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Sok Moch, Prisoner of S-21



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Letter :

Justice May Never Come to Cambodia

The Khmer Rouge have committed millions of crimes against the people of Cambodia, crimes that remain unjudged and unpunished. They have gotten away with murder. The world must not give up its efforts to bring their leadership to justice.

However, the process of justice for Cambodia seems to be moving in reverse. After years of negotiations, last Friday, February 8, the United Nations said it would end its efforts to reach an agreement with the current Cambodian government on a tribunal to judge former leaders of the Khmer Rouge.

Although the government says it will go ahead with a tribunal of its own if necessary, the United Nations and Cambodia should resume their discussions and cooperate on a tribunal. The five years that have passed since 1997, when Cambodia asked the United Nations for assistance in this matter, is more time than the Khmer Rouge took to lay waste to Cambodia and kill a third of its population.

Twenty-three years after the fall of the Khmer Rouge regime, some of its leaders continue to live in freedom in Cambodia. While many of the regime's victims live in dire poverty, some of these former leaders, like Ieng Sary and his wife, Ieng Thirith, are even free to travel to Thailand for expensive medical treatment.

It would be relatively easy to bring these people to justice. All it takes is a meeting of political wills between the international community and Cambodia. That is within reach. It would be yet another tragedy for Cambodia if the momentum is allowed to fade and justice is further delayed.

In 1994 the United States Congress passed the Cambodian Genocide Justice Act, affirming American support for efforts to bring the Khmer Rouge to justice. America could help Cambodia now by reaffirming that support. It should speak out on the necessity for United Nations participation in forming a tribunal whose credibility will not be doubted. Unless powerful voices are heard from the international community, justice may never come to Cambodia.

Youk Chhang
Editor-in-chief and Publisher

1976 Decisions by the Central



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Committee



On March 30, 1976, the Central Committee of the Communist Party of Kampuchea (CPK) issued decisions on a variety of issues:

The Right to Make Decisions Within and Outside the Ranks

The Central Committee made two rulings in this regard: 1) limit the scope of revolutionary dictatorship and 2) strengthen socialist democracy. It used these two rulings to strengthen its authority. It also made the Standing Committee responsible for the base areas, the center responsible for central offices, the Standing Committee for the independent regions, and the Zone staff for the army.

Weekly Reports

The Standing Committee determined that reports were to be made once a week to Office 870 so that Party leaders could keep up with the changing situation and take appropriate and timely actions. Ultimately, these actions were to be taken to meet the mandate of the plan to produce three tons of rice per hectare.

Model Districts

The Central Committee chose districts that could serve as models in achieving the three-tons-per-hectare plan, and would award them with a “Great-Leap-Forward” Flag. This decision reflected the political, ideological and organizational attitudes of the Khmer Rouge. Their policy was modeled on the socialist revolution and self-reliance stances.

The Khmer Rouge’s ideology followed collectivism in each district



and nationwide. Its organization followed the principle of leadership over one's subordinates: leading according to the democratic centralism approach, knowing how to instill ideological concepts, and appreciating solidarity.

Worker and Peasant Visits

The Central Committee considered workers' and peasants' visits to the districts to be a necessary task for education, leading to a stronger solidarity between workers and peasants, an understanding of Democratic Kampuchea, a heightened spirit of patriotism, and an opportunity to learn from each other's experiences.

History of the Party

The Central Committee changed the party's founding date from 1951 to 1960, in order to emphasize the independence of its Communist Party from other political movements.

Ongko Church

The Central Committee planned to have the army pull down this Vietnamese Catholic church. But it stated that the demolition should be done so as not to harm the surrounding buildings. The Committee also recognized memorials as symbols of the people's heroism in their struggle to save the country from the class system before and after the war, and during the war against the U.S. invasion.

Anniversaries of Historical Events

The Central Committee chose the following celebration days:

- 1) April 17, 1975: Independence Day, the largest, most important ceremony of all.
- 2) January 17, 1968: the birth of the revolutionary army, the day in which armed struggle was carried out nationwide.
- 3) January 5, 1976: the birth of Democratic Kampuchea's constitution.
- 4) August 15, 1973: the defeat of the imperialist U.S. in the air-ground war.
- 5) April 1, 1975: the defeat of the imperialist

U.S. in Kampuchea or Nixon's strategy of using Khmer to fight Khmer.

- 6) April 12, 1975: the day on which the formal representatives of the imperialist U.S. left Kampuchea.
- 7) March 18, 1970: the reactionary coup d'état day.
- 8) March 23, 1970: the day of organizing and strengthening the national democratic front or the greatest day of nationwide insurrection.
- 9) January 1, 1975: the start of the final offensive.
- 10) February 5, 1961: the birth of the Democratic Youth Organization.
- 11) July 10, 1961: the birth of the Democratic Womens Organization.
- 12) November 1, 1955: the birth of the Labor Union Organization.
- 13) May 20, 1973: the birth of Angkar and peasant collectives.

Independence Day Ceremonies

This holiday was celebrated over three consecutive days, covering the Khmer New Year Days (April 15-17). During this time, people were given a three-day break for political indoctrination.

- ◆ On the 15th: pledge of allegiance to heroes in front of the half-raised flag. Hourly radio broadcasts, accompanied by heroic music and the national anthem, were made about the attacks on the US to show the world the sacrifices of the Cambodian people.
- ◆ On the 16th: hail the great victory, and describe the courage of the army and male and female youths, and important battlefields.
- ◆ On the 17th: strengthen the commitment to build and defend the country in the manner of a great leap forward, in both cities and local communities.

Selecting Youths for Overseas Study

Angkar selected youths to study overseas after checking their political, ideological, and organizational concepts to ensure their loyalty. Twenty to twenty-five youths were to be selected and they had to possess some technical capacity. After they were trained, these

youths had to help build ammunition factories in the countryside before being returned to their homes.

Price Plan Implementation

The pricing policy was to be implemented starting on May 1, 1976. However, the Committee recognized that it could be implemented earlier or later, depending on circumstances. The main reason for this policy was that the Committee wanted to make some exchanges between states in order to build and defend the country, and move it further towards socialism. The Committee stated that Angkar did not do so for the purpose of reintroducing private ownership.

Political Organization

The Central Committee presented a political proposal whose goal was to bring power to the workers and peasants, and to overthrow all oppressive authority. On April 17, 1975, the Khmer Rouge gained full victory, and from that day, worked to set up a pure revolutionary state. It wanted to, “Create the constitution and then hold an election to show the world that the successful election was the result of internal political stability. After this election, we will create a national assembly, state presidium and government.”

The Committee stated, “The real nature of our Angkar is different from the past. In the past, we were the Front. Now we are not. We are the real Angkar of the party. All state authorities have to be true representatives, which have adequate power in the party, the whole country, and overseas. This is also a political storm attack.”

The Central Committee also noted, “Pen Nut no longer has any problems. Sihanouk is ripe. He is running out of time. He can’t move forward. Therefore, we have decided to allow him to resign him as proposed.”

The assembly had two working procedures:
1) All representatives were to stay with the people and
2) serve as the Standing Committee of the representative assembly of Kampuchean people.

The members of the assembly were:

President: Comrade Nuon Chea

First Vice President: Comrade Phim

Second Vice President: Comrade Mok.

Members of the Standing Committee were to be selected by the committee later. It had approximately ten members. The State Presidium’s composition was as follows:

President: Comrade Hem

First Vice President: Pen Nut

Second Vice President: Nhim.

The Central Committee stated, “The government has to be a real state organization, our real state. The government must have power in the party, the country, and foreign countries, both friendly and hostile.”

The Central Committee had been discussing organizing the new government since May. Members of the government were:

Comrade Pol: Prime Minister

Comrade Van: Deputy Prime Minister, in charge of foreign affairs

Comrade Vorn: Deputy Prime Minister, in charge of economy and finance

Comrade Khieu: Deputy Prime Minister, in charge of defense.

The Central Committee mentioned two solutions for the conflict between the tasks of the party and the tasks of the government:

1) The three deputies are responsible for governmental affairs. Thus, the three have to be strong in personality and working methods.

2) The comrade secretary will allocate a few days per month to meet foreigners. In addition, he must take time to tend to the party’s and bases’ affairs.

Regarding the security issue, the Committee noted: “In the country we are self-reliant. Friendly countries can defend themselves. The problems are landmines and ambush attacks. This can be solved by evasive tactics. Comrade secretary does not have to go to Vietnam. For solidarity, the president of the state presidium or the assembly should go.”



Special Observation:

I Traveled with Mr. Deputy Prime Minister Khieu Samphan on his Visit to Preah Vihear, Kampong Thom and Siem Reap Provinces

The following was excerpted from the Revolutionary Flag Magazine, 1976

From November 25 to December 15, 1972, I accompanied Mr. Deputy Prime Minister to Preah Vihear, Kampong Thom and Siem Reap Provinces. Chey Sen and Vieng districts in Preah Vihear Province; Sandan, Sambaur and Kampong Svay districts in Kampong Thom Province; and Banteay Srei district and Angkor region in Siem Reap Province were our major destinations.

The landscape of the liberated regions during this season is particularly splendid. The fields are covered with dark-yellow-ripened rice, mixed with the bright green seedlings of dry-season rice grown along the plains and riverbanks, which brought us an inexplicable sense of relief. The rainy-season rice had not been harvested completely, yet the new seedlings had begun to grow in many places. This reveals that the people's farming practices are being improved. During the last rainy season, our people fought intensely. They fight against the destructive war inflicted by U.S. imperialism through strafing, bombing and spreading poisonous chemical substances from aircraft in order to disrupt our cultivation and destroy our crops. This year they try to overcome all natural impediments—drought at the beginning of the year; floods in places, especially in regions along Stung Sen River; and pest problems.

Now the rice is ripe. This is in fact a real, great victory for our people at the rear, who are supporting those at the front. For the time being, our people all over the country are very grateful to Angkar and the cadres, who have instructed them to work together closely to overcome all obstacles, and also to help in the paddies. When we do not have enough rice, our people and cadres cooperate to build dams for water storage. Seedlings died two or three times, but our people were persistent until they overcame adversity. When they lack rice seed, the people held inter-group discussions so that

they might help each other with pure hearts. When the first rain falls, they have enough grain to sow on time. The solidarity and organization of the people are shown in many ways, and these two qualities help them to overcome all obstacles to achieve a desirable output.

In Preah Vihear, rice is generally healthy, except some damage in places. Along national road 6, especially from Kampong Kdei to Siem Reap, rice flourishes, as we can see only endless bundles of grain. Rice in Kampong Thom is also growing well.

Of the fields located along the roads we visited, only in Sandan district are the crops damaged due to an unusual flood of Stung Sen River. It submerged villages and rice fields from August to September. However, the villagers are optimistic. The flood wouldn't defeat their solidarity. Even though the flood inundated villages, houses, and rice stocks without warning, our people still managed to preserve some rice from the previous year. As a result, they have food to eat until the dry-season rice harvest. Farm animals were also saved from the flood. During the disaster, each nationalist group in each village became a fighting force in cooperation with sub-district forces to protect the crops and people's property. They evacuated cattle, pigs, and chickens, etc. to higher ground on time, along with very old and young people. Now banana, potatoes, beans, and peanuts begin to emerge. In areas behind the villages where water still remains, people are busy growing dry-season rice. This district has not cultivated dry-season rice before, but this year with the leadership of Angkar, people are doing it robustly. Thus, with the exchange of foodstuffs for rice from other places, people will be able to solve the rice shortage.

Even though the rainy-season rice is yielding, people everywhere are quickly growing dry-season rice. They told us, "We are in the rear and now we have

enough rice to eat. But we still continue to work harder to support the front and other places, which suffer from natural disasters.’

Also, monks throughout the country have been participating in growing dry-season rice. For instance, in Kampong Thom Province, monks in Sambo pagoda constructed many waterwheels to help the people. Monks in Sra Nge pagoda built three dams in Sra Nge village. According to the estimates, these dams can provide water to a 20-hectare field.

Another notable point is that Khmer-Chinese, especially in Rovieng and Sandan, also participated in the farming with full support from Angkar. To supplement rice, they are cultivating additional crops and rearing animals, which is yielding acceptable results. For example, in Khveang village, Rovieng district, people do not spare any plot of land. When we traveled through the village, we observed endless potatoes and other crops. Even women who are responsible for guarding roads at Khveang pagoda spend time growing crops. They have collective fields in front of and behind the pagoda. In Meunreach and Kyang villages, almost every house raises pigs in cages; two pigs are kept in one cage. Piglets are everywhere - in the cages and along National Road 6. Because of the flood, people have built cages on the edge of the road to Siem Reap. After arriving in Siem Reap, we drove off the gravel road toward villages. We spotted many flocks of ten to twenty ducks swimming in ponds and streams on both sides of the road.

These examples illustrate that the National Liberation Front of Kampuchea’s saying that “the rear fights to cultivate to improve people’s living conditions, especially those of the base people, and support the front,” is well understood by the villagers in the remotest corners of Kampuchea. Peoples’ living conditions have been improved considerably. The poor, who used to be in heavy debt and did not have enough to eat, now owe no-one money and have enough rice to eat. Middlemen who confiscated their rice have disappeared since liberation.

In every place we have been to, we always heard people talking about the new plan with pure hearts.

