvikha on the 14 August 1993, it was a conversation with only the third secretary of the Soviet embassy).

The CPK’s hopes for Soviet aid were not justified and could not be justified because the Soviet representatives had practically no serious information about the CPK (conversation with Yuri Myakotnykh, Barvikha, August 14, 1993). The most the Soviet embassy could do at that time “was to send a lecturer to the representatives of the left-wing forces for a course of lectures on the socio-economic problems of Cambodia.”

The failure to establish contacts with Moscow did not weaken the position of Pol Pot, as he had Beijing and Hanoi behind him. To strengthen his support from Hanoi, he even showed readiness for close union and “special solidarity” with the DRV: Pol Pot introduced Nuon Chea (a person trusted in Hanoi,

whom Le Duan, leader of the Vietnamese communists, in a conversation with the Soviet ambassador, called a politician of “pro-Vietnam orientation” as the occupant of the second-most important post in the party). Speaking of Nuon Chea, Le Duan literally emphasized “he is our man indeed and my personal friend.”

(Continued in the July 2001 issue)

## JAPANESE WORKERS’ PARTY

### Agenda

Requests:

1) Negotiate with Comrade Pol Pot, secretary of the Communist Party of Kampuchea, along with other personages.

The delegation wishes to be informed about the current situation of Vietnamese aggression against Democratic Kampuchea.

The delegation intends to lecture about the situation of certain vital tasks of socialist construction. It aims to exchange views on the issues of international communist movements and others of common interest.

2) The delegation wants to visit factories, schools, cooperatives and other buildings in urban and rural areas.

3) The delegation aims to see physical evidence of Yuon aggression.

4) The delegation wishes to visit ancient temples, especially the Angkar Wat complex.

5) The delegation wants to meet with average female cadres with a view to understanding their history of struggle and self-determination.

6) The delegation wants to meet with youth of the Cambodian Communist Youth League for information on the creation of such organizations and its roles in the reconstruction and defense of the country.

(Source: DC-Cam’s File D13958)





# BRINGING THE KHMER ROUGE TO JUSTICE

*Ben Kiernan*

In 1974, I began a quarter century of research on the Khmer Rouge movement. As an undergraduate I wrote an empirical study of their insurgency against the Sihanouk regime in the late 1960s and soon published several shorter articles. At first I was relatively sympathetic to their purposed reforms and nationalism, but when I commenced Ph.D. research in 1978, I acknowledged my error and began a two-decade project of documenting the crimes of the Khmer Rouge regime. By 1980 I had interviewed hundreds of Cambodian survivors and had begun to publish their accounts. In Australia during the 1980s, I translated most of my interviews, as well as key Khmer Rouge documents, and I wrote detailed accounts of specific aspects of the genocide. I also published historical analyses of the Khmer Rouge rise to power.

At Yale University in 1994, I established the Cambodian Genocide Program to continue this work with a grant from the U.S. Department of State. In January 1995, we opened the Documentation Center of Cambodia in Phnom Penh. Four years later, the United Nations Group of Experts completed its report to UN Secretary-General Kofi Annan on the legal ramifications of the Cambodian Genocide. In March 1999, this report was published by the Secretary-General. It stated:

“Over the last 20 years, various attempts have been made to gather evidence of Khmer Rouge atrocities to build a historical record of these acts. For nearly 20 years, scholars have been accumulating such evidence by talking with survivors and participants about the terror and

reviewing documents, photographs, and gravesites. The most impressive and organized effort in this regard is the Documentation Center of Cambodia, located in Phnom Penh. Originally set up by Yale University through a grant from the Government of the United States of America, the Center now functions as an independent research institute with funding from several governments and foundations. It has conducted a documentation project to collect, catalogue and store documents of Democratic Kampuchea, as well as a mapping project to locate sites of execution centers and mass graves.”

The report went on to recommend the creation of an international tribunal to judge the crimes of the Khmer Rouge leadership. Cambodia is now studying the establishment of a “mixed” national and international tribunal. This success was achieved under fire, not only from the Khmer Rouge, but also a sustained barrage from Asia’s most powerful newspaper.

## **The Cambodian Genocide Program, 1994-1999**

“The only research operation in the world that focuses on Khmer Rouge atrocities, apart from Yale’s genocide program.” This is how the Editor-at-Large of the *Asian Wall Street Journal* described the Documentation Center of Cambodia in 1997. Despite this, the *Wall Street Journal* led a campaign against Yale’s Cambodian Genocide Program (CGP) throughout the two-year period in which the CGP created the Documentation Center.

April 17, 1995 marked the twentieth anniversary of the seizure of power by the genocidal Khmer Rouge regime. The *Wall Street Journal*

chose the occasion for a long editorial-page article appealing to the U.S. State Department and Congress to revoke the Department's inaugurating grant to the CGP, labeling its Director (me) a "communist" with Khmer Rouge sympathies. The appeal failed after the *Journal* published responses, but the paper followed with further ad hominem barrages, again directed at the CGP's source of funds. Fortunately, this provoked an encouraging display of support, including letters from twenty-nine leading international Cambodia specialists and various other scholars in my defense. The Khmer Rouge, meanwhile, "indicted" me as an "arch-war criminal" and an "accessory executioner of the U.S. imperialists." Despite attacks from two sides, we pursued our mandate to establish a comprehensive, publicly accessible archive and documentation database on the Khmer Rouge genocide, and to train Cambodian scholars and archivists to manage and enhance it.

The next year, the *Asian Wall Street Journal* fired another volley at the CGP, this time chastising us for not giving priority to the search for U.S. servicemen missing in action from the 1970-75 Cambodian war—before the Khmer Rouge takeover. To discourage further funding for the CGP, the article described me as "the grant world's equivalent of box office poison." The *Wall Street Journal* republished this piece and proclaimed to readers in an accompanying editorial that the CGP was closing down the next month. None of this was true, though the *Journal* now declined to print responses or corrections. In that three-month period, the CGP in fact raised \$1.5 million, quadrupling its original grant. The CGP and the Documentation Center of Cambodia were now assured of funding for the next five years, a prospect beyond our wildest hopes in 1995. The Documentation Center, with the massive archive of Khmer Rouge internal documents we assembled in 1995-96, has now become Cambodia's

first independent research institute on the history of Pol Pot's Khmer Rouge regime, known as "Democratic Kampuchea" (DK), which presided over the deaths of 1.7 million people.

Why did the *Wall Street Journal* launch such a campaign in 1995? Why the attempt to scuttle the world's only research operation on the Cambodian genocide? Why did the *Journal* choose the same target as the Khmer Rouge did? Why did it fail? What is the nexus between denial of genocide and attempts to foreclose its investigation? In this case, as we shall see, there is a complex relationship between assertion and suppression.