Women are more delighted than others. Their husbands who drank in the past have now quit drinking and gambling, and they have surplus food. In Rovieng, an elderly woman expressed her delight to me, while pounding rice to make hand-made ambok with her daughter. She asserted, “This is because of our considerate revolution. That’s why I allowed my two sons to join the army without complaint!” She had two sons serving in the armed forces of the national liberation front of Kampuchea. She is very contented with what she is doing. Almost every family in this village has a member serving the army.

In Kampong Putrea, while traveling on the road from Cheysen to Rovieng, we saw a man climbing down a palm tree with bamboo containers full of palm juice. We stopped to buy his sweet drinks. After drinking one container, we handed him money, but he did not take it. He told us, “The revolution relieves us from debt, and now we have fields to farm and enough rice to eat. Can’t I give you that worthless drink? You’re all working wholeheartedly without salary!” I was totally impressed by the man. We continued to chat with him for a long time. Before liberation, he never had enough rice. The treacherous Lon Nol, Sirik Matak, Son Ngoc Thanh and their network and the middlemen suppressed him. But now he is a village informant. As we said goodbye to him, he insisted that we stay.

Everywhere we spent a night, all people - women, men, old and young - greeted us warmly and touched our hands. And they gave us coconut juice, ambok, banana and other fruits. At the pagoda, old people blessed us by wrapping magic threads around our wrists. Young children ran from the distance to touch our hands and said, “Give me a touch, uncles!” We asked them, “What will you do when you grow up?” They answered bravely, “Join the army to fight the U.S., uncles!” Our people can distinguish friends from foes very clearly. They determinedly hold their grudge against the enemies. People in every place we went to were very happy that we visited them and asked us to return. They wished Mr. Deputy Prime Minister and the national liberation government of Kampuchea victories and strength.

Master Genocide Site Data

Mapping the Killing Fields of Cambodia 1995-2000

No.	Site No.	Site Name	Data of Pits and Victims by SITE FORM		Data of Pits and Victims by FIELD REPORT		YEAR Report Report Set/Year
			Estimated Pits	Estimated Victims	Estimated Pits	Estimated Victims	
(Continued from the January 2002 issue)							
305	031403	Wat Chey Mungkul	N/A	N/A	N/A	N/A	1998
306	031404	Kuk Ta Duong (Wat Prasat Woattei)	N/A	N/A	N/A	N/A	1998
307	031405	Kuk Ta Duong (Wat Prasat Woattei)	more than 10	4,000	N/A	N/A	1998
308	031406	Munty Prey Ta Beh	7	8,000-10,000	N/A	N/A	1998
309	040101	Wat Samdech Muny	100	13,000	about 100	800-1,300	1998
310	040102	Prey Po Ta Va	1	8,000	N/A	N/A	1998
311	040103	Prey Po Ta Cha	N/A	about 8,000	N/A	N/A	1998
312	040104	Phoum Tnaot Cho	1	4,000	N/A	N/A	1998
313	040201	Koh Sleng	N/A	2,000-3,000	N/A	2,000-3,000	1998
314	040401	Veal Sre Veng	3 (1 pond)	few hundreds	4	N/A	1998
315	040402	Prey Khsach	300-500	100,000-150,000	15-20	more than 6,000	1998
316	040403	Kbal Khmaoch	15-20	6,000	N/A	N/A	1998
317	040404	Kuk Rork Bal	N/A	N/A	N/A	N/A	1998
318	040601	Chong Prasat	150-200	1,000-1,300	150-200	1,000-1,300	1998
319	040602	Trapeang Tik Tracheak	3	150	3	170-230	1998
320	040603	Khsach Sa	125	20,950	500-1,000	100,000-150,000	1998
321	040604	Khsach Sa	143	35,040	N/A	N/A	1998
322	040605	Khsach Sa	58	4,500	N/A	N/A	1998
323	040606	Khsach Sa	95	4,200	N/A	N/A	1998
324	040607	Kuk Chong Chroy	N/A	N/A	N/A	N/A	1998
325	040608	Kuk Chong Chroy	500-1,050	70,000-100,000	200-300	70,000-150,000	1998
326	050501	Prey Kdam Pong	3	450-600	3	450-600	1998
327	050502	Russei Muoy	800-1,000	3,200-4,000	500-1,000	3,200-4,000	1998

		Kum					
328	050601	Pe A 3	N/A	160	N/A	160	1998
329	050602	Pe A 2	N/A	N/A	N/A	N/A	1998
330	050603	Pe A 1	N/A	N/A	N/A	N/A	1998
331	050604	Phnom Kunleak	3	10-12	2	50-60	1998
332	050605	Kiry Boeng	3	50-60	1	10-12	1998
		Chum					
333	050801	Sre Ta Moeun	more than 1	1,080	2 ponds	1,680	1998
334	050802	Prey Kbal	50-70	1,500	80-120	480-720	1998
		Khmaoch					
335	060401	Wat Serei	100-110	600-700	100-120	500-700	1998
		Saophoan Chass					
336	060501	Wat Srei Tep	2	150-250	2	150-250	1998
337	060502	Prey Neak Ta	30-40	100-200	12-20	200-250	1998
		Chass Srok					
338	060503	Wat Prasat	N/A	N/A	N/A	N/A	1998
		Sambo					
339	060801	Vityealai	N/A	N/A	N/A	N/A	1998
		Reaksmei Saophoan					
340	060802	Tuol Ta Phlorng	250-502	50,000-100,000	200-502	100,000-150,000	1998
341	070201	Kuk Tvear Khiev	N/A	N/A	N/A	N/A	1998
342	070202	Prey Chek	1,200-1,500	3,000-4,500	1,200-1,500	3,600-4,500	1998
343	070203	Prey Svay Sa	10-20	800-1,000	10-20	800-1,000	1998
344	070204	Kien Chum	700-800	900-1,000	700-800	900-1,000	1998
345	080301	Sala Sanlung	1	10-12	N/A	12-15	1998
346	080302	Daem Run	1	30	N/A	N/A	1998
347	080303	Chamkar Siv	1	700-1,000	N/A	700-1,000	1998
348	080304	Chamkar Siv	N/A	N/A	N/A	N/A	1998
349	080305	Wat Svay Rormiet	1	10-20	2	80-90	1998
350	080701	Wat Rorka	N/A	N/A	N/A	N/A	1998
		Kaong					
351	080702	Koh Morrornakk	1	over 10,000	N/A	thousands	1998
352	080703	Sala Serei	1	ten hundreds	N/A	N/A	1998
		Mungkul					
353	080801	Prey Sre Kach	N/A	30-50	N/A	20-50	1998
354	080802	Wat Snguon	N/A	350-700	N/A	400-700	1998
		Pech					
355	080901	Phnom Udong	N/A	N/A	N/A	N/A	1998

(Continued in the February 2002 issue)



A Confessed Plot Against the Khmer Rouge

(An excerpt from File D14333, held at the Documentation Center of Cambodia)

(Continued from the January 2002 issue)

Plan after the Defeat

Provoke workers in the factories, where CIA operatives were hiding in order to cause chaos in the factories and major ministries of Angkar in Phnom Penh City, and to instill conflicts between factories and workers. As a result, the factories could not operate smoothly. Attack the revolution by using factory workers as grassroots forces and build new forces in factories. Use CIA policy at the bases. First provoke people and then try to recruit more members, so that the people might stand against Angkar in sub-districts and offices.

The “ministries of Angkar” refers to water supply, trains, electricity, and handicrafts, which had been under the control of the Ministry of Transportation.

General Activities

The activities I knew about were to create a chaotic atmosphere in the factories by provoking conflicts daily between the new and old workers in Phnom Penh. They were to have no confidence in Angkar and worry that Angkar would send them to the rear after they were trained. We were to damage important factory equipment in order to disrupt operations, so that the factories would produce products of poorer quality. Also, we were to use productive resources uneconomically. The plans for destroying the factories were to emerge little by little after both large and small machinery had been sabotaged. The day we had planned for this was midnight, December 24, 1975.

In other bases [local communities] I knew, like Prek Takong, the provocation was carried out just in the same way as in other bases, making daily living and works....

The CIA’s Plans for after the Defeat

People were evacuated from Phnom Penh on national road numbers one, four and five. Immediately after the journey began, the CIA were to accompany the people.

Since the evacuation began, the CIA began to increase their activities along the road, and also held more meetings, asking others about the routes they were taking.

After Angkar allowed the factories to begin operating, the CIA moved into the factories along with workers, and old and new people. The factory staffs were thus a combination of soldiers, civilians, educated people and civil servants.

Building forces inside the factories was very successful, because the people had difficult conditions in the factories held and personal grudges.

We met with workers from different factories when carrying out missions assigned by Angkar, like buying supplies and asking for help from technicians. We also contacted each other during training sessions and ceremonies at the stadium.

When some factories began to operate in July, we did too. We had activities in the factories from then on. Our plans were:

- ◆ to create obstacles at the factories and destroy them.
- ◆ to do whatever needed to be done to ruin large and small machines by technical means, while neglecting machines on the main production lines.

Building up Forces

1973 was the year in which the war intensified and negotiations were proposed for unconditional peace. In this year, also, the forces’ size grew 40 to 50% larger than in the period 1970-1973. We enlarged our forces in the country through various sectors, like the military, civil servants and educated people. New members continued to come in the following years.

Hiding Forces

The military forces hiding in many places in the city were a mixture of people waiting to carry out the plan. In the provinces, there were hidden forces in towns and rural areas, which had communication lines

with the city forces, especially along the border with Thailand, where soldiers and CIA operatives were hiding in large numbers waiting to launch various missions. The infantries and commanders were people from whom the CIA received all of its supplies to stage a movement against the revolutionary Angkar. They hid in the countryside in order to provoke people in the bases and recruit more members.

In the city, forces in both the factories and state institutions were urgently needed to support railway transportation, water supply, state handicraft factories, and the power plant. We could hide in those factories because they needed technicians to run them. Most of the technicians were in the CIA and when they arrived at the factories they worked to recruit more members, who were mostly friends or people they had known well before.

Weaponry

We had weapons for the forces along the border since they first hid there. Weapons could be sent through Thailand without any problem. After Kampuchea, Vietnam and Laos fell under the control of revolutionary people. Thailand was afraid and declared diplomatic relations with its neighboring countries, especially Kampuchea. Its aim was to protect peace, prevent interference between countries, and promote mutual respect, as was stated in the internal plan, so as to prevent the communist parties from invading Thai territory.

However, because promoting diplomatic ties and preparing forces along the border were not consistent, Thailand had to do something to hide its intentions. It did not have any problem with providing war supplies or allowing the armed forces to lodge temporarily in its territories.

The US was concerned about this more than Thailand. If Thailand fell into the hands of the communists, Indochina would become communist, as would other countries.

Those who worked in the factories did not have weapons because they did not have access to them like the military along the border.

In other sectors, like educating people, they educated students and workers to hate the communists, who were led by the Khmer Rouge. They suppressed the people, murdered monks, pulled down pagodas, abolished religions, executed innocent people, everything. They also persuaded people to support the republic, which was strongly supported by the government and humanitarian organizations.

People in the sub-districts and districts of the city were educated so they could learn that the government was seeking peace for the people, while the side was waging war, killing people and monks.

Policy

Overseas: From Outside to Inside, before the Defeat

1) Contact countries like Japan, Thailand, Indonesia, and the Philippines, which were allies, to help broach a cease-fire negotiation in Cambodia.

2) Change important politicians in the country in order to eliminate the faults [committed by] Lon Nol and Sostene.

3) Through media in Thailand, Japan, and Australia, declare the communist interference as war.

4) Join with China and Vietnam, which had power over the Khmer Rouge, to force them to negotiate.

5) Propose that the U.S. House of Representatives dispatch representatives to Cambodia to witness the oppressive war of the communists and spread the news about it when they return, in order request more aid for Cambodia.

6) Contact Thailand and Indonesia, which may have diplomatic relations with Cambodia in the future, to request internal information.

7) Create many organizations to help the people, especially the refugees. Those are RDF, CARE, World Vision, CRS, and Red Cross.

From Inside to Outside, before to the Defeat

1) Educate staff from various institutions, especially those from humanitarian organizations, families of embassy staff, and American nationals who were not part of the embassy.

2) When leaving, one had to spread news of the



invading war of the communists to the world, using any means.

3) Spread the words “Even though the communists win, their victory won’t last long. Tell the people that in just 6 to 7 months, there would be a civil war overthrowing the communist regime, since this information was known clearly through the staff.

4) Spread the word that” the war is swallowing the land of Indochina,” not only to the American embassy but also to the embassies of Australia, the Philippines, and Taiwan.

5) Lead Khmer staff and their relatives, along with the American people and soldiers, to America. In fact, there are many Khmer refugees living in California today.

6) Last, transport American embassy staff out of the country.

General Activities:

1) Create parties within the government. There were already divisions between the Morn Khmer and Angkorian Khmer.

2) March 18 people were heading in a separate direction.

3) State affairs in Chamkar Morn were the responsibility of Mr. Dean, who frequently met with the president.

4) Humanitarian organizations played an active role in supplying food. (Sometimes, food was transported by planes.)

5) Nevertheless, the Riel [currency] kept falling every three or five months as planned by the Americans. Thus, local commodities became more and more expensive. As a result, chaos occurred in both the public and private sectors. Teachers refused to teach and factory workers demanded higher salaries and shorter work days.

6) Kampot Province had a new governor, a younger brother of Sosten. His name was Phsen Fernandes. Battambang’s governor was changed from Sek Sam-let to Sar Hao, Kampong Cham’s governor from Sar Hao to Nou Tho, and Region 2 of Kirirum to Chan Raingsei.

7) Under the conditions of U.S. economic aid,

goods could only be imported from the U.S. or its satellites.

8) Gas prices skyrocketed before liberation day, causing other products to become more expensive as well.

9) In many military sectors, soldiers stole property, especially gas, to sell. They also stole money. The stolen gas cost less on the black market than the gas at gas stations.

10) As far as I knew from my friends, the assembly was separated into groups. Some parliamentarians wanted to summon the government to answer questions about their work, but they couldn’t due to the situation. Others, who worked in the assembly and held administrative positions, were very difficult to deal with, like Pann Sothy and Keuk Kilim.

From Inside to Outside, after the Defeat

1) After the defeat and when the cities were emptied, the political sector provided information through people and the CIA, who escaped from Cambodia to Thailand.

2) Those who managed to do so usually lived in provinces on the Thai border. So did those who came in to collect information.

3) Without an embassy as an ally, communicating information in Phnom Penh was impossible, except guessing and receiving unclear news from other countries that had relations with Kampuchea.

4) The revolutionary armies always arrested those who came into the country to collect information.

From Outside to Inside, after the Defeat

1) The policy from outside to inside after the defeat had no significant operations, except launching propaganda through the radio, hoping that many people would listen. Some people listened to the Voice of America and the BBC.

2) Recruit staff positioned along the Thai border to spy, and get some to mingle among the people before the cooperatives were organized, in order to provoke and build new forces.

50 50 50 100 100 100 100 100

Black Yellow White Magenta Cyan

List of Prisoners Smashed at S-21 (Tuol Sleng)

Compiled by Nean Yin

(Continued from the January 2002 issue)

No.	Name	Rank	Place of Arrest	Date of smashing	Others
67	Aom Sarin	Military Police		March 21, 1976	
68	Yuos Kin	Soldier		March 21, 1976	
69	Pann Ny	Military Police		March 21, 1976	
70	In Nean	Spy		March 22, 1976	
71	Huy Kean, aka Khou Vuthy	Soldier		March 22, 1976	
72	Chim Kry, aka Vong Sarit	Soldier		March 22, 1976	
73	Sar Sarat, aka Sar Kin	Master-Sergeant		March 22, 1976	
74	Long Soheat	Student		March 29, 1976	
75	Long Sereyroath	Second Class Sergeant (network of Long Boret)		March 29, 1976	
76	Kim Veasna	University Student (a Christian)		March 29, 1976	
77	Kim Sinuon	First Lieutenant (a Christian)		March 29, 1976	
78	Kim Sitha	Medical Student (a Christian)		March 29, 1976	
79	Tim Chem	Major		March 29, 1976	
80	Chan Kien	First Lieutenant		March 29, 1976	
81	Hakk Heng	Second Lieutenant		March 29, 1976	
82	Koy Pok	Second Lieutenant		March 29, 1976	
83	Nhov Vann	Second Lieutenant		March 29, 1976	
84	Hun Hong Srun	First Lieutenant		March 29, 1976	
85	Nou Yay	Second Lieutenant		March 29, 1976	
86	Im Pich	First Lieutenant		March 29, 1976	
87	Iem Pheam	Second Lieutenant		March 29, 1976	
88	Sambok Sambun	Captain		March 29, 1976	
89	Iem Korn	Captain		March 29, 1976	
90	Chen Diev	Civilian (Indian)		March 29, 1976	
91	Sann Saret	First Lieutenant		March 29, 1976	
92	Hy Ken	First Lieutenant		March 30, 1976	
93	Uk Sa-em	Major		March 30, 1976	
94	Men Ham	Second Lieutenant		March 30, 1976	
95	Mul Samen	Major		March 30, 1976	
96	Sam Sary	First Lieutenant		March 30, 1976	



97	Ek Pinvuth	Major	March 30, 1976
98	Uch Saroeung	First Lieutenant	March 30, 1976
99	Lun Khem	First Lieutenant	March 30, 1976
100	Kung Somungkul	Captain	March 30, 1976
101	Daung Phuon	Colonel	March 30, 1976
102	Kim Yisun	Major	March 30, 1976
103	Pen Dien	First Lieutenant	March 30, 1976
104	Koam Aun	Major	March 30, 1976
105	Keo Thon	First Lieutenant	March 30, 1976
106	Saom Sarin	Captain	March 30, 1976
107	Neou Thim	First Lieutenant	March 30, 1976
108	Nguon Chhem	Colonel	March 30, 1976
109	Ka Bauny	Colonel	March 30, 1976
110	Pheng Nat	Sergeant-Major	March 30, 1976
111	Chem Vy	Peace Alliance Member	March 30, 1976
112	Sar Vannchann	Major	March 30, 1976
113	Ek Sophon	Spy	March 30, 1976
114	Khieu Sam-at, aka Khieu Socheata	Student	March 30, 1976
115	Khy Sokha	Wife of a Master Sergeant	March 30, 1976
116	Chhay Kim Heng	Second Lieutenant	March 30, 1976
117	Sieng Son	Second Lieutenant	March 30, 1976
118	Koeng Lai	Second Lieutenant	March 30, 1976
119	Ke Sarin	Second Lieutenant	March 30, 1976
120	Aom Baksieng	First Lieutenant	March 30, 1976
121	Hem Khan	Second Lieutenant	March 30, 1976
122	Duong Chy	Second Lieutenant	March 30, 1976
123	Koam Khun	Police	March 30, 1976
124	Pen Darasy	Police	March 30, 1976
125	Tann Kimthuon	Second Lieutenant MP	March 30, 1976
126	Loek Sam Ol	First Lieutenant	March 30, 1976
127	Pak Randy	Sergeant-Major	March 30, 1976
128	Kin Sunly	Master Sergeant	March 30, 1976
129	Pann Nan	First Lieutenant	March 30, 1976
130	Mov Chanphal	Second Class Sergeant	March 30, 1976
131	Hang Sie	Master Sergeant	March 30, 1976

(Continued in the February 2002 issue)

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

Documentary Photographs

Kalyan Sann

(Continued from the January 2002 issue)

The young men and women pictured here were combatants at S-21 (Tuol Sleng). Some of them became prisoners at S-21 and were killed by their co-workers. Some died after 1979, while others are still alive. DC-Cam has traced their identities.



7. Ieu Sor, age 20 in 1977, was an S-21 guard. He was born in Po Leu village, Traey Sla sub-district, district 16, Region 25. His mother was Chay Mom and father was Ieu Chheang. He had four brothers and three sisters. Ieu Sor joined the revolution on December 10, 1974. (Present status unknown)



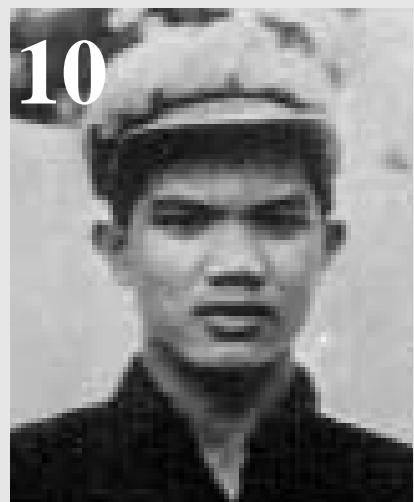
8. Ven Heang, age 22, was a female combatant in Unit 14 at S-21, who was transferred there from Region 25. She was born in Traey Sla village, Traey Sla sub-district, district 26 (Saang), Region 25. Ven Heang's father was Lach Phann and her mother was Ven Ron. She had a 10th grade education. She joined the revolution on April 10, 1973 and was employed at S-21 on December 23,

1975. Presently, she resides in Anglong Veng.

9. Ham Seng, age 22, was a combatant in 11th Unit of S-21. He was born in district 18, Region 25. His father was Ham and mother was Un. Ham Seng joined the revolution on August 18, 1973. (Present status unknown)



10. Meas Pengkry, age 22, a driver at Prey Sar security office (Office 24) and later a member of the "old unit" of Office 21. He was born in Kampong Svay village, Prek Thmei sub-district, district 18 (Koh Thom), Region 25. His father was Meas Kris and his mother was Yorn Hong. Mean Pengkry had a 12th grade education. He joined the revolution



on March 8, 1973. He was arrested for being responsible for a traffic accident in which his car turned upside down. Presently, he resides in Kandal Province.

11. Srun Srien, age 20 in 1977, was in Unit 11 of S-21. He was born in Prek Ke village, Koh Thom sub-district, district 18 (Koh Thom), Region 25. His mother was Try Khorn and his father was Srun Lork. He had an 11th grade education. He joined the revolution on April 6, 1974. His biography states that in 1977, he was detained for being “obstinate.” (Present status unknown)

12. Chheng Than, age 27 in 1977, was responsible for the economic and inventory section of S-21. He was born in Koh Khel village, Koh Khel sub-district, district 20, Region 25. His father was Chheng Pream and his mother was Sen Nuon. He had one brother and



three sisters. He joined the revolution on January 1, 1972, and began working at S-21 on August 17, 1975. (Present status unknown)

13. Em Saroeun, age 18 in 1977, was a driver at S-21. He was born in Prekthmei village, Prekthmei sub-district, district 18, Region 25.

His father was Em Mech and his mother was Ruos Sroem. He had two brothers and three sisters. Em Saroeun joined the revolution on April 6, 1975 and began working at S-21 on December 5, 1975. (Present status unknown)

14. Nheb Ho, called Nheb Sovann, age 27 in 1977, was a guard at S-21 and the brother of Peng, the chief of hundred-member unit of S-21. He was born in Sampan Kraom village, Prek Ambil sub-district, district 20, Region 25. His father was Nheb Mok and his mother Sok Chheng. He had five brothers and two sisters. Nheb Ho joined the revolution on June 10, 1973 and began working at S-21 in January 1976. Presently, he resides in Kandal Province. (Continued in the March 2002 issue)



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

(Continued from the January 2002 issue)

Torture in DK

After the Khmer Rouge victory of 17 April 1975, the judicial system in Cambodia disappeared. There were no courts, judges, laws, or trials in DK. The “people’s courts” stipulated in Article 9 of the DK constitution were never established. The absence of laws or safeguards, DK’s self-imposed isolation from the world, the importance placed by the Party Center on the confessions of “enemies,” and the blend of prestige and secrecy that characterized S-21 encouraged Duch and his associates to use torture and any other means at their disposal to obtain confessions. The staff concealed the practice, however, like everything else they did, from the Cambodian public.

Officials at S-21 believed that when they tortured prisoners they were responding to the country’s needs and to the fears of those who led it. The ideology of Democratic Kampuchea, as we have seen, was premised on continuous class warfare and continuous revolution. “Enemies” were everywhere and needed to be destroyed. Some were poised along Cambodia’s borders; others were farther off; still others were “buried inside the Party, burrowing from within.” Enemies often came disguised as friends. To ferret them out, extreme measures needed to be taken.

Most judicial torture in DK took place inside S-21, perhaps because, ironically, the facility was the only one in the country that had quasi-judicial functions, as reflected by the documentation that it produced. S-21 also had authority from the Party Center to deal with crimes of *lèse-parti*. Thousands of men and women charged with lesser offenses or imprisoned as class enemies succumbed to malnutrition, illness, and savage treatment in provincial prisons, but in general these people were not tortured to produce evidence of their

crimes. Prisoners already ticketed for Tuol Sleng, however, were occasionally tortured in a provincial prison beforehand to soften them up and to provide some rudimentary documentation for interrogators in Phnom Penh. Vann Nath, for example, was tortured “for many hours” in Battambang before he came to S-21, and Baen Chhae (alias Chhaom Savath) said in his confession that he was tortured in Kompong Cham before being transported to Phnom Penh. Judicial torture at S-21, therefore, was linked to crimes which, like

heresy in medieval Europe, involved betrayals of the ruling ideology and suspicions of hidden networks of conspirators. As in medieval times, guilt was established primarily by the prisoner’s confession, there being no other means of proof. After the Chan Chakrei “uprising” of April 1976, as we have seen, the leaders of DK felt continuously threatened. They needed scapegoats for what the DK Constitution (Article 10) called “hostile and destructive activities which threaten the people’s state.” The massive failure of their economic master plan soon required more scapegoats. By

the middle of 1976, most of the prisoners brought to S-21 had been accused of treason or were connected with others who had been accused. S-21 became crucial to the regime’s survival.

The first step in any imprisonment, and even more starkly in judicial torture, is to dehumanize the prisoner. At S-21 this practice had the double effect of anesthetizing the torturers and cutting the prisoners off from any sense of community or self-respect. Because they were labeled “enemies” (like the thmil of prerevolutionary times) the prisoners had lost their right to be treated as Cambodians or as human beings. When they arrived at S-21, they were pitched head-



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



over-heels into hell like the victims in the bas-reliefs of Angkor Wat. Being arrested often involved a sudden change of fortune. With considerable pleasure, Vann Nath recalled being held for a time in the same room as a discredited Khmer Rouge cadre, known for his brutality but now disgraced: “When he was in the cooperative, he acted like a king,” Vann Nath recalled. “No one could look at his face. But now he was shackled by the legs, looking like a monkey.”