I will discuss two forms of denial of the Cambodian genocide and one of suppression. First, the outright attempt to deny that anything serious occurred. In 1984, Bunroeun Thach, then of the University of Syracuse's political science department, took this position. He praised "Democratic Kampuchea political leaders" for having successfully "buried the past," attacked what he called Hanoi's campaign "to discredit the Communist Party of Kampuchea," and argued for including the Khmer Rouge in Cambodia's future. Thach won few scholarly converts, but another Cambodian with similar views was Sorpong Peou, who opposed legal accountability for the Khmer Rouge genocide. As late as March 1997, Peou proclaimed: "Punishing Pol Pot will not solve the problem." He added: "Prosecution in a condition of anarchy is wishful thinking and may hinder national reconciliation."

The *journal* reporter who interviewed him reported that Peou "says he is willing to forgive for the sake of breaking the cycle of deception and preemptive violence." The reporter also wrote: "Sorpong supports reconciliation with the Khmer Rouge rather than punishment for past crimes [and] supports the pragmatic strategy of incorporating Khmer Rouge defectors into the government

structure in the hope that the movement will die a natural death.”

Peou’s apologetics for the Khmer Rouge were more influential than Bunroeun Thach’s. *Holocaust and Genocide Studies* published his review of my 1996 book *The Pol Pot Regime*. In his review, Peou called the Khmer Rouge leaders “so called ‘genocidists.’” He linked what he called “the pre-emptive nature of the violence” to “Pol Pot’s egalitarianism,” his “prudence,” “insecurity,” and “vulnerability,” and “the fickleness of popular support.” Extraordinarily, Peou claimed, “From 1970 to 1975, the Cham Muslims were not persecuted at all.” “When he did acknowledge massacres of Chams, he denied they were premeditated, despite overwhelming evidence. He then claimed that “the Pol Pot group made several unsuccessful attempts to limit the killing.” It is extraordinary to read such assertions in the journal of the U.S. Holocaust Memorial Museum. Few authors have shown such boldness in defending the Khmer Rouge genocidists.

A colleague of Peou’s, Stephen R. Heder, in 1999, described most of the top-level Khmer Rouge leaders as “dissidents” who were “suspect in the eyes of Pol Pot.” These alleged “dissidents” even included Son Sen, Deputy Prime Minister and CPK Security Chief, Chhit Choeun alias Ta Mok, the Khmer Rouge military commander, Ke Pauk, the deputy military commander, and Duch, the chief of the notorious Tuol Sleng prison. Heder wrote that “such surviving dissidents as Son Sen and Kae Pok and perhaps even Ta Mok and Duch have been wrongly depicted as ‘Pol Pot loyalists.’”

Heder went on to assert that “there were only two prominent Kampuchean communists who were not suspect in the eyes of Pol Pot and Nuon Chea. They were Ieng Sary...and Kieu Samphan....Both Ieng Sary and Kieu Samphan were apparently considered completely loyal and lacking the domestic political strength with which to challenge

Pol Pot and Nuon Chea in any way.”

However, when Ieng Sary and Khieu Samphan came within reach of legal action, Heder backpedaled. In 1996, Ieng Sary defected to the Cambodian government. Heder now described Ieng Sary as having shown signs of “dissent and deviation” from Pol Pot’s policies. In Ieng Sary’s zone in the 1980s, “it was possible for peasants to accumulate small amounts of wealth,” Heder said, adding that “China would have seen Ieng Sary as more reasonable” than Pol Pot.

Moreover, Heder reportedly went on, “those differences may have existed” under the Pol Pot regime from 1975 to 1979,” with Ieng Sary advocating a more tolerant attitude toward intellectuals and being accused in the Communist inner circle of wanting to coddle the bourgeois elite.” Heder added, “There’s no evidence to suggest that Ieng Sary was ever No. 2, or that he had the kind of power base to allow him to enforce his will.” (Sary was in fact No. 3 to Pol Pot. Hypocritically, Heder branded the Cambodian Genocide Program as soft on Sary!) A Khmer Rouge aide to Ieng Sary even quoted Heder’s statements on Radio France-Internationale that, “according to the documents I have referred to, Mr. Ieng Sary is the only one, among Khmer Rouge leaders, about whom I have so far been unable to gather tangible evidence showing that he initiated or applied purges against intellectuals.”

Khieu Samphan was certainly not in that category. In another 1991 paper, Heder had concluded: “Khieu Samphan’s political star rose literally on heaps of corpses. He continued to rise in importance as he helped Pol Pot purge other communists... Samphan, according to Heder, was “one of the key accomplices in the political execution machine that Pol Pot created” and “one of Pol Pot’s chief servitors, second perhaps only to Nuon Chea.”

But again, in 1999, after Khieu Samphan surrendered with Nuon Chea, Heder suddenly began to state that the case against Samphan was inadequate: “There are cases to be answered by Khieu Samphan and Ieng Sary, but on the available documentary evidence you have to be less confident they would ever be convicted....There is other evidence against Khieu Samphan that implicates him in the purge process but little or no documentary evidence that would stand up in court. But that’s not to say we won’t suddenly dig up such a document tomorrow.”

Indeed, Heder has now dug up evidence to convict those he had described in 1991 as anti-Pol Pot “dissidents.” Mok and Ke Pauk, as well as Nuon Chea, could be indicted on the basis of transcripts of messages between these central leaders and zone commanders relating to arrests and killings. But in an interview with a reporter, Heder said “the weakness of the cases against Khieu Samphan and Ieng Sary relate to ‘indirect command responsibility,’ a contentious issue under international law.”

This is false. War crimes cases do require proof of “command responsibility,” but in cases of crimes against humanity and genocide, what is needed is proof of a conspiracy. International lawyer Dr. Gregory Stanton writes:

“Heder is wrong about Khieu Samphan and Ieng Sary’s culpability for crimes against humanity and genocide. All one needs to show for those crimes is participation in a conspiracy. To prove their attendance at meetings of the Central Committee where decisions were made to eradicate Chams or to uproot everybody in the Eastern Zone would be enough. Ieng Sary’s diary evidently shows that he was well aware of the plans to exterminate the enemies of the party. Khieu Samphan can probably be shown to have been equally aware of the party’s policies.”

He was. We have complete copies of the

minutes of fifteen meetings of the most powerful body in Democratic Kampuchea: the Standing Committee of the Central Committee of the ruling Communist Party of Kampuchea. These crucial Standing Committee meetings were held between October 9, 1975 and May 30, 1976. Khieu Samphan is recorded in the minutes (under his revolutionary name Hem) as having attended twelve of these fifteen meetings. The minutes of two of the meetings do not record who was present, but it is likely that Samphan was there as well, totaling fourteen out of the fifteen meetings for which we have evidence. At the meeting of October 9, 1975, the Standing Committee put Samphan “in charge of the Front and the Royal Government; [and of] the accountancy and pricing aspects of commerce.” Samphan was also made President of the State Presidium (i.e., Head of State of Democratic Kampuchea) by a decision of the Central Committee on March 30, 1976. In 1977-78, he also headed the powerful Office of the CPK Central Committee (“Office 870”). In April 1977, soon after he assumed this post, Samphan declared publicly, “We must wipe out the enemy [and] suppress all stripes of enemy at all times.”