The process of Nath’s own dehumanization evokes prisoners’ accounts in other countries. In the 1930s Eugenia Ginzburg, a young Russian Communist first imprisoned by Stalin and later sent to Auschwitz, faced a Soviet judge who told her: “Enemies are not people. We’re allowed to do what we like with them. People, indeed!” The judge’s words might have served as a motto for S-21.

Elsewhere in DK, most “base people” were given enhanced status. They were placed in the same categories as Communist Party members who had passed the “Communist Youth League” phase either as “candidates” (triem) or as having “full rights” (penh sut). In contrast, “new people,” as Cambodians with urban or nonrevolutionary backgrounds were called, became known as “depositees” (pnhao), a category reflecting their status as people evacuated to the countryside. Prisoners at S-21 had even lower status than “depositees.” Before being questioned, they were made to discard their black, revolutionary clothes and wear ill-fitting, ragged clothing tossed at them by the guards. The pronouns that guards used to refer to the prisoners were those normally applied to children and animals. In the autobiographies that opened their confessions, the prisoners no longer noted their class background (vannakpheap) as required on other Party documents. Stripped of clothing, humanity, and class, they could be invaded, beaten, and humiliated until their memories coincided with the requirements of the Party, at which point they could be put to death.

The Soviet Show Trials

As we have seen, officials at S-21 worked on the assumptions that prisoners were guilty of something because they had been accused, and sub-human

because they had been arrested. Both notions had deep roots in Cambodian culture. At S-21, however, the main inspirations for prolonged interrogation accompanied by judicial torture and leading to copious confessions came from abroad: from the so-called Moscow show trials (sometimes called the Great Terror) of 1936-1938, when hundreds of Soviet Communist Party cadres and military figures had confessed publicly, and often spuriously, to sabotage, espionage, and treason. Thousands more were executed without trial. The elaborate confessions extracted in Moscow were orchestrated to please Stalin. They confirmed his often inchoate fears, preempted “enemy” initiatives, and strengthened his authority. In this respect, the Soviet purges and the confessions stemming from them closely resembled those extracted at S-21. Like Stalin, who spent most of the period of the show trials concealed from public view, Pol Pot made only a few carefully orchestrated appearances throughout the DK era. Moreover, the heavily coached Soviet defendants, like those in Cambodia later on, almost never denied their guilt once they appeared in court, and they seldom offered any defense. The prisoners in both countries were regarded as “less than garbage.” After reciting their confessions to the court, most of the Soviet prisoners, like those at Tuol Sleng, were secretly put to death.

In both cases the sentence of death was a foregone conclusion—recalling the Red Queen’s “Sentence first, verdict afterwards”—but in Moscow the ordeals were staged openly, in courtrooms, with the trappings of twentieth-century justice, whereas at S-21 everything was kept secret, there were no occasions for dialogue, and neither the prisoners nor the judges were ever on display. One reason for this difference is that Moscow trials were intended, among other things, to demonstrate the Soviet Union’s leadership of the world socialist movement, whereas the Khmer Rouge leaders, indifferent to world opinion, believed that secrecy was a key ingredient of their success.

Another difference between the two procedures was that physical torture preceding the Soviet trials seems to have been infrequent and was limited—officially at least—to such practices as sleep deprivation and exposing

prisoners to bright lights, prolonged questioning, poor food, and isolation. Solzhenitsyn, referring to his own interrogations in the 1940s, wrote: “My interrogator had used no methods on me other than sleeplessness, lies, and threats—all completely legal.” At S-21 these pressures were used along with physical violence. The Soviet methods were enough to break most prisoners; severe physical torture was in any case precluded by the requirement that the prisoners look healthy in court and sound as if they were confessing of their own free will. (However, physical torture was specifically permitted by Stalin in cases involving “known and obstinate enemies of the people,” with the justification that it was widely used by “bourgeois intelligence services.”) The concealed victims at S-21, on the other hand, could be beaten and tortured as often and as violently as their captors saw fit.

Even when these differences are kept in mind, the resemblances between the Soviet accusations and confessions and their counterparts at S-21 are too numerous to be coincidental. How did the Soviet models reach Cambodia? To begin with, most of the “upper brothers” were familiar with the Moscow trials. Pol Pot, Son Sen, Ieng Sary, and Khieu Samphan would have learned about them in the early 1950s, when they were all students in France and fledgling members of the French Communist Party. They would have read Party documents, journalism, and briefings that justified the purges. They would also have known and approved of the Soviet-orchestrated show trials that were taking place in Czechoslovakia, Hungary, and

other Soviet-bloc countries.

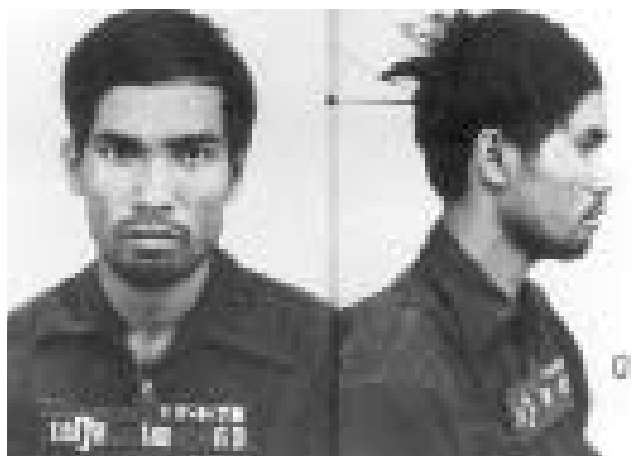
Although they never commented publicly on these trials, these young Cambodians must have been struck by the abject self-incrimination of the accused, the comprehensive evidence arrayed against them, and the identification of revolutionary justice with a concealed, all-powerful leader. Their training in the French Communist Party, which was emphatically pro-Stalin, would hardly have led them to sympathize with Stalin’s victims or to appreciate the niceties of bourgeois as opposed to revolutionary justice. When the time came, the confessions extracted at S-21 replicated the paranoid ideology, the holistic, accusatory format, and the interrogatory procedures of the Soviet show trials. Since in both cases a Communist Party, obsessed with history, was purging itself to protect its suspicious leaders, the resemblances are not surprising.

Chinese and Vietnamese Models

Another model for S-21’s draconian procedures came from Communist Party purges and reeducation campaigns in China, filtered through Vietnam. Cambodian Communists fighting alongside the Vietnamese in the first Indochina war (1946-1954) probably learned about Soviet interrogation techniques, Chinese-style “reeducation,” and the proper format for “counterrevolutionary” confessions from their Vietnamese patrons.

Vietnamese training for Khmer cadres in security work, if there was any, would probably have reflected Chinese models. In this early period, these included the rectification (*zhen-fan*) campaigns conducted at Yan’an in 1943 and the land reform campaigns in North China after 1949. Purges swept through China and Vietnam in the mid-1950s. Thousands of people were killed, thousands of careers were ruined, and tens of thousands of people were interrogated and then released.

(Continued in the March 2002 issue)

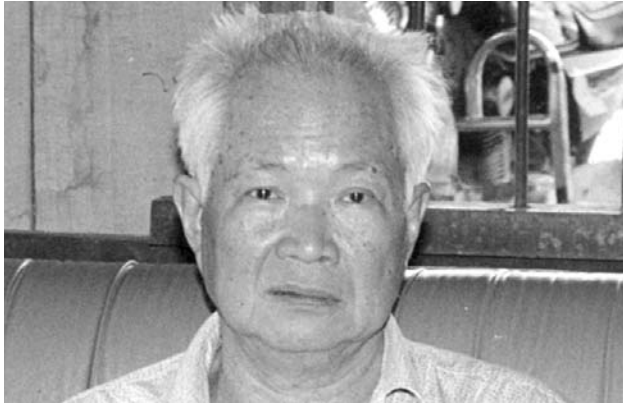


David Chandler is Professor Emeritus of History at Monash University, Melbourne, Australia. He is the author of A History of Cambodia (1996), Facing the Cambodian Past: Selected Essays, 1971-1994 (1996), and Brother Number One: A Political Biography of Pol Pot (1992).



Khieu Samphan: “This is a Personal Tragedy”

Vannak Huy



On August 16, 2001, Khieu Samphan, the former president of the state presidium of Democratic Kampuchea, sent a letter to his compatriots to believe that he is innocent. He stated, “I was not apprised of the mass murder. In about mid-1978, I accidentally learnt of a case of arrest and barbarous acts taking place in Preah Vihear Province.” In his statement, he interpreted the heinous crimes committed in Preah Vihear Province as a “personal atrocity.”

I believe that the killings in Preah Vihear Province were not acts ordered by the zone secretary alone as Khieu Samphan suggests. The planning and all activities related to the crimes in Preah Vihear took place with the approval of the leaders of the Communist Party of Kampuchea. However, Khieu Samphan’s statement that “these ruthless killings would cause one’s head to tingle upon hearing of them” is obviously true.

Concerning his role as president of the state presidium, Khieu Samphan admitted that he was a member of “Office 870.” Many of the documents low-ranking cadres sent to this office and documents Office 870 sent elsewhere contain information that reveals Democratic Kampuchea’s past. The following are three telegrams from Se, which shed light on the atrocious acts in Preah Vihear Province:

January 10, 1978: Telegram 254 to Office 870

This telegram reported on the situation along the border in the provinces of Preah Vihear and Utdar Meanchey. Se wrote, “The enemies are making use of this period in which we are busy fighting with Yuon [the Vietnamese]. They are also causing upheavals in the rear.” Se continued, “In Region 103, internal enemies and bandits have conducted continual activities as some cadres have collaborated with them and allowed them to do whatever they wanted.

Therefore, the enemies managed to burrow from within the regions, districts and communities. They repeatedly disrupted agricultural production, in plowing, transplanting, harvesting, and rice storage. This year, people in most of Preah Vihear are likely to starve.” Se proposed four measures to Office 870 to correct this situation: “1) Cut off their food supplies by immediately collecting all the rice stored at the edge of the forest, so the enemies cannot steal it; 2) cut off contacts between the outside and internal enemies. Evacuate villages near the forest. Set up military posts along the border and transfer the bad elements to work sites where we can control their contacts with the outside; 3) sweep clean enemies hidden in the cooperatives, as well as bandits, relying on base people [to turn them in]; 4) take actions to seek and destroy enemies at the borders of the regions and districts using the information they have about the enemies.”

Se concluded, “Beginning on January 11, I will be working in Region 103. I cannot take action immediately, since I have been busy organizing a training session for base cadres, offices, ministries, and the army. However, I have sent Bun Chan to that region already.” This telegram was copied to Uncle, Uncle Nuon, Brother Vann, Brother Vorn, Brother

Khieu, Office, and documentation. It was received on January 12, 1978 at half past eight.

March 20, 1978: Telegram 313 to Office 870

This telegram reported on the enemy situation along the Preah Vihear border. In it, Se made three points. Regarding the general enemy situation, Se stated, “The enemies do not have the ability to harm us along the border. Only In Tam’s forces, which sneak attack us around the area, can hurt us to some extent, because our armed forces are not pure. For this problem we have already taken countermeasures.”

Regarding the situation along the Laotian border, he wrote, “We spotted one platoon of enemies camping in O Akang. They sent three soldiers to enter our territory somewhere in Peam O Pon, who retreated after being hurt by our traps.” Se wrote that a group of 30 to 40 bandits were hiding in Prey Saak, between Varin, Srey Snam, and Anlong Veng districts, and that district and region soldiers had been hunting for them. “We have repeatedly destroyed and captured these bandits,” mentioned Se.

As for internal enemies burrowing from within, Se said, “In this dry season, the remaining enemies have initiated activities against us at work sites. These enemies work with police, soldiers and government staff, and they disguise themselves as New People. Only after they conduct their activities can we identify them clearly. At the same time, we have been sweeping them clean, line after line. After twenty were swept, they are quiet. But, we keep searching for them. While there are hidden enemies in Preah Vihear Province, we are continuing to sweep them, and now they are not causing any trouble. Everything is normal.”

April 10, 1978: Telegram 324 to Office 870

This telegram concerned sweeping the enemies in Region 103. Se reported, “In the past, In Tam utilized forces in Region 103 with contemptible ‘Hang’ as his main assistant. But aside from Hang, his men in Chom Khsan and Region 103, In Tam’s group does not have any support. There have been no major

changes in the situation of the internal enemies. We are sweeping and cleaning the remaining enemies, who act against our revolution either overtly or covertly. In Region 103, we have been suppressing the internal enemies so well that they are unable to rise up again. Our activities are highly appreciated by the people.” Se added, “Woman Son, the wife of comrade Man, is implicated by many detainees. I decided to transfer this woman to rest in the Zone 801 office in order to stop her from conducting further treason. Bandits who Hang assigned to Prey Saak near Varin district have been destroyed one after another. Currently, we are searching for the rest.”

Vanak Huy is a supervisor of DC-Cam’s Publication Project. He is also the author of Khmer Rouge Division 703: From Victory to Self-destruction.

Khmer Rouge Slogans

- ◆ Fight to achieve one hundred percent the plan of reconstructing the country based upon self-reliance, creativity, initiative, and the highest level of economizing.
- ◆ The social affairs, health, education, and information sectors are determined to achieve the plan a hundred percent and more. (Notebook 076 KNH)
- ◆ Harvest, store and preserve agricultural products one hundred percent.

*Please send letters or articles to
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A Pure Society Is one without Money

Sophorn Huy

In 1972, the Khmer Rouge shut down markets in some liberated regions of Kroch Chhmar district in Kampong Cham Province and Sa-ang and Koh Thom districts in Kandal Province. They replaced them with a state economy in the form of cooperatives. Under this system, people were allowed to buy a limited amount of goods from the state.

The policy became more stringent after 1975, when the Khmer Rouge vowed to eliminate “feudal capitalism” in the shortest time possible. Next, they eliminated commercial cooperative activities at the state level, retaining them only at the central level. In effect, Angkar controlled all state property and the entire economy.

To promote economic growth, Angkar issued three policies, which it published in *Revolutionary Flag Magazine*, special issue of December-January 1975-1976. The first was a “rice production guideline,” which called for the highest self-reliance in work since 1972. The second declared that the state controlled all commercial activities. It discussed how to organize cooperatives (which formed the support system for poor and lower-middle class farmers) in liberated zones as a tool for improving productivity. The fourth policy, which was to be put into effect in 1973 concerned abolishing money.

According to the Khmer Rouge, money created private ownership, which in turn gave rise to social inequality and corruption. In order to overcome such problems, they simply withdrew all money from circulation. H.E. Mat Ly said, “On May 20, 1975, Pol Pot gave a speech at an assembly in Phnom Penh to pass eight principles. The third principle stated, ‘Stop using money and eliminate markets. If there are markets and bartering, there will be the oppressed and the oppressor. Therefore, the people must stop

using money. If they use money it is very hard for us to control. Money creates bribery. We should turn cooperatives into special cooperatives. A small bag of belongings is enough even for a district chief.’” Last, Pol Pot declared that Cambodians had now decided not to use money, and he told the assembly participants to express their opinions about it in writing. However, in reality, anyone who was against his new policy would quickly disappear. Thus, everyone supported the idea.

Riel San, the chief of Tram Kak hospital in Takeo Province, was interviewed for this article. He said, “There was a meeting held in Tram Kak on whether money should be used or not. However, before asking the people, the Khmer Rouge indoctrinated them, saying that money caused citizens to become unproductive. Thus, none of the people dared raise any objection. Tram Kak was the first district to have money abolished. As a result, other districts did the same and in time it spread all over the country.”

On September 30, 1976, the 16th anniversary of the Communist Party of Kampuchea, Pol Pot declared: “Money is very poisonous, for it can pull us back into a society of privacy. Now, none of us prefers it anymore, and this is a vital tool that allows us to get rid of the tendency toward possession and introduce collectivism quickly. If money and salary exist, we will not be able to realize collectivism.”

Kim Heng, a former health cadre in Battambang Province, Western Zone, and today a resident of Ta Leak village, Kous subdistrict, Tram Kak district, Takeo province, spoke about this policy. In 1976 a survey was conducted in his region to determine how people would react to the elimination of money. He and other people spoke frankly that using money would be better, and that not having money was not good.

Currencies of Democratic Kampuchea (in front)



Even though households did not use money, it had to be used in cooperatives. Those who expressed this opinion were killed unless they were protected by the sub-district chief.

Riel San added, “Pol Pot said they had to stop using money, but Hou Nim disagreed since new money had already been printed. Because he disagreed, Hou Nim was murdered by the Khmer Rouge.” According to a document left behind by the Khmer Rouge at S-21 (Tuol Sleng Prison), Hou Nim was arrested on April 10, 1977, and executed for treason on July 6, 1977.

To eliminate money more efficiently, the Khmer Rouge had to eliminate bartering and markets, as well, using the slogan, “No sale, no exchange, no gain, no theft, no robbery, no personal ownership.” The Khmer Rouge thought that in order to build a pure country with a new collective society, they had to fight as hard as they could against the reactionary corruption of the oppressive feudal imperialists, and replace it with a state organ: “State Commerce.”

Despite the fact that money was not used in Democratic Kampuchea, it was still being printed in 1975. Shortly after Kampuchea fell into the hands of the Khmer Rouge, a small number of people saw this currency, but no one ever saw it after money was officially abolished.

The Khmer Rouge policy of not using money was intended to eliminate personal ownership and prevent quarrels arising from an unequal allocation of wealth. They also feared that money might bring their regime back to capitalism. However, their policy was a departure from that of other socialist nations because socialism advocates a centrally planned economy, and does not advocate the abandonment of money.

Currency

The Khmer Rouge’s 1975 currency had seven notes. Each contained the phrase “National Bank of Kampuchea,” two letters that identified the note, a serial number, and the year of issue.

1) Ten-Cent Note



This bill is 100.5mm by 50.5mm, and is light purple with light yellow in the center. It depicts the Kampuchean Armed Forces for the National Liberation erecting 120 mm artillery aimed at a target in Phnom Penh. Next to the picture are large letters that read “មួយភាគ” (ten cents) and the year 1975 is right below. On both upper corners, the number “0.1” is printed. On the back, a group of female farmers are winnowing rice and the number “0.1” is shown on both lower corners.

2) Fifty-Cent Note

This 110mm by 50.5mm bill is light red on a light green background. On the front is a unit of female soldiers marching into battle. To the right are the words “ម្ភៃភាគ” (fifty cents). On the upper right and lower left corners, the number “0.5” is printed in Khmer. On the back, a worker is laboring at a lathe, and to the left of this picture is the four-faced tower of Bayon Temple. “0.5” is printed on both lower corners, and in between, the year 1975 is shown.

3) One-Riel Note

This 120mm by 57.5 mm bill is framed in red. On the front, a group of farmers is digging an irrigation channel. To the right is the phrase “មួយរៀល” (one Riel), with the year (1975) directly below it. Number “1” is shown on the four corners of the note. On the back, a female is portrayed working with a lathe. Number “1” is printed on both lower corners.

4) Five-Riel Note

This 120mm by 58mm note has a dark green border and background surrounding a light yellow center. In the middle is a picture of Angkor Wat Temple. On the left of the picture, the phrase “ម្ភៃរៀល” (five Riel) is shown. Number “5” is printed on all four corners in Khmer. On the back is a picture of people constructing dams. Number 5 is shown on the upper corners in Khmer and the lower corners in Arabic numerals; 1975 is printed in the middle.

5) Ten-Riel Note

This 138mm by 58.5mm bill has a dark red

Currencies of Democratic Kampuchea (back part)



50
50
50
50
100
100
100
100
100
100
100

Black
Yellow
Magenta
Cyan

frame. Against its turquoise background is a dark red picture of two soldiers manning a machine gun. Just to the left of the note's yellow center appears “ដប់រៀល” (ten Riel) A “10” is printed on all four corners. On the back, youths, soldiers, and farmers are harvesting rice. The number ten is written in Khmer on the upper corners and in Arabic numerals on the lower corners.

6) Fifty-Riel Note

This note is 141mm long and 72mm wide, surrounded by dark purple frame. The background is colored light pink, light yellow and turquoise. On the front are pictures displaying two groups of farmers—one transplanting rice and the other plowing a field—and Bayon temple. Year 1975 is listed just below the statue. The number “50” is shown on the two upper corners and in the middle of the lower corners. On the back side is a scene of a group of female soldiers fighting on a battlefield. The number 50 is shown in Khmer on the upper corners and in Arabic on the lower corners.

7) Hundred-Riel Note

This note is 180mm long and 73mm wide with a dark green frame. The background is yellow surrounded by light pink on both sides. It depicts

workers laboring at lathes and “one hundred Riel” written in Khmer. The number 100 appears on the four corners in Khmer. The year 1975 appears on the bottom between the numbers. On the back, a group of farmers are harvesting rice. The number 100 is printed in Khmer on the upper corners and in Arabic on the lower corners.

Currency after 1979

In 1993, the Khmer Rouge printed its own currency again, and the Cambodian government allowed it to be circulated in the Khmer Rouge-controlled territories of Pailin and Anlong Veng. The money depicted the legendary Angkor Wat Temple, settlements along Tonle Sap Lake, and pictures of Khmer New Year celebrations in Pailin. The notes bore the signature of Khieu Samphan on the lower left corner. The Khmer Rouge's currency had its value pegged to the Thai Baht.

When the KR Riels went into circulation in March 1993, the value of the official Riel plummeted, but the KR Riel retained its value. There was an assumption that the Khmer Rouge bought large amounts of official Riel and then dumped them back into the Phnom Penh market.

When the government intensified its attacks on the last strongholds of the Khmer Rouge in August 1993, the Khmer Rouge leaders ordered that their money be burned, so as not to fall into the hands of the government's armed forces. By the time Pailin was captured in 1994, the Khmer Rouge's money was out of circulation.

Sophorn Huy is an accountant of the Documentation Center of Cambodia.





Photo courtesy: Joseph Kofmann

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

Cyan Magenta Yellow Black



Khieu Samphan
President of the State Presidium of Democratic Kampuchea



The Convention against Torture

Elizabeth Van Schaack

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), signed by 49 states and ratified by 15 states on 31 December 1986, gave sharper teeth to the prohibitions against torture and similar acts. Article 1 provides a definition of torture very similar to that of the Declaration of Basic Principles of Justice for Victims of Crimes and Abuse of Power, but there are significant differences. First, the reasons for mistreatment that turns into torture are expanded to include “any reason based on discrimination of any kind.” Second, the perpetrators of such acts now also include persons acting with the “consent or acquiescence of a public official”—not merely those acting “at the instigation of” such an official. The state is still free to argue that an act was committed by one private person upon another, without their consent.

On the other hand, whereas the Declaration stated that its definition did “not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions *to the extent consistent with Standard Minimum Rules for the Treatment of Prisoners*,” the Convention omits reference to the Rules, leaving the exception of “lawful sanctions” without restriction. Presumably, therefore, corporal punishments are not strictly forbidden by the Convention if they conform to local laws.

In a significant departure from Article 1 of the Declaration, the Convention says nothing about cruel, inhuman, or degrading treatment (CIDT) in connection with its definition of torture; nor does it mention CIDT in its directives and prohibitions. This is because the drafters of the Convention were uneasy about attaching specific legal obligations to the prevention and prosecution of a practice so difficult to define. CIDT is not named until Article 16, which reads in its entirety:

“1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of

cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official capacity. In particular, the obligations contained in articles 10, 11, 12, and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.”

The obligations referred to include providing guidelines to personnel who may be involved in the custody, interrogation or treatment of detainees (Art. 10); state review of interrogation rules, methods and practices (Art. 11); investigation of possible acts of CIDT (Art. 12); and ensuring the right of individuals to bring complaints of CIDT (Art. 13). The Convention’s protections against CIDT are thus significantly weaker than those against torture. In particular, the Convention does not guarantee compensation to victims of CIDT, nor does it hold evidence obtained by these means to be inadmissible; and the prohibition against CIDT does not enjoy the same protection against special dispensations for emergency situations such as war or political instability. Further, the obligation of the states to bring perpetrators to justice are left open. Since Articles 2-9 apply only to torture, individuals are not protected from extradition to countries where they are in danger of being subjected to CIDT (Art. 3); states are not required to ensure that acts of CIDT are offenses under its criminal law (Art. 4); the specific steps for the arrest and either extradition or prosecution of persons suspected of torture are not demanded in the case of CIDT (Art. 6

and 7); and states are not obliged to assist one another in criminal proceedings against suspects (Art. 7).

Part II of the Convention concerns its implementation. A Committee against Torture, consisting of ten “experts,” was established. It receives reports from the member states on the measures they have taken to meet their commitments under the Convention and investigates reports of systematic practices of torture. It also deals with charges that a state party is not realizing the provisions of the Convention. Presumably this means that a state could be charged before the Committee with, for instance, failing to investigate possible acts of CIDT. However, a Party to the Convention must have declared that it recognized

the competence of the Committee, as a separate act under Article 22, before the experts will consider a communication concerning that party; that is, parties can “opt out” of this section.

It is important, therefore, that section 2 of Article 16 (the prevention of CIDT) provides that the provisions of this document are without prejudice to other existing instruments or national law prohibiting cruel, inhuman or degrading treatment or punishment. These additional provisions serve to some extent as a “safety net” for victims of CIDT. In particular, Part IV of the International Covenant on Civil and Political Rights, 1966, which prohibits CIDT in Article 7, established a Human Rights Committee to consider claims that a State party is breaching its obligation under the Covenant. Claims may be brought by other state parties, and the Committee must issue a report as to its findings within a certain interval of time. Again, however, the competence of the Committee extends only to the parties that have recognized its authority through a separate declaration.

CIDT is also considered a crime against humanity “if committed in a widespread, systematic manner on political, racial or religious grounds.” If CIDT is committed deliberately in a calculated way to bring about the physical destruction of a people, in whole or part, it may constitute genocide.

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Artist: Van Nath, a former S-21 prisoner



East Timor's Special Panel for Serious Crimes

Suzannah Linton

(Continued from the January 2002 issue)

East Timor's Serious Crimes Project at the District Court of Dili

UNTAET's Serious Crimes Project is rooted in Regulation No. 2000/11 on the Organization of Courts in East Timor and Regulation No. 2000/15 on the Establishment of Panels with Exclusive Jurisdiction over Serious Criminal Offences. The latter draws heavily from the 1998 Rome Statute for the International Criminal Court (ICC) and is the working document for the enterprise. Without detracting from the enormous achievements of the ICC Statute, its provisions are recognized as being the result of diplomatic compromise, and do not always reflect existing customary international law.