The diary of an aide to Ieng Sary reveals the following view: “In our country, one percent to five percent are traitors, boring in...[T]he enemies are on our body, among the military, the workers, in the cooperatives and even in our ranks...These enemies must be progressively wiped out.” More common than Heder’s mental gymnastics is a consistent view that what occurred under the Khmer Rouge, though murderous, was not genocide.

Two historians of Cambodia, Michael Vickery of the University Sains Malaysia and Monash University’s David P. Chandler, both take this position. They oppose the Khmer Rouge, but they have categorized the regime’s crimes as other than genocidal.





Thomas Hammarberg

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

*Thomas Hammaberg*



### Part I: March 1997-March 1999

During my first mission to Cambodia (June 1996) it immediately became clear to me that the Khmer Rouge crimes in the 1970's still cast a paralyzing shadow over Cambodian society. The killings of educated professionals had left gaps that still crippled the judiciary and government administration, including the health and education structures. The moral impact was even more profound. The fact that no one had been held accountable for the mass killings and other atrocities had clearly contributed to the culture of impunity which was still pervasive in Cambodia. Wherever I went in Phnom Penh or in the provinces, I made a point of discussing the Khmer Rouge legacy and what ought to be done. One message became clear: the crimes were not forgotten. Almost everyone I met was personally affected, had suffered badly and/or had close relatives who died. Even now, more than two decades later, the overwhelming majority wanted those responsible to be tried and punished. The only argument against arrests and trials was the risk of further unrest and civil war. However, I heard many voices saying that not even that should be accepted as a reason to avoid seeking justice.

Decision-makers, almost without exception, had emotional and painful memories of the Democratic Kampuchea period in the seventies. King Sihanouk had tried to reason with the Khmer Rouge, been humiliated and even had family members killed. Hun Sen and several of his CPP colleagues had joined the Khmer Rouge movement, and had later defected to the Vietnamese side. Several of them had also lost family members. It is important to recognize this dimension of the Cambodian drama in order to understand the apparent inconsistencies in the discussion outlined below.

The issue of justice became even more acute in 1996 as the Khmer Rouge movement drifted into crisis. Though some military activity still continued along the border in the north and north-west and bandit raids plagued villages and fishing communities (not least those with ethnic Vietnamese inhabitants), there were clear signs of breakdown. Both FUNCINPEC and CPP initiated tentative contacts with segments of the Khmer Rouge movements. They both offered generous conditions: continued control over some territory, autonomy, resources, good positions also within the military ranks and de facto amnesties. This had an impact. In August 1996, the former Khmer Rouge Deputy Prime Minister for Foreign Affairs Ieng Sary defected with a couple of thousand soldiers and split the Khmer Rouge movement.

This led to a contradictory situation. First, it became obvious that it would no longer be possible to avoid a real discussion about justice, and about international standards. The process organized in 1979 by the Vietnamese-dominated administration had been flawed and there was a consensus that this exercise had not provided the ultimate legal response to the crimes committed.

The second phenomenon was the competition between the two major parties in Phnom Penh to attract defectors into their ranks. In military terms the CPP had had the upper hand since the large UN peacekeeping mission, known as UNTAC, had left in late 1993, but there was a possibility that a flow of defecting Khmer Rouge troops into FUNCINPEC might change that. Hence, the disintegration of the Khmer Rouge heightened the tensions within the coalition government. Clearly, both Prime Ministers, the FUNCINPEC leader Prince Norodom Ranariddh and CPP leader Hun Sen, hesitated to push for a Khmer Rouge trial in this situation. However, the amnesty given to Ieng Sary in September 1996, in the name

50  
50  
50  
50  
100  
100  
100  
100  
100  
100

Cyan Magenta Yellow Black



two coalition parties in Phnom Penh—and armed troops on both sides—had exploded in a military confrontation. Forces loyal to the CPP had started disarming the other side. The Second Prime Minister emerged victorious after having staged a decisive coup. Prince Ranariddh, who had just slipped out of the country, was declared as ousted by Hun Sen. FUNCINPEC party headquarters were raided and its files confiscated. The opposition Khmer Nation Party (headed by the former Finance Minister Sam Rainsy) suffered the same treatment. The National Assembly was temporarily closed and non-CPP radio and television stations were closed or taken over. Through July and August the UN received and investigated numerous reports of FUNCINPEC military officers having been systematically killed. One of the declared excuses for this clampdown was that Prince Ranariddh had had secret contacts with Khmer Rouge leaders and that he had brought a great number of Khmer Rouge soldiers to Phnom Penn (in fact there were some defectors among the troops on both sides in Phnom Penh, and it was never convincingly shown that FUNCINPEC had brought in significant numbers).

At the same time, the disintegration of the Khmer Rouge movement had speeded up. In June Son Sen, the former Deputy Prime Minister for Defense, had been killed together with his family on orders from Pol Pot. It became obvious the remaining leadership was falling apart in a bitter internal struggle. Brother Number One himself was tried by a “people’s court” close to the Thai border in late July and sentenced to lifelong detention. More defections were now expected, and there were fears that this would increase the tensions between the major parties even more.

How would these dramatic developments affect the sensitive dialogue with the United Nations on co-operation for bringing the Khmer Rouge leaders to justice? Was the 21 June request still backed by the key parties?

### **The 1997 General Assembly**

My next meeting with Hun Sen was held in early September. It naturally focused on the memorandum I had just submitted to the government on the post-coup killings. In spite of the inevitable confrontation on that subject, Hun Sen clarified that the 21 June letter was still valid, as did other CPP leaders I met, including the party chair and President of the National Assembly, Chea Sim and the Deputy Prime Minister and co-Minister of Interior, Sar Kheng.

King Sihanouk gave full support to the efforts on the Khmer Rouge issue outlined in my General Assembly report, telling me that if this initiative was not pursued, there would never be an end to impunity in Cambodia. He added that he himself was willing to be called to a tribunal to explain his own relationship to the Khmer Rouge regime. “This is my duty,” he said.

Later in September I met Prince Ranariddh and the other leaders of the post-coup opposition in a hotel room in New York. They were there to present their case to the international community and to lobby for a General Assembly decision that Norodom Ranariddh be recognized as the legitimate representative of the Cambodian government, or that Cambodia should be deprived of its seat in the Assembly (the latter became the decision). The leader of the Khmer Nation Party, Sam Rainsy, and the leader of BLDP-Son Sann, Son Soubert, were present. Referring to my recent meeting with the King, I asked for their assurance that the recent political developments had not changed their position of support for the 21 June letter. After a moment of silence, the Prince solicited the views from the politicians in the room. One by one they nodded in support and the Prince then summarized their unanimous assent.

As a strange historic coincidence, the issue that could have become deeply divisive turned out to be the only one on which all political forces now agreed. On that basis I urged the General Assembly to respond positively and generously to the Cambodian request for assistance.

How should the process start? It was clear that it was premature at this stage to recommend one particular model, for instance, an ad hoc tribunal similar to the one on former Yugoslavia in the Hague. There was a need for an intermediate step to allow for some informed discussion about the nature and scope of the crimes, the status of evidence, what law to apply and the most suitable process. It was already now obvious that it was important to discuss in some depth the interrelationship between domestic and international aspects.