It is important to stress that the Statute is designed for the unique circumstances of the ICC, and has a focus that is prospective (on crimes committed after the Statute comes into force). As such, its provisions should not automatically be regarded as suitable precedent for use in the prosecution of historical atrocities committed over a significant period of time, such as the 24-year occupation of East Timor. There are a number of potentially serious problems resulting from Regulation 2000/15's heavy reliance on the ICC Statute. However, it is important to stress that to date, because the Serious Crimes Project has only been used for the prosecution of atrocities committed in 1999, many of these problems in relation to prosecuting historic atrocities remain academic.

Because Cambodia's legislation directs itself towards the prosecution of leaders and those most responsible for the crimes committed between 1975 and 1979, its target group is limited. A similar formulation has been used for the Sierra Leone Special Court. However, in East Timor the target group of the Serious Crimes Project is not defined. The Special

Panel has thus come to be used to process the cases of many low-level militiamen, none of whom have had any significant roles of command and control. It must, however, be stressed that this is very much influenced by the harsh reality that those generally regarded as being most responsible—the militia and civilian leaders and commanders of the Indonesian armed forces—remain in Indonesia. That country has steadfastly refused to extradite anyone with Indonesian nationality to stand trial in East Timor and has failed to prosecute a single person for the crimes committed there.

In East Timor, there is a specially created Office for Investigation and Prosecution of Serious Crimes. This comprises investigators and prosecutors (almost exclusively international) operating under the supervision of the Deputy General Prosecutor for Serious Crimes. This office pursues cases of serious crimes before internationally dominated panels of judges known as the Special Panels, who are part of the District Court of Dili. Each Special Panel comprises one East Timorese judge and two internationals. A Court of Appeal (also dominated by internationals) hears all appeals from the four district courts of East Timor. Both local and international public defenders represent accused who do not have the means to employ legal representatives. Funding comes from the UN's peacekeeping budget. So, one clear difference with Cambodia is that unlike the planned Extraordinary Chambers, every aspect of East Timor's Serious Crimes Project is controlled and administered by the UN.

The Crimes

As both the Special Panels and Extraordinary Chambers have temporal jurisdiction over crimes that date from 1975, it is particularly useful to compare their subject matter jurisdiction.

Section 4 of East Timor's Regulation 2000/15 employs the customary international law definition of

the Genocide Convention, which is also utilized in Cambodia's Law on Extraordinary Chambers. A key feature of this definition is that the identified criminal acts will only qualify as genocide if directed at national, ethnic, racial or religious groups with the intent of destroying that group, in whole or in part. It is important to note that political groups are not included in the groups that may be the victims of genocide. It is said that the drafters of the Genocide Convention took a deliberate decision to recognize only "stable" groups (those with a permanent nature and whose membership is determined by birth) as capable of being the victims of genocide. They deliberately excluded the more transient groups formed through voluntary or perceived membership, such as political and economic groups. But this reasoning does not explain the inclusion of religious groups, as their characteristics would seem to be inherently transient, formed as a result of voluntary choice and individual identification with a belief. Birth may play a role in religious identification, but it is not the determining characteristic.

The East Timorese definition of crimes against humanity replicates that of the ICC Statute, with the subtle distinction that both the punishable act and the widespread or systematic attack must be directed against a civilian population. This is different from the Law on Extraordinary Chambers' provision, which is taken from the Statute of the ICTR, requiring that all crimes against humanity be committed with a discriminatory intent (the acts must have been part of a widespread or systematic attack against any civilian population, on national, political, ethnic, racial or religious grounds). It is also important to note that none of the definitions require that there be a nexus to an armed conflict—this means that crimes against humanity can be committed in times of "peace" as well as armed conflict.

UNTAET adopted a definition of war crimes that mirrors article 8(2) of the ICC Statute and permits the prosecution of four categories of war crime:

- ◆ grave breaches of the Geneva Conventions applicable in an international armed conflict

- ◆ other serious violations of the laws and customs applicable in international armed conflict

- ◆ serious violations of common article 3 of the Geneva Conventions occurring in an armed conflict not of an international nature

- ◆ serious violations of the laws and customs applicable in armed conflicts not of an international nature.

This recognizes that under treaties and customary international law, different rules apply when an armed conflict is international and when it is non-international. The formulation used means that in East Timor, violations of both laws governing the "means and method" of war (the way that fighting is conducted) and humanitarian law (which aims to protect those who are not, or are no longer, active participants in the fighting) can be prosecuted as war crimes.

By contrast, the Law on Extraordinary Chambers only provides for the prosecution of war crimes in the form of grave breaches of the Geneva Conventions. These provisions only apply in an international armed conflict. Although the selection of this particular formulation suggests that the drafters of the Law on Extraordinary Chambers believed there was an international armed conflict in Cambodia, successful prosecution of grave breaches will turn on whether the prosecutors can prove beyond reasonable doubt that there was an indeed an international armed conflict in Cambodia from 1975 to 1979 and that the grave breaches did apply. In East Timor, torture as a serious crime may be prosecuted either as a stand-alone crime, a crime against humanity, a war crime, or as a means of perpetrating genocide. In Cambodia's Extraordinary Chambers, torture as such may be prosecuted as a violation of the 1956 Penal Code, a war crime, a crime against humanity, or as a means of perpetrating genocide. The elements of what amounts to an act of torture will therefore depend on the categorization used. One of the unique features of the "internationalized domestic tribunal" is the use of domestic criminal law in the prosecution of atrocities. The rationale for this is that international crimes are first and foremost domestic



crimes; murder as a war crime will also violate rules against the taking of human life under domestic law. Tied to this is the recognition that a sovereign state is entitled to prosecute those who violate its national laws and that the courts of the affected state should ordinarily exercise jurisdiction.

Another reason for the use of domestic law is that it gives the prosecution flexibility in charging, which is particularly important in a situation where the institutions are weak or under-resourced, and unable to develop the body of evidence needed to prove that international crimes were committed. In East Timor, murder and sexual offences that took place between January 1, 1999 and October 25, 1999 are serious crimes and can be tried as violations of the Indonesian Penal Code by a Special Panel. The statute of limitations is, however, preserved and this may prevent the prosecution of historic violations of the Indonesian Penal Code. In Cambodia the Law on Extraordinary Chambers provides that the crimes of homicide, torture and religious persecution can be tried as violations of the 1956 Penal Code of Cambodia, and the 10-year statute of limitations is extended for a further 20 years.

Basic Principles

Individual Criminal Responsibility. The grounds of individual criminal responsibility set out in both the East Timorese and Cambodian legislation are similar, although that of East Timor, which copies the formulation used in the ICC Statute, is wider and includes those who solicit, induce, or otherwise assist in the commission of the crime, or take a substantial step towards commission. It also includes individuals who in any other way contribute to the commission or attempted commission of the crime (the contribution must be intentional and either made with the aim of furthering the criminal activity or purpose of a group, or with the knowledge of the group's intention to commit the crime). Direct and public incitement to commit genocide are specifically identified as grounds for individual criminal responsibility for both East Timor and Cambodia.

Rank. East Timor's Regulation 2000/15 makes

it clear that acting in an official capacity as head of state or government or arising from a democratic appointment will not shield someone from individual criminal responsibility. It also employs wording that does not preclude rank constituting a ground for a mitigating sentence (it shall not "in and of itself, constitute a ground for reduction of sentence"), contrasting with the corresponding provision in the Law on Extraordinary Chambers ("the position or rank of any suspect shall not relieve such person of criminal responsibility or mitigate punishment"). The Cambodian provision could be read to mean that a low ranking soldier who follows orders can never have his punishment mitigated. However, given that the Law on Extraordinary Chambers is targeted at the leaders of the Khmer Rouge, this should not in fact be an issue, unless of course, the low-level soldier could be considered as being among those "most responsible" for the atrocities.

Command Responsibility. The East Timor provisions provide that the doctrine of command responsibility (under which commanders or leaders are responsible for the acts of their subordinates) arises where (a) a superior knew or had reason to know that a subordinate was about to commit illegal acts or had done so and (b) the superior failed to take the necessary and reasonable steps to prevent such acts or to punish the perpetrators. Here, the drafters chose not to apply the provision used in the ICC Statute, but rather to use the formulation of the ICTY and ICTR Statutes.

(Continued in the March 2002 issue)

Suzannah Linton practices International Law and has worked on accountability for gross violations of human rights in many countries, as well as at the International Criminal Tribunal for the former Yugoslavia. She worked in Cambodia in 2001/2002, has published several legal studies on accountability for the Democratic Kampuchea era.

Daily Press Briefing by the Office of the Spokesman for the Secretary-General



The following is a near-verbatim transcript of the February 8, 2002 briefing by Fred Eckhard, Spokesman for the Secretary-General.

Good afternoon. We announced yesterday that our guest at the noon briefing would be Michael Steiner, the new Special Representative of the Secretary-General for Kosovo. That is still the case, but we have an important announcement to make on Cambodia, for which we've asked the Secretary-General's Legal Counsel, Hans Corell, to join us.

Our briefing today will consist of just one item, which Mr. Corell will present. The balance of the briefing will be put directly on the Web. Following Mr. Corell, Mr. Steiner will brief you on Kosovo. Here is the item on Cambodia.

Cambodia

The Secretary-General today instructed his Legal Counsel, Hans Corell, to deliver a letter to the Cambodian Government informing them that the United Nations will not longer negotiate with the Government on establishing a special court to try Khmer Rouge leaders for genocide and crimes against humanity for the period 1975 to 1979.

The letter gives two reasons for this decision. First, on a review of the entire process of the negotiation, the United Nations has concluded that as currently envisaged, the Cambodian court would not guarantee independence, impartiality and objectivity, which are required by the United Nations for it to cooperate with such a court.

Second, the Government rejected the United Nations' proposal that the assistance that the United

Nations would provide will be governed by the agreement between the United Nations and Cambodia. Cambodia insists that only its own rules would govern such assistance.

Mr. Corell is to here to explain the United Nations position and to take your questions.

Briefing by Hans Corell, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel

Thank you, Mr. Eckhard, and good afternoon.

At the instruction of the Secretary-General of the United Nations, the United Nations will no longer continue the negotiations with the Royal Government of Cambodia towards establishing the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea. These are often referred to as the "Extraordinary Chambers." The reasons for this decision are the following:

The negotiations between the United Nations and the Government originated from a request by Prince Ranariddh and Mr. Hun Sen, at the time co-prime ministers of Cambodia. In a letter to the Secretary-General of the United Nations of 21 June 1997, they jointly requested the assistance of the United Nations in bringing to justice persons responsible for genocide and crimes against humanity during the Khmer Rouge regime from 1975 to 1979. On 15 March 1999, an expert group appointed by the Secretary-General proposed that an international court be established. But, the scenario changed. In a letter to the Secretary-General of 17 June 1999, that is to say two years after the original request, Mr. Hun Sen, who is now the sole prime minister of Cambodia, modified the request; the focus was now to be on a national court with the



participation of foreign judges and prosecutors.

Despite the fact that an international court was no longer requested, the United Nations was encouraged by member states to continue the efforts of bringing the Khmer Rouge leaders to justice.

Therefore, the United Nations envisaged in negotiations an agreement between the Organization and the government. On three occasions, United Nations delegations visited Phnom Penh at the invitation of the government. Those visits took place in August 1999, in March 2000 and in July 2000. On the last occasion, I was then head of the delegation. I departed from Phnom Penh on 7 July 2000, with the brief that there was an understanding with respect to the outcome of the negotiations. The United Nations and the Cambodian Government had subjected both the draft law that was before the National Assembly and the text of the agreement to be signed between the United Nations and the government to a detailed scrutiny.

The negotiations between the government and the United Nations extended far longer than expected when the discussions began more than two years ago. During much of that time, the initiative rested with the Government, despite frequent statements by senior Cambodian officials holding the United Nations responsible for delays in the process. Indeed, during much of the period following July 2000, the United Nations waited for the adoption of the law establishing the Extraordinary Chambers. This did not occur until 10 August 2001, more than a year later. The United Nations received the official translations from Khmer into English and French under cover of Senior Minister Sok An's letter to me of 30 August 2001. During that period, the United Nations provided numerous suggestions aimed at assisting the government in establishing a credible process and worked closely with Minister Sok An in drawing up an agreement on the establishment and

operation of the Chambers.

After that long delay, it was possible for the United Nations to review the Law on the Establishment of the Extraordinary Chambers, which I will refer to as the "Law" in the future. In a letter to Minister Sok An of 10 October 2001, that is to say four weeks later, I stated that there remained for the United Nations a number of issues of concern. Principal among those issues is which document—the Law or an agreement between the Government and the United Nations—would govern the conduct of the Extraordinary Chambers in the event of a disagreement between the two documents. In a letter to me dated 23 November 2001, Minister Sok An stated, and I now quote him: "While the Articles of Cooperation may clarify certain nuances in the Law, and elaborate certain details, it is not possible for them to modify, let alone prevail over, a law that has just been promulgated." The United Nations must take this as the final position of the Cambodian Government.