In the case of former Yugoslavia, a Commission of Experts had been appointed to assemble and assess evidence before the tribunal had been set up. A similar commission had been established in the case of Rwanda whose tasks included giving recommendations on ways to achieve accountability. In the Khmer Rouge case the task would need to be somewhat different—with more emphasis on giving advice on the best process. The terms “Commission” would need to

be avoided in order not to give the impression that the model of former Yugoslavia was used: As a first step, I therefore recommended to the General Assembly—not the Security Council—that the Secretary-General be authorized to appoint experts to evaluate the existing evidence of responsibility for the Khmer Rouge human rights violations and propose further measures.

This is how the point was covered in the General Assembly resolution on 12 December 1997 on Cambodia (52/135):

“Desiring that the tragic history of Cambodia requires special measures to assure that protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris in 1991;

“Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and that their crimes, including the taking and killing of hostages, have continued to the present; and notes with concern that no Khmer Rouge leader has been brought to account for these crimes; Requests the Secretary-General to examine the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, including the possibility of the appointment, by the Secretary-General, of a group of experts to evaluate the existing evidence and propose further measures, as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability.”

In January 1998 the High Commissioner for Human Rights, Mary Robinson, visited Cambodia. She discussed the General Assembly resolution with Government representatives and noted that the international community had responded positively to its request for assistance in addressing the gross violations committed during the Khmer Rouge regime 1975-79. The Government welcomed the proposal to appoint a team of experts to evaluate the existing evidence and propose further measures. The formulations in the General Assembly resolution were also included in the resolution on Cambodia adopted by the 1998 Commission on Human Rights on 17 April.

### **Renewed Support**

The death of Pol Pot on 15 April 1998 was a reminder that time was running out; other Khmer Rouge leaders were ageing and might have health problems. After the reports on the “trial” of Pol Pot near Anlong Veng in July 1997, the US government worked on a scheme to capture Pol Pot at the Thai-Cambodian border and to bring him to another country for trial. The Thai government was said to have agreed to co-operate with his plan (though Thai representatives gave me a somewhat different version). I was also informed that Canada, Denmark, Sweden and Israel, among others, had been approached by US representatives about hosting such a trial.

The UN was not formally informed about these diplomatic activities and I was personally critical of the way the plan was pursued. In the end no country was prepared to host this type of trial. In April, two weeks after Pol Pot’s death, the US delegation at the United Nations circulated a draft Security Council resolution which, if adopted, would have established an ad hoc tribunal in the Netherlands, modeled on the tribunal on former Yugoslavia. China was clearly negative and it was reported that Russia and France also had problems with the US initiative. During my mission to Cambodia in April-May 1998, I again discussed the tribunal issue in detail with Hun Sen, who affirmed that he was still behind the request in the 21 July 1997 letter.

He stated that it was important that the Khmer Rouge leaders at long last were brought to justice, but felt that recent US activities had complicated the situation. On a more concrete level, he talked about a plan of his to arrest “the three” (I understood him to refer to Nuon Chea, Khieu Samphan and Ta Mok), which had been disturbed by the recent publicity. Regarding Ieng Sary he repeated that the amnesty decree was formulated in a way that did not protect him from new procedures relating to genocide. In fact, he said, he had convinced Ieng Sary to be available if any international tribunal was set up.

However, he raised two problems. First, there was a risk that public discussion at this particular time about bringing Khmer Rouge leaders to a tribunal would discourage further defections. He made clear that he was still working on the remaining Khmer Rouge units in order to convince them to give up fighting. The other problem was the risk that a public debate on this matter would disturb the campaign for the 1998 elections (to be held in late July). I explained that a



systematic analysis of evidence and options for proceedings would take some time and that a proposal could not be ready before later in the autumn, if then. He said he would welcome the arrival of a group of experts and was willing to appoint some Cambodians to dialogue with the experts. He underlined that the group should not be bound in advance by a particular solution, for instance, that the tribunal would be an extension of the existing Hague tribunal. Neither would he want it to be decided at this time that the proceedings must take place in Cambodia.

This aspect should remain open for the moment and be analyzed by the experts before decisions are taken. At the end he repeated his support for the approach developed through the General Assembly resolution and afterwards. He said — with an obvious reference to a suggestion at the time from the US—that he did not think it was necessary that he wrote a second letter with the same request. Such a move would also have raised the complicated issue of who should sign the letter together with him; the legitimacy of the new First Prime Minister, Ung Huot, was not recognized by many. “I ask you to convey my position to the Secretary-General,” he said. He also repeated that he hoped there would be much publicity at this stage about the issue.

Prince Ranaridh, whom I met in Bangkok, stated that the June 1997 letter was still valid and that he stood firmly behind it. He said he wanted to give his full support to our efforts and to the idea of bringing a group of experts to Cambodia in order to assess the evidence and propose further measures. He agreed that the experts should look into all possible options, but, personally, he felt that the best option probably was an international tribunal in the Hague.

During this mission I met the King again. He said that he gave full support to the idea of a tribunal and international co-operation on the issue. “This had to be done,” he said. I explained the step-by-step approach and the point of analyzing carefully the nature of existing evidence and the various possible modalities for the proceeding themselves. He affirmed that he was in full agreement. I raised this issue also with co-Minister of Interior Sar Kheng and opposition politicians Sam Rainsy and Son Soubert. They all gave an unequivocal answer of support and said that some proceeding indeed was important. Sar Kheng said he had been against giving amnesty to Ieng Sary and hoped that the latter could be brought to justice. One thing was emphasized in several conversations: that the Cambodians wanted to be a full party to this discussion. “After all, this is our problem,” it was often said. The possibility of organizing a tribunal inside Cambodia with international staff (including judges and prosecutors), but in co-operation with Cambodia, was clearly an option to analyze. Otherwise, the Cambodian representatives were generally open-minded about the approach to take. The idea of a Group of Experts as a first step seemed to be generally appreciated.

Hun Sen had spoken at some length about a “package” into which other crimes ought to be included, such as the American bombings in the early 1970’s and the Chinese support for the Khmer Rouge. This was a theme to which he was to return several times during our discussions, and sometimes also publicly.

Though I would not deny that there was a historical context, I had to stress that the Khmer Rouge atrocities were unique in character. Indeed, the letter Hun Sen had signed in June 1997 was precise both on the time period and the particular crimes to be addressed. To widen the scope would be a recipe for no result on the whole issue. At the end of this particular discussion in May 1998 he seemed to conclude that it would be advisable to limit the period to cover only April 1975 to January 1979.

### **The Group of Experts**

The fact that Hun Sen had publicly embraced a defected Khmer Rouge leader caused some sarcastic comments among opposition politicians during the election campaign in June-July 1998. At the same time, CPP alleged that Prince Ranaridh had some relationship with remaining Khmer Rouge forces under Ta Mok and Khieu Samphan. This point was amplified in the more rough party propaganda: both Ranaridh and Sam Rainsy were accused of collaboration with the Khmer Rouge. Diplomats in Phnom Penh were very interested in the Khmer Rouge issue. During each mission I met them individually or as a group to give information on my meetings. On some occasions I also stopped over in Bangkok to brief those ambassadors who covered Cambodia from there. From the very beginning I benefited from the exchanges with Japan and the ASEAN countries. In May 1998 I formally introduced the subject to the then chair of the ASEAN troika, Foreign Minister Siazon of the Philippines. Deputy Foreign Minister Sukhumbhand of Thailand also showed particular interest.

**(Continued in the July 2001 issue)**

**THIS LAW WAS ADOPTED BY THE NATIONAL ASSEMBLY OF THE KINGDOM  
OF CAMBODIA ON 02 JANUARY 2001, DURING THE 5TH ORDINARY SESSION  
OF ITS 2ND LEGISLATURE**

**PHNOM PENH, ON JANUARY 2, 2001  
THE PRESIDENT OF THE NATIONAL ASSEMBLY**

**DOCUMENTATION CENTER OF CAMBODIA  
Phnom Penh, Cambodia**

**MINUTES ON THE SESSION OF THE NATIONAL ASSEMBLY OF  
THE KINGDOM OF CAMBODIA**

**A DRAFT LAW ON THE ESTABLISHMENT OF EXTRAORDINARY CHAMBERS IN  
THE COURTS OF CAMBODIA FOR PROSECUTING CRIMES COMMITTED  
DURING THE PERIOD OF DEMOCRATIC KAMPUCHEA**

**(Continued from the May 2001 issue)**

3. The counsel of a suspect or an accused who has been admitted as such by the Extra-Ordinary Chambers shall not be subjected by the Government to any measure that may affect the free and independent exercise of his or her functions under the Law on the Establishment of the Extra-Ordinary Chambers.

In particular, the counsel shall be accorded: a. immunity from personal arrest or detention and from seizure of personal baggage while fulfilling his or her functions in the proceedings; b. inviolability of all documents relating to the exercise of his or her functions as a counsel of a suspect or accused; c. immunity from criminal or civil jurisdiction in respect of words spoken or written and acts performed by them in their official capacity.

4. The archives of the court, and in general all documents and materials made available, belonging to, or used by it, wherever located in the Kingdom of Cambodia and by whomsoever held, shall be inviolable for the duration of the proceedings.

I would like to present Chapter XIII to the Floor to debate and vote. Thank you.

**Samdech Heng Samrin:**

Please, the Floor, debate Chapter XIII. Please, Excellency Pen Panhna.

**His Excellency Mr. Pen Panhna:**

Samdech President. Now, I support Chapter XIII. But I would like to make two points. First, Article 42 defines the privileges and rights of Cambodian staff, foreign staff, and lawyers. What are the immunities and rights of foreign staff, and what is the extent of these immunities and rights? I would like to omit the words “in addition.” We have to find another way of writing this. I want to say that Cambodian staff are given only one immunity, whereas foreign staff are given three immunities and one right. Lawyers have two immunities and exemptions. Please omit this “In addition.”

Second, I want to confirm the fourth point, which says, “wherever located in the Kingdom of Cambodia and by whomsoever held.” I would like to stress that who is referred to by “by whomsoever held.” Whoever is not limited or within the scope of the workings of the court. Please clarify. Thank you.

**Samdech Heng Samrin:**

Please, Senior Minister, government representative.

**His Excellency Mr. Sok An:**

Thank you. Please repeat question 2. I have got only question 1.

**His Excellency Mr. Pen Panha:**

Yes, I read little fast. On “wherever located in the Kingdom of Cambodia and by whomsoever held.” I am not clear on “by whomsoever held” in the last line. Do you mean a general person or the person who works in the Extra-Ordinary Chambers? Thank you.

**His Excellency Mr. Sok An:**

Samdech President, the second question of Excellency Pen Panha. First, I think the words “In addition” can be omitted. Foreign staff are provided with the rights mentioned in a, b, c, and d concerning immunity and rights. The second question talks about documents and equipment the trial will need to use, meaning not only in the court, but anywhere, countrywide, materials that belong to the court, or can used by the court wherever they are located in the Kingdom of Cambodia, by whomsoever held shall be inviolable during the proceedings. Point 4 of Article 42 aims to protect documents, equipment, and the chambers use in the trial. It has a very broad meaning. Thank you.

**His Excellency Mr. Ek Sam Ol:**

Samdech President, Excellency Vice President of the National Assembly, the Floor. I would like to explain my impression on the question and answer of Excellency Senior Minister in response to Excellency Pen Panhna on Article 42, point 2. I think point 2 must not be changed and foreign staff must be provided immunity in addition to points a, b, c, and d because the word “addition” is to add immunity that foreign staff, foreign officials must be provided under international law, that is, the Vienna Convention of 1961 on Diplomatic Relation, which talks about the immunity of diplomatic officials. So, I think that, my apologies to Excellency Minister of State, keeping these words properly conforms to the Vienna Convention of 1961 to which the Kingdom of Cambodia has acceded. So, keeping it is appropriate. Thank you. Please do not remove the words “in addition”; they are appropriate.

**His Excellency Mr. Pen Panha:**

Thank you, Samdech President. Let me stress again that I request the words “in addition” not be added. I request it to read “Foreign staff shall be provided immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity, and shall be provided in addition...” That is correct if we wanted to use the word “addition.” But I think it is enough without the word “addition.” For Vienna or for diplomatic missions, it is enough because the first point says that Cambodian staff shall be provided with only one immunity. The second point says that foreign judges have three immunities, and one right, totaling four: a, b, c, and d. So, there is no need for “addition.” Lawyers have two immunities and are guaranteed an exemption. So, there is no need to add anything. Cambodian staff shall have one immunity, foreign staff shall have four and lawyers have three. Thank you.

**Samdech Heng Samrin:**

Excellency Krok But Dy.

**His Excellency Mr. Klok Butt-Dy:**

Samdech President, Excellency Second Vice President, Excellency Representative of the government, as well as members of the Floor, I want to comment on Article 42 relating to what is called “addition”; we seem not to understand each other. The words “in addition” used here are added to conform to the diplomatic convention of Vienna, and not to add Cambodian rights to it. The rights that are already provided by the Vienna Convention are added to the rights in a, b, c, d, and e. So, Excellency Pen Panhna did not understand. He thought that for a, b, c, d, and e, just add only “a” and the others are b, c, d, and e. That is not true. It is to supplement the existing a, b, c, and d. Thank you, sorry, Article 42 as in the draft of the government is correct, nothing should be changed.

**Samdech Heng Samrin:**

Excellency Nann Sy.

**His Excellency Mr. Nann Sy:**

Samdech President, Excellency Second Vice President, the Floor, I would like to make a comment on the request by Excellency Pen Panha, to Excellency Senior Minister Sok An. I would like to bring to Excellency Sok An’s attention that I want Excellency Senior Minister to balance the draft law of the government. I agree with what was raised by Excellency Ek Sam Ol, Excellency Klok But Dy on what we add, that foreign staff shall be provided with a, b, c, and d.

So, Excellency Senior Minister, Sok An, stand on what was proposed by the government. Thank you.