It has been the United Nations' consistent position that the Organization cannot be bound by a national law, in a context like this. Therefore, the United Nations insisted throughout the negotiation, in accordance with the usual practice in concluding international agreements, that the United Nations and the government should reach a controlling agreement. In addition, it has been the consistent position of the United Nations that the Law would have to conform to the contents of the agreement. The question of Cambodia's sovereignty is not at issue here. The matter required an agreement to be implemented under the principle, which we call in international law, *pacta sunt servanda*, which means basically that the terms of the agreement are binding on both parties.

The problem of which document would control the conduct of the Extraordinary Chambers was created by the decision of the government to present the Law to the National Assembly before reaching an agreement



with the United Nations. The United Nations reluctantly continued to discuss the agreement and the establishment of the Extraordinary Chambers with the government despite its stated reservations about that process. This has never been merely a procedural concern of the United Nations. On the contrary, reaching such an agreement has been a necessary condition for the Organization's participation. Reducing the agreement to the status of a technical, administrative document subordinate to the Law would deprive it of its substantive role of ensuring that international standards of justice, necessary for the continued participation of the United Nations, would be maintained in the operation of the Extraordinary Chambers.

Given the Cambodian Government's position in this matter, it is not likely that the parties would resolve it through further negotiations. In addition, and having reviewed the correspondence over the last few months, including a letter which I received from Minister Sok An of 22 January 2002, the United Nations has come to the conclusion that the Extraordinary Chambers, as currently envisaged, would not guarantee the independence, impartiality and objectivity that a court established with the support the United Nations must have.

During the negotiations the United Nations maintained that international standards of justice must be met for the United Nations to participate in the Extraordinary Chambers. The United Nations has made great efforts to accommodate the concerns of the government. At the same time, we attempted to the best of our ability to protect the integrity of the Chambers and the prosecution. The United Nations regrets that the government was unable to address its concerns before the Law was adopted so that they could be reflected in the Law and, which is extremely important, so that the agreement would thereafter effectively govern the standards agreed to. Unfortunately, the government acted on its own without recognizing

that an agreement must be based on the consent of both parties.

Another aspect. In light of all these circumstances that I have referred to now, the United Nations has reviewed the negotiation process as it has developed from the first contacts between the United Nations and the government in June 1997 until now. What has emerged during this period, and, in particular, since the last negotiating session in Cambodia in July 2000, has given cause for great concern on the part of the United Nations. The United Nations is especially concerned at the lack of urgency shown in the year and a half since that visit. That delay extended the time before which the aged Khmer Rouge leaders could be brought to justice. The United Nations fears that this lack of urgency could continue and affect the work of the Extraordinary Chambers, which would be vulnerable to delay.

Therefore, having carefully considered these concerns, the United Nations has concluded that the proceedings of the Extraordinary Chambers would not guarantee the international standards of justice required for the United Nations to continue to work towards their establishment and have decided, with regret, to end its participation in this process.

Recognizing the stated goal of the Cambodian Government to establish the Extraordinary Chambers without delay, this decision would enable it to make other arrangements and begin the process of bringing the leaders of the Khmer Rouge to justice.

The United Nations shares with the Cambodian people a desire to bring the Khmer Rouge era to a close in a way that contributes to national reconciliation and justice, and wishes the government well in its efforts to reach this goal.

Thank you for your attention.

Questions and Answers

Question: Can you be more specific about what particular standards and procedures, as envisaged by

the government in these trials, are of concern to the United Nations, violating its standards?



Hans Corell

Mr. Corell: There are several concerns here. First of all, the arrangement as such is a very, very intricate arrangement. We tried in the negotiations to ascertain that in all the different steps here, there are three instances in

the pretrial chamber that these standards were met. But there are several issues that we had raised to the government. One of them, for example, is that the accused would not be allowed to appoint counsel of their own choosing.

But there are a number of issues, and I don't think I should go into detail here, but the whole concept, and the fact that the government is not prepared to allow the agreement to be the governing document, means that we do not know what will be the development of this matter in the future. If the United Nations is to enter into an endeavour of this magnitude, where we would have to rely on the support of many member states to finance it—as we have seen in our efforts in Sierra Leone—then we must be certain that the legal framework is locked in the agreement. This is not agreed to by the government.

Question: So it's not so much the specific points of the agreement that you take issue with, it's more of the controlling authority here.

Mr. Corell: Exactly.

Question: But are there, in addition to the thing about counsel, are there many different one that you—

Mr. Corell: Oh yes. There is a list of concerns that we have raised with them.

Question: You don't want to say anything more about what they are—

Mr. Corell: Well I mean it's a very, very

cumbersome exercise that we have entered into and there are other elements that are grafted onto the procedures that we have warned them simply cannot be met. We cannot agree to those, and they have not accepted that.

Question: On balance, what is more important, the lack of political will of the government which you identified in the slowness of their movements since the visit of July 2000, or these technical problems? Which is the more important? Could you envisage any circumstances under which you would return and renew cooperation with the government on this issue?

Mr. Corell: The United Nations has been engaged in this process for four and one-half years. The first two years were focusing on the options that were examined by a group of experts, and that led to a very clear recommendation by those. That recommendation—an international court—was not accepted. And this was noted in the Secretariat. But we were encouraged by member states to continue the negotiations. I must confess that we had our misgivings, but we tried, as international civil servants, our best to achieve a result that could be acceptable.

Mind you, I received a lot of criticism from people who know this field of law, that we have gone too far. But we thought we could defend the result that was reached in July 2000, if that had been accepted, including if it had been accepted that the agreement between that United Nations and Cambodia would be the governing document. That was not accepted by the government.

Whether we would return, the Secretary-General has taken this decision and this is what I am communicating to you now. I'm not going into any hypothetical questions.

Question: On the correspondence that you referred to in your statement, are those all public

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documents?

Mr. Corell: No, these are documents that I have exchanged with Minister Sok An. I know that some of them are available to the meeting. But the briefing that I gave you now, I will disseminate here.

Question: Was the final decision reached by the Security Council, the General Assembly or the Legal Department of the United Nations?

Mr. Corell: Certainly not by the Legal Department of the United Nations. This is a decision taken by the Secretary-General. But, the Security Council has not been involved in this matter, and I don't think that the Security Council was interested in getting involved in this matter.

The General Assembly has followed it, as the General Assembly follows these matters, and they have of course encouraged the Secretariat to engage in these negotiations. But, basically, it has been the Secretariat and Secretary-General who have been dealing with this matter.

Question: What do you describe as a change in the Cambodian position? What exactly do you ascribe this to?

Mr. Corell: I am not going to speak on behalf of the Cambodian Government. All I want to say is that we made it clear from the very beginning that we would have to have an agreement, clearly setting out the parameters, the conditions for the establishment of these special chambers. We asked the government not to present the Law to Parliament before we had reached an agreement. In spite of that, the government went ahead and presented a draft law to Parliament. We discussed this with the Secretary-General, because this is in a sense a technical matter at that state. So we decided to really try our best, so we continued the discussion, but all the time, we clearly indicated to the other delegation that ultimately, we have to conclude an agreement. And Mr. Sok An told me if there is an agreement to be concluded, it has to be ratified. Now

I received a message that there is now way that the Law will be changed or amended. We can have some marginal adjustments.

But that in itself is not the ultimate issue here. The ultimate issue is that unless the whole concept of these Extraordinary Chambers is governed by an agreement between the United Nations and the government, the United Nations cannot enter into this, because it will leave the field open to the Government in Cambodia to make whatever changes they see fit in the future. And this is not the way the United Nations would enter into an agreement with a member state.

Question: Can you give us your assessment of the quality of justice that Cambodian people are likely to face now that the United Nations has withdrawn from this?

Mr. Corell: I refer to what I said towards the end, that Mr. Hun Sen has often complained about the United Nations dragging its feet. He said that if the United Nations is not on board, then Cambodia would go ahead on its own, maybe with the support of the interested states. I do not know.

Question: What is the concern about the lack of urgency in terms of the Khmer Rouge? Either that people will escape or grow old and die?

Mr. Corell: This process has gone on for a long time. During the process, the Cambodian Government has tried to put the focus on the United Nations-that we have been slow in responding. This is certainly not so. We are concerned at the latest development. I don't know really what they mean by this, but we simply register that it had taken an inordinate time for them to deal with the matter, since we parted in July 2000.

Spokesman for Secretary-General

Thank you very much. We have a chronology of the United Nations' dealings with the Cambodian Government on this issue, which you can get, either in my office or from Israel [Machado] in the back.



Prime Minister Hun Sen's February 11, 2002 Press Conference on the United Nations' Withdrawal from the Process to Establish a Tribunal for Former Khmer Rouge Leaders

(This is an unofficial translation of a near-verbatim transcript of Samdech Hun Sen's press conference. It was excerpted by Peou Dara Vanthan from Cambodian national television)

Samdech Hun Sen: ...I have not received any official declaration yet. I have been made aware of this news through the media. I think that it is not too late for the UN to change its decision. Cambodia's door is still open to them and will continue to be so. I have made it known that some influential member nations, like Japan, the United States, France and other countries, are expressing their surprise at the decision of the Secretary General and Under Secretary General of the UN. Therefore, I can say that Cambodia's door is constantly open for their return. They can come on any day. I can wait for one or two more months. Cambodia has never burned its bridges with others, but if others do, it's another story. Now just consider that the bridge is still in place, since I have not received anything, except the news from the media. Just know I haven't been aware of any changes.

Journalist: ...For the time being, could Cambodia start the prosecution on its own?

Samdech Hun Sen: I cannot give you an answer to this question yet. But they already know Cambodia's position. Besides, we cannot let the Khmer Rouge issue go without prosecution, and we can't wait indefinitely. However, we can wait for two or three months.

Journalist: ...Would there be any possibility of changing the provisions, so that a compromise could be reached?

Samdech Hun Sen: Law is law; I do not have the right to do so.

Foreign Journalist: If the UN does not change its decision, would you conduct your own trial?

Samdech Hun Sen: Who can do that for Cambodia? However, I hope that the UN will return to Cambodia to work with us. It's been the fault of the UN from the beginning to the end. The UN gave the Khmer Rouge a seat and allowed them to continue to sit in the UN in order to continue to kill their own people. After that, the UN could not do anything to the Khmer Rouge. Now it says it will not participate in the trial. I do not wish to see the UN committing mistakes again and again, which causes embarrassment to its member nations. Now its members are urging the UN to return. The UN has nearly two hundred member countries, not one or two persons.

Journalist: ...Would there be any impact on foreign aid to Cambodia as a result of the UN withdrawal?

Samdech Hun Sen: There is nothing to worry about because donor countries are disappointed with the UN, not with Cambodia. This is true. You can see in the news that major donors, such as Japan, France, and the US, which is not a donor, are unhappy with this UN decision. Therefore, there won't be any problems with aid. It is not Cambodia's fault.

Journalist: Will the Royal Government of Cambodia prosecute the Khmer Rouge alone?

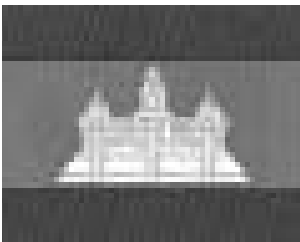
Samdech Hun Sen: True! For we cannot abandon this effort in the middle of the road. Law has to be put in motion. We'll wait. If the UN does not return, we'll invite interested countries to dispatch legal experts to participate in this trial. The law permits us to do so. The absence of the UN does not mean that we cannot do that and foreigners would not take part in the proceedings. Some countries will send judges and prosecutors to Cambodia.

Journalist: Samdech! This is the last question. Concerning Ta Mok and Duch, has His Excellency Sok An devised any legal procedure to delay their detention?

Samdech Hun Sen: This has to be done, because the period of detention is ending in March. Our best option is to propose a law, not write an amendment. We could propose a law that would allow us to continue to detain the criminals responsible for genocide and the crimes against humanity until the trial day arrives.

Senior Minister Sok An's February 12, 2002 Press Conference on the UN Withdrawal

(Unofficial translation by Peou Dara Vanthan from a transcript of the press conference)



H.E. Sok An: The Associated Press (AP) has raised two questions. First, why didn't we declare the contents of the eleven-point letter during the assembly session? Second, if we are not going to make concessions, why do we still want the UN to participate in the process?

Regarding the first point, in the declaration just a moment earlier, I mentioned that there is a "gentlemen's agreement" between me and H.E. Hans Corell, who said that in order to make the negotiations easier and more productive, we do not need to announce each decision publicly or elaborate on our policies. If we do so, each side will stand its ground, which may slow the negotiations' progress. Thus, in the "gentlemen's agreement," not declaring can mean that we have reached an agreement.

That's why we did not explain the meaning of this during the negotiations. Neither did H.E. Hans Corell expose the objectives of the negotiations. Thus, in the public discussion in the national assembly, I did not elaborate on the details of our initial discussions, the points we disagreed on, or how we resolved those disagreements. We did not mention anything.

As to the second point, just a moment ago, the AP representative asked whether Cambodia would make further concessions. I'd like to state here that before we reached a decision on developing a law to prosecute [the Khmer Rouge], we had made many concessions, which I'd like to review as follows:

From the beginning, 1998, to the time of the negotiations...our two attitudes were far apart, and we made many important settlements. First, the UN suggested setting up an international tribunal, while Cambodia wanted a national tribunal. Thus, these two proposals were very different. One side demanded an international tribunal; the other preferred a national one. However, in the end, an agreement was reached, in which the tribunal was to be national, but with the participation of international judges, which we called Extraordinary Chambers in the Courts of Cambodia.