**Samdech Heng Samrin:**

Excellency Senior Minister.

**His Excellency Mr. Sok An:**

Samdech President again, the Floor, on whether the words “in addition” are to be kept or removed. There are many ways of interpreting this. According to Excellency Klok But Dy, I refer to the words “in addition” in point 2 of Article 42. Excellency Klok But Dy explained that the “in addition” is based on Article 41. This phrase adds to what is provided in the Vienna Convention of 1961. Another interpretation by Pen Panha is that we explain point 2 based on point 1, that is, Article 42, paragraph 1, which talks about the immunity of Cambodian staff, and point 2 talks about the immunity and rights of foreign staff. So, we based our interpretation of point 2 on point 1. So, I think, now, my position as a defender of the law is that the word “addition” is not significant. We can either keep or remove it because it is a small point that does not strongly affect the essence of this law if we explain it based on Article 41 or Article 42. If we explain it based on Article 42, we must remove the phrase “in addition” because what we have raised in point 1 is repeated in point 2a. Point 2a repeats what is said in the earlier point, so we do not need the word “addition” as explained by Excellency Pen Panha. But if we are using Article 41, we can keep the words “in addition.” So, it works that way, keeping or removing “in addition” does not change the meaning. So, I will not dispute keeping or removing this phrase because both are reasonable, but normally a draft writer wants to keep the draft. It looks better to keep these words because it does not change the meaning by removing them. But I want to stress that the argument to remove “in addition” is also correct because based on the article, we have repeated these words in the article below. That is all.

**Samdech Heng Samrin:**

I would like to hear the position of the Commission for more clarification.

**His Excellency Mr. Maoh Sophan:**

I think that Article 41 is talking about foreign judges when it refers to the protections under the Vienna Convention. So, the second point adds to the points protected by Vienna to reflect certain rights in addition to the Vienna convention, and so, I would keep it. Thank you.

**Samdech Heng Samrin:**

The Floor, please, vote on Chapter XIII.

**Secretary of the Parliamentary Session:**

Samdech President, Excellency Vice President, the Floor, the support for Chapter XIII of the draft law is 92 out of 92. Thank you.

**Samdech Heng Samrin:**

After the approval of Chapter XIII, please, Chairman of the Commission, read Chapter XIV.

**His Excellency Mr. Maoh Sophan:**

**CHAPTER XIV: LOCATION OF THE EXTRA-ORDINARY CHAMBERS**

**Article 43**

The Extra-Ordinary Chambers established in the trial court, the appeals court and the supreme court shall be located in Phnom Penh. I would like to present to the Floor Chapter XIV to debate and approve. Thank you.

**Samdech Heng Samrin:**

The Floor, please debate on Chapter XIV.

**His Excellency Mr. Sok An:**

Samdech President again, I would to add to Article 43. At the beginning there were many opinions on selecting a place for the trial. Some wanted it to be in Takeo because the house of Ta Mok was there originally, but others said hold it in Phnom Penh. So finally, I want to emphasize to Samdech President and the Floor that this point was raised in the negotiations. The United Nations, especially the representative who participated in the negotiations, asked us which place? So, we showed them Chaktomuk Hall, which was being renovated and could serve as a trial hall.

(Continued in the July 2001 issue)



# THE END OF THE REVOLUTION

*David Ashley*

(Continued from the May 2001 issue)

Ironically, however, while power-sharing was crucial to creating the conditions for the split in the Khmer Rouge, the development and evolution of that split was greatly accelerated by the split within the government itself. The tension between Ranariddh and Hun Sen in early 1996 led each man to court the Khmer Rouge dissidents and hard-liners, before and after the revolt in an attempt to bolster his own position and weaken that of his coalition partner. The competition acted to the benefit of Khmer Rouge members, while destroying the movement itself. Each side offered attractive terms—continued control of armies, resources and territory; financial opportunities; senior military or civilian positions—which had never been on the negotiating table in 1993-94. Both sides negotiated independently, using historical and personal links and strategically employing recent defectors. FUNCINPEC prepared to negotiate with the whole DK as well as individual commanders, had the advantage of greater political affinity and the shared pre-1991 experiences. But Hun Sen, whose aim was to split the DK and bring over as many defectors as possible to the CPP, could offer far more in terms of guarantees of peace, wealth, position and de jure or de facto amnesty, including to the only senior DK leaders to have permanently lost influence since 1979, Ieng Sary and Kae Pok.

## **1996-98: The Movement Splits**

It was a combination of all these developments that led to the ultimately fatal series of splits in the Khmer Rouge. In mid-1996, disillusioned with the new hard-line tactics and an unending and unwinnable war, leading cadre in Phnom Malai and Pailin rejected both the orders to take additional property under collective control and the leader, Son Sen, who had been locally assigned to enforce them. The revolt began there because these two areas had historically pursued more liberal policies, had no personal loyalty to Son Sen having never previously been under his control, and had the military and economic power to stand up to the

leadership. When Pol Pot backed Son Sen rather than the rebels, the rebellion rapidly transformed from one against a specific order and a specific leader to one against the movement itself.

Whilst the rebellion began in areas with historical links with Ieng Sary, and as a reaction to the actions of Son Sen, the repercussions rapidly spread to units with long-standing connections to Pol Pot, Nuon Chea and Ta Mok, and ultimately led to the desertion of the entire movement in western and south-western Cambodia (although one small faction associated with Mok re-defected in 1997). Faced with stark military realities and attractive competing offers from CPP and FUNCINPEC, the Khmer Rouge fractured: opposing financial interests, personal animosities, conflicting ambitions and differing political preferences proved momentarily more important than the joint legacy of a decades-long struggle. Khmer Rouge elements ended up joining both parties whilst the original heartland of the August 1996 rebellion, Pailin and Malai, sought to play both parties against each other and safeguard their autonomy.

As for the few remaining “hard-line” forces, by 1997, they were limited to a few northern and northeastern provinces and almost entirely occupied with defending their last significant base, Anlong Veng. But the same factors that had led to the collapse of the DK elsewhere continued to undermine even this last stronghold. In addition, the leadership, which had failed to incorporate new blood and had seen most of the “second echelon” of younger leaders defect to the government, had to confront the questions of who was to blame for the movement’s disastrous decline and how to deal politically with its consequences now that military victory was out of the question. Pol Pot’s ill health also required an urgent resolution to the perennial question of the “succession.” All these tensions were exacerbated by the fact that, for the first time ever, all the leadership was in one place. The division of geographical responsibility which had

previously eased tensions was no longer possible: whereas before Ta Mok controlled Anlong Veng and Pol Pot the entire movement, now the entire movement was Anlong Veng.

Pushed to answer these fundamental questions by FUNCINPEC’s increasingly insistent offers of a more-or-less overt alliance, the remaining senior leadership collapsed in enmity. Pol Pot blamed Son Sen (designated Pol Pot’s successor in 1985) and Nuon Chea (long-time Brother Number Two) for the collapse of the West, which they had been responsible for since 1994. He also blamed Mok (promoted to no. 2 in 1994 and sent to the West as Pol Pot’s delegate in July 1997) for failing to prevent or put down the rebellion. Pol Pot therefore put all three under house arrest and took complete charge himself. Rather than use Mok’s people and with few of his own, Pol Pot appointed two of Son Sen’s former proteges, Saroeun and San, to run the army. Hun Sen, meanwhile, managed to play on Pol Pot’s paranoia by giving government positions to relatives and close associates of both Son Sen and Mok and, no doubt, trying to establish contacts with one or both of them.

Believing Son Sen and Ta Mok were separately preparing to betray him (as he suspected they had tried to do in 1978) a seriously ill Pol Pot ordered one last purge, successfully against Son Sen but unsuccessfully against Ta Mok. Instead Mok and his followers took over. Pol Pot and his favoured commanders were captured and removed from political influence. Just as Pol Pot had put Mok and Nuon Chea under house arrest, now the tables were turned. For the first time, Pol Pot found out what it was like to be purged for betraying the party line.

**No Way Out**

Seeking to exploit the political advantage which the arrest of Pol Pot brought, the remaining Khmer Rouge concluded negotiations with FUNCINPEC to join the National United Front and thus end their political isolation. When Hun Sen staged his coup d’état in July 1997,

Mok and Nuon Chea no doubt had dreams that this was March 1970 revisited and that their united front with the royalists would once again bring international aid, mass support and rapid military gains. But the world had moved on, Ranariddh was no Sihanouk, and after thirty years of war few people were going to abandon their homes and take up arms for the sake of politics. After the coup, any dreams of a route back into politics for the DK were over. But without the military aid and the sanctuaries in Thailand that had enabled the movement to survive the hardships of the 1980s, the DK (like FUNCINPEC) had no chance militarily either. With the Chinese switching sides, the last hope remained the West. Desperate, Mok tried his last card but, ironically, the arrest, trial and even death of Pol Pot only served—as Pol Pot had long predicted—to highlight the long-buried questions of who was responsible for the crimes of 1975-78.

Mok succeeded in mobilizing Western action but not in the way he envisaged. Finally, as the ship sinks ever deeper, the last rats, the final “traitors,” are scampering off. Whether defiantly loyal to their revolutionary ideals or simply stuck with nowhere else to go, Ta Mok and Nuon Chea have no answer to their dilemma for they have no alternative political vision to the one they had followed for the past fifty years. Even without Pol Pot, the Khmer Rouge is ending as a few brutal old men in the jungle, a radio station without an audience, a leadership without anyone left to lead.



Son Sen Khieu Samphan Nuon Chea Pol Pot Yon Yat



# A KHMER ROUGE REGIME'S MIDWIFE

*Sophal Ly*



**Ung Vuth**

middle-class family. Ung Vuth now lives with her husband, the chief of Ta Reap Village, and her mother-in-law. She has no children. She makes her living by farming and is occasionally invited by the local people to help deliver their babies. She has been a skillful midwife since the 1960s.

As a 16 year old with a fifth-grade education (under the old educational system), she began working as a nurse in about 1962, and worked in different hospitals for 25 years. First, Ung Vuth worked at Ketomealea Hospital in Phnom Penh for three years, where she was responsible for nursing and delivering babies. After perfecting her skills, she was transferred to the Chinese Hospital for another 7 years.

She told us that she did not take any exam to study nursing. She was chosen by Doctor Chuon Choeun, called Ta Pen, who, along with Khieu Samphan, Hou Nim, and Hou Yun, used to have a good relationship with her father. “My father was at Chuon Choeun’s side and his friends are now very old. Khieu

Ung Vuth, a former Khmer Rouge midwife, is now 56 years old and living in Ta Reap, a village in Cheang Torng Subdistrict, Tram Kak District, Takeo Province. (During the Democratic Kampuchea regime, Takeo province was in the Southeast Zone, which was controlled by Ta Mok. There were mass killings in this area.) She was the third child of a

Samphan at that time was single and used to stay at my house [O Russey] for a few nights in a rusty iron bed, until Phnom Penh was liberated by the Khmer Rouge,” said Ung Vuth.

Due to the chaotic situation in 1970, one month before the coup, she left Phnom Penh along with Chuon Choeun and approximately 60 other hospital

50  
50  
50  
50  
100  
100  
100  
100  
100

Black  
Yellow  
Magenta  
Cyan

staff members. They fled into the jungle on national road number 3 towards Ua Ral Stream, Kampong Speu Province (Region 13) according to their pre-designed plan. She added, “We left the city without regret, for we were convinced. Chuon Choeun told us that if we wanted freedom, we must go to work in country hospitals...The so-called Sihanouk was now in the forest and wanted people to live under an atmosphere free from oppression.”

Upon her arrival at Ua Ral Stream, she saw Ta Mok, Khieu Samphan, Hou Nim, and Hou Yun. Ta Mok and Khieu Samphan used to encourage hospital staff to struggle for people’s freedom. At Ua Ral she worked in surgery for about a month, and after that there was a meeting to relocate nurses to various provinces. She was appointed to work in Pheak Hospital (Hospital 22). During 1973-1974, Region 13, which did not have enough hospital staff members, asked Chuon Choeun to let her work there. At the Region 13 hospital, Ung Vuth was ordered to ensure the survival of all mothers. “They demanded that the mothers of babies be kept safe. A midwife responsible for any death during the delivery of a baby would be imprisoned,” said Ung Vuth. She noted that she resisted this order, stating that, “I cannot ensure the survival of the patients if the hospital uses rabbit-dung tablets as medicine, because I am accustomed to using modern medicine, such as serums.

“In response, the organization fulfilled our request so that we could teach people from various communes about nursing and patient care.” Ung Vuth was the chief midwife at the Region 13 hospital, where her duties included delivering babies in all of the region’s villages and subdistricts. She also taught new staff from many regions in Takeo Province, but the teaching involved only clinical practices, not theoretical approaches.

Ung Vuth was a hard-working nurse, who tried

her best to please the chiefs of villages, subdistricts and districts. She was always admired by subdistrict and district chiefs for her excellent work and for not having had any deaths during childbirths. She said, “The chiefs admired me and said that I was a diligent and prolific nurse.” However, she was usually criticized for wearing long-sleeve shirts (in the revolutionary forces short sleeves were preferred).

In 1977, Ung Vuth’s marriage was arranged by Ta Mok. Laughing, she spoke about this, saying that she did not want a husband yet, but she could not reject the organization’s orders. “One day, a Chinese-made truck came to pick me up, lying to me and saying that I was called to join a party at the provincial town of Takeo. But when I arrived they told me I was about to get married.”

She did not live with her husband after marriage. Recalling the troubles in her marriage, Ung Vuth said: “Within a few days after the wedding, we did not get along with each other, but the organization coerced us to compromise. Nevertheless, it took us a long time to do so.” After that, she requested technical training on abortions at April 17 Hospital (Russian Hospital) for a year, but after only six months she was called by the regional chief to return to Takeo because she had not lived with her husband since their marriage. Ung Vuth told us that she eventually loved her husband because of his actions after the organization detained her at Sanlong Mountain prison at the end of 1977 under a pretext that she was required to attend a session. Her husband was ordered to do self-criticism for one night and told to divorce her. The organization told him that they would find him a new wife. But her husband refused. He packed his clothes and rode a bicycle to meet her at the prison.

Ung Vuth said that she was imprisoned because the organization had accused her parents of involvement in a traitorous network, and that all of



the relatives of such people would also be imprisoned. She stressed that Ta Mok was the one who both arranged her marriage and the arrests of her parents. She was certain that many killings were the act of Ta Mok. “Ta Mok was a sweet-talking person.” Thinking about this, she began to sob and spoke with sadness that “All of my brothers and sisters perished. I’ve never heard about them. All twelve members, including my parents... Only I am still alive.” All her siblings were hospital staff. She still remembers the name of one of the people who arrested her: Khem.

Ung Vuth described her conditions at Sanlong Mountain. Most of those arrested were base people. Entire divisions and mobile units were accused of being members of traitorous networks and brought there to be imprisoned. Even worse, at Sanlong there was another jail, which was mainly utilized to detain people with purported serious violations. Five to seven days after their arrival, prisoners in this jail would be executed. Large pits had been dug beforehand around each cell. Ung Vuth stated that later, “I heard only two words: Yoy! Help!, then silence. In the morning everyone observed the sight, but no one dared to say anything.” She continued, “Sanlong’s inmates were sent to break rocks. April 17 women were ordered to excavate a cubic meter of soil a day. This was agonizing work for them, because they were starving and could barely take a breath. They would eat anything within their sight. Of eggplant leaves, only stems remained, the other parts were eaten with salt. Baby-frogs were skewered with a piece of stick, then put on a tiny fire. If they were seen grilling frogs or eating leaves, they would be forced to eat raw frogs or be punished by forcing masses of leaves into their mouths.”

At the beginning she was directed to grow crops, after that to cure inmates’ illnesses without being allowed to go outside, and finally she was sent to harvest and thresh rice. She stressed that, “I hadn’t

known how to thresh rice with sticks. Instead, I threshed using my hands. A Khmer Rouge shouted at me that if I did not do it properly, he would hit me with his pair of sticks.” She told us proudly that, “I strongly confronted them. I had determined that before I died, I must knock those people to the ground with my shoulder pole if they dared to hit me, for my relatives had died. I could truly have done so.” Later, the Khmer Rouge carried out numerous experiments against her with an attempt to find her weak points to entangle her in crimes. She added that, “The KR sent me to embroider a hundred scarf margins per day in various units, then they told me to sew 100 elastic trousers for the youth per day... I did all that work on time and the result was also guaranteed... I had to finish it, if not the KR would punish me... Being unable to find my weaknesses, they sent me back to hospital.”

Two to three months later the Vietnamese liberated Cambodia. At that time she fled with several high ranking officers to Koh Kong, and eventually returned home by travelling through the Pich Nil mountain pass. She stressed that her efforts to help the organization were useless. What she received instead was the deaths of all ten of ten siblings and her parents, and her own imprisonment. Ung Vuth will never forget these experiences. “It’s all enough. I don’t want to participate in any political movement anymore, no matter how hard they try to convince me. Even if the former Khmer Rouge at Anlong Veng need me, I’ll never join them again,” Ung Vuth insisted. The thing that truly causes her grief is the death of her family. She said she had never been afraid that people hated her during the Khmer Rouge period because she had done good things for them. All people loved her. Wherever she goes, she is always warmly greeted. People often say that jack-fruit and mango trees are “the legacy of nurse Vuth!!” because she planted them.

Letter from a Reader:

## THE TRUTH

I receive a copy of *Searching for the Truth* every month. This magazine allows students, especially me, to have more comprehension on the [Khmer Rouge] atrocities. It has stimulated my memory of the bitter acts carried out against the people of Cambodia. In light of the Khmer Rouge wrath, I would like to make a contribution to your work. Although I know it is a small thing for you, I would like to share with a sincere heart some additional information for your research.

I am a villager currently living in Ta Ream Village, Tbeng Subdistrict, Kampong Svay, Kampong Thom Province. On the Chinese New Year Days, I visited my home village, where I asked my brothers and some neighbors for information in addition to that in my memory about my experience during the time I was tending cattle in the fields.

I'd like to inform you that approximately 2 km north of my village is a Buddhist temple in ruins. This temple is known as Wat Sra Nge, and is located in Sra Nge Village, Tbeng Subdistrict, Kampong Svay, Kampong Thom Province. Based on my talks with villagers of Sra Nge, about 800 to 1000 people were killed at the wat. Most of them were April 17 people from the Eastern Zone and the others were new people. Indeed, the former KR security chief, whose name was comrade Sak, was sentenced to death by the village chief in 1979. However, a member of the security apparatus is still alive and living in Ka Koh Village, Santuk District, while a former Tbeng subdistrict chief, a woman in her fifties, is living with her husband and children.

Please accept my apologies for any inappropriate words I have used. I wish you and your colleagues success and the Buddhist five-fold blessings.

Ky Sophal





A group of Khmer Rouge intellectuals visiting China

ដើម្បីខិតខំការបោះពុម្ពនិងចែកចាយដោយឥតគិតថ្លៃដល់មន្ទីរស្រុក និងឃុំ នៅទូទាំងព្រះរាជាណាចក្រកម្ពុជា  
ទស្សនាវដ្តីចំនួន១០០០ ច្បាប់ជារៀងរាល់លេខនឹងដាក់លក់តែនៅក្នុងរាជធានីភ្នំពេញប៉ុណ្ណោះ មួយច្បាប់ក្នុងតម្លៃ ៧០០០ រៀល

មជ្ឈមណ្ឌលឯកសារកម្ពុជាអំពៅវិស្វកិច្ចកិច្ចការ មូលនិធិពិភពលោក និងសាធារណជនក្របខ័ណ្ឌ សូមជួយខិតខំការបោះពុម្ពដោយទស្សនាវដ្តីនេះទៅតាមលទ្ធភាពដែលអាចធ្វើបាន ព្រោះ  
បន្ថែមចំពោះការបោះពុម្ពដោយទស្សនាវដ្តីស្វែងរកការពិត សូមមេត្តាទាក់ទងមកកាន់តាយកមជ្ឈមណ្ឌលឯកសារកម្ពុជាគាមទូរស័ព្ទលេខ (៨៥៥) ២៣ ២១១ ៨៧៥ ។ សូមអរគុណ!  
The Documentation Center of Cambodia would like to appeal to governments, foundations and individuals for support of the publication of  
Searching for the Truth!. For contribution, please contact (855) 23 211 875 or By Email: dccam@bigpond.com.kh. Thank you.

A magazine of the Documentation Center of Cambodia: Searching for the Truth! Number 18, June 2001.  
Funded by the Royal Ministry of Foreign Affairs, Oslo, Norway, Section for the Human Rights and Humanitarian Assistance;  
Canadian International Development Agency (CIDA) through the Civil Society Fund, the Swedish International Development Cooperation Agency(Sida);  
the Royal Danish Government and the Royal Netherlands Government, The Hague.