We were able to reach such a compromise because at the time, both sides understood that creating an international tribunal was impossible, since problems would arise in meeting the UN standards. We, too, want a prosecution that is accepted by the international community, an internationally accepted standard. Thus, we wanted that and the UN aimed at creating an international tribunal. But, a pure UN framework was unacceptable. As I pointed out earlier, this was not the fault of Cambodia alone; the UN could not create one either. In the end, we reached a settlement, which we called the Extraordinary Chambers in the Courts of Cambodia.

Before concessions were made, we agreed that an extraordinary chamber was to be created. Yet, we still had to discuss who would hold the majority of judges. In the end, we reached another agreement, in which Cambodia had the majority, but the decision had to be made in a way that had not occurred before in a court



of law. It was called a Super Majority, which was a concession for both sides.

The third point was that the UN wanted to use a Common Law system, while Cambodia proposed the Greco-Roman system. In the latter system, we have one investigating judge and one prosecutor, whereas in Common Law there is only a prosecutor. Eventually, we reached another compromise. It was that the tribunal had to have a prosecutor and an investigating judge, which we call Three Instructions Investigating Judge. Check this term; it seems odd. Each side had one co-investigating Judge.

All of this means that we have made consecutive concessions. Now you ask me if we would make further concessions. It takes a long time to reach agreement on a concession. I think it is no longer the right time to talk about concessions.

Journalist: Your Excellency. I am a journalist with the Kyoto Press Agency of Japan. I want to know more clearly about the reasons behind the withdrawal of the UN. I have read the initial writings of Mr. Hans Corell, which contain up to 18 articles saying that what the national assembly has passed is inconsistent with what both sides demanded. Therefore, is it because of this that the UN withdrew? Second, you have mentioned that you will not make any more concessions; but why then did Samdech Hun Sen state yesterday that Cambodia's door is still open?

H.E. Sok An: Please consider why the UN, particularly Hans Corell, withdrew from the negotiations. I think we cannot understand his feelings 100 percent. However, my personal feeling is that he is probably too busy with his work right now—work from Afghanistan, Sierra Leone... Thus, we can assume that he is too busy to deal with Cambodian issues.

Still, he presented contradictory points as the reason for the withdrawal. I'd like to emphasize that this is a very important aspect. For this reason, I have distributed my letter, which was sent to H.E. Hans Corell to address the points he raised. You can read this letter and determine which points were contradictory and whether the replies of the working group—and especially that of the government—on these points were appropriate or not. Were they reasonable? Could those inconsistencies end the negotiations? There was nothing else beside this. This was the only thing.

When you read this, you can decide whether our disagreement was too great to stop the negotiations. I believe that there was no problem we could not solve. The most important point in Hans Corell's last letter concerned the "Articles of Cooperation" and the law I described in my introduction. This was not the whole story. As I've mentioned earlier, which article was more important was not a problem, since we agreed in principle. If a state signs an international agreement, that agreement has the highest priority. However, I noted that those two articles were not so contradictory that they led to arguments over their imposition/superiority. As I pointed out earlier, we gain nothing by creating a law that is passed by the National Assembly and the government's Legislative Organ, and after that, forming an agreement on cooperation that contradicts the law and eventually leads to the law's cancellation. There's no benefit for us to do so. That is why I said these two articles had different objectives. One article was about the fundamental law of the prosecution, while the other was about the fundamental law of cooperation between Cambodia and the UN. Thus, these two laws did not have any point in common, let alone a conflicting one. They are complementary. In short, it was not a large issue that was too complicated to end the negotiations.

...That's why they asked why that law was not the same as in the negotiations. My reply to this is that

we reexamine the letters of our communication. There was nothing different from what they said. There was no basic distinction. ...Negotiations could still take place.

Another point is the Prime Minister stated that our door is still open. Yes, this is the stance of the government. If we have confirmed that our door is still open, why am I saying that there won't be any more concessions? Now is not the right time to talk about concessions. Earlier when I explained about the concessions, I said that they are not something that can be made unilaterally. Saying that our door is still open means we are ready to continue negotiations in order to achieve the goal of creating what we call Extraordinary Chambers. Therefore, we still prepare for future negotiations with the UN to create such a chamber.

I would like to answer other questions. First, does this mean a stalemate? I think that the negotiation process has reached a stalemate, but setting up a tribunal— that is, an extraordinary chamber—is not. However, it is too early to say how we would do that. We will address this point later if the UN does not participate in the tribunal. That's the only way. I do not want to talk about it now. Now we just want to emphasize that if one side withdraws from the negotiations, it is a stalemate. But there is not a stalemate over the objective of creating extraordinary chambers. How should we go about this? I think it is too early to talk about it for the time being. For this we have to continue to consult our close and distant friends.

Second, are there any countries that have pledged to help us in some way? I think that Your Excellencies, Ladies and Gentlemen already know that a number of friendly nations, especially important nations, are most interested in this prosecution. They have stated their support for the Cambodian government's willingness to continue the negotiations. We will distribute the excerpts of these statements to you...I believe that it is not yet time for us to talk about what measures we should take. You can say that we need a little bit more time to take a position on such an issue.

Journalist: There is a concern about the age of those accused of genocide and there is some complaint from the attorneys of the suspects being detained, like Ta Mok and Duch. Will the government create a tribunal quickly or extend Ta Mok's pre-detention period?

H.E. Sok An: When I said "too soon," I did not mean waiting for months or years. We need only a few days or weeks to re-examine our position. We have understood that it won't be as long as many months or years. It will take days or weeks. Most importantly, Article 46 also addresses this issue.

Journalist: I am from Kyoto. Can you clarify the point that the UN's withdrawal is a victory for the government, since the government, which is controlled by the ruling party, did not intend to have the tribunal until after the [national] election in 2003?

H.E. Sok An: I think that this is far from the truth. What we want, as I have mentioned, is a standard—an internationally accepted standard—which means there is an idea that we accept. If we do not want to have a tribunal, we do not need to spend our time and money on meetings, since for this task, whether it is large or small, we have to spend money and time. We could be spending time to implement other many crucial political programs. There are many kinds of reforms—economic reconstruction, poverty reduction, etc. All of these are the Royal Government's programs.

We have a lot to do. If we didn't want the tribunals, why did we spend our time on them? Our efforts clearly reveal that the government wants to have this tribunal. As I said in the past, from this objective, we move into making concessions with each other, step by step. This is the policy; it is what the government



wants.

Journalist: Your Excellency, you have said that concessions are not made unilaterally. If I can interpret this, it means that Your Excellency also wants the UN to make some concessions in order to restart the negotiations. What concessions do you expect from them?

H.E. Sok An: I haven't thought about this yet. What I'm thinking primarily at present is that we should demonstrate our desire to continue the negotiations and keep our door open. Just a few minutes ago, you asked me what the government's attitude is toward the defense lawyers. This is an important point in the negotiation, but if we examine it closely, we will see the government's positive attitude toward it. The English version of the legal article I gave you mentions that the government assigns defense lawyers for the suspects. But, it does not ban foreign lawyers.

Thus, in practice, they can use Cambodian domestic law, which discusses foreign lawyers. If you look at the provisions of Cambodian law, you'll see that that it permits foreign lawyers to protect their clients in the Kingdom of Cambodia by cooperating with Cambodian lawyers. However, they have their own working methods and strategies. This is a point that is broader than the laws in many countries. As you've understood, many countries that are more developed than ours prohibit the participation of foreign lawyers. We lifted this prohibition in Cambodia. Thus, our law is much broader than in most countries.

You had better examine the law on the Bar Association, which describes how a foreign lawyer works with national lawyers. I'd like to emphasize this point: our law is broader, more open and more positive than those of many countries.

Journalist: Your Excellency! I am from National Television of Cambodia. I have three questions: One, do you believe that the UN will reconsider its decision? Two, without the UN, can Cambodia handle the prosecution of the Khmer Rouge by itself? Finally, what is your reaction to the assertion of Prince Norodom Ranarith that without the UN and international communities, Cambodia will not be able to create a credible tribunal?

H.E. Sok An: To answer the first question, we should look at Article 46. This article states clearly what is to be done if one side withdraws. Thus, we can see that it cannot be the same as what I've mentioned earlier; it is not a stalemate for the prosecution.

As for the statement that unless the UN participates in the tribunal, there will be a prosecution... [The journalist confirms: If there is no UN, there will not be any credible prosecution.] As I've said earlier, I want an internationally accepted standard. If the UN participates in the prosecution, we will obtain such a standard. But it does not mean we can do nothing if the UN does not participate.

This prosecution is based on three principles: 1) national sovereignty, 2) peace keeping and the protection of national unity, and 3) justice for the victims. We all are well aware of these. If we want an international standard, we also want an internationally accepted standard. We can do it without the UN, but if we need an internationally accepted standard, we want them to participate.

Dara Peou Vanthan is the supervisor of DC-Cam's Promoting Accountability Project.

Catharsis and Reconciliation

Craig Etcheson

“Catharsis” is defined in the dictionary as a purification of the emotions primarily through art, or a purification that brings about spiritual renewal or a release from tensions. A cathartic change, then, means a sudden, dramatic change, one that gives a person a whole new perspective on the world, or on one’s situation, and makes a person feel better. For example, some people say that the terrorist attacks on the World Trade Center in New York City on 9/11 produced a cathartic change in US policy and in the outlook of the American people, making people realize that the only solution to be free from fear of terror was to take the war to terrorists where they live.

A better example of catharsis might be one from psychotherapy, the science of treating people who have mental disturbances. For instance, there might be a person who is suffering from depression and doubts. This person discusses his problem with his doctor, talks to his psychotherapist about the difficulties he is having in his life, and suddenly the person realizes that his worries come from problems he had a long time ago during childhood, and that those things do not have to affect his life now, so he can go on living and be happy in his present situation. This sort of realization would be described as a “cathartic” experience.

Applied to Cambodia’s genocide, it is well-known that many people in Cambodia still suffer from the effects of the Khmer Rouge regime. Some of us who work with the Documentation Center of Cambodia have argued for years that a Khmer Rouge tribunal would be a cathartic experience for

Cambodians. A tribunal would be a major blow to the Culture of Impunity in Cambodia. The trials would give a sense of relief to many victims of the Khmer Rouge, and could reveal a lot of information to the public about the genocide, information which was previously hidden from the people. The realizations that could come out of a tribunal would be a form of mental release for those still suffering from the genocide. It would be a case where “the truth can set you free.”

The Documentation Center of Cambodia is always working to achieve catharsis in Cambodia. It is hard to imagine any kind of “cathartic change” that the Documentation Center could bring about all by itself, that is, some sudden, dramatic revelation which would have a major impact on the entire nation. But on the other hand, many of the things that the Documentation Center is doing tend to have cathartic effects on a smaller scale. One instance of this is found in the Documentation Center’s Family Tracing Project. Family Tracing has produced catharsis for many individuals who, through information available in the Documentation Center’s archives, have discovered what happened to their loved ones lost during the Pol Pot regime. Just last year, for example, a young French-Cambodian man and his French mother came to the Documentation Center to search for information about the fate of a former Cambodian diplomat who disappeared during the Khmer Rouge revolution; that diplomat was the woman’s husband and the young man’s father. For more than a quarter century, they had been plagued with doubt, worry and uncertainty

about what had become of their loved one after he returned to Cambodia during the Pol Pot regime to lend his skills to the rebuilding of the country. The only thing they knew was that he had simply disappeared. But the records of the Documentation Center showed that in fact he had been taken to S-21-Tuol Sleng-and killed there. After the young man and his mother discovered the truth about what had happened to him, they experienced a cathartic change in their lives. It was very hard for them, but knowing is better than not knowing. Although the truth may not be nice or pretty, it can give people a release from uncertainty that has been haunting them for many years, as it did in this case. We have seen exactly this same thing many times at the Documentation Center, where we always say that “the truth will set you free.”

The same thing applies to other projects at the Documentation Center. The Mass Grave Mapping Project is one example; seeing the map of the killing fields all over Cambodia can have a cathartic impact on people who did not believe that Cambodians can kill Cambodians the way the Khmer Rouge did, because when they see the massive scale and systematic nature of the Khmer Rouge killing, suddenly they will realize it is true. Horrible, but true. The Documentation Center’s Research Project is another example; when someone reads the book *Victims and Perpetrators? Testimony of Young Khmer Rouge Cadres* by Documentation Center researchers Ea Meng-Try and Sorya Sim, they can suddenly realize that all Cambodians were victims of the Khmer Rouge—even the Khmer Rouge cadres themselves—and this crucial insight to the truth of the Pol Pot time can be a cathartic experience, helping them to begin to find ways to reconcile with people they have viewed all of their lives simply as enemies. The Documentation Center’s monthly magazine, *Searching for the Truth*, is yet another

example; by providing information about the Cambodian genocide to ordinary people all over the country, *The Truth* helps to demystify the Khmer Rouge, showing people that the Khmer Rouge were not gods or demons, but rather that they were just ordinary people who were misled by stupid leaders, and persuaded to do bad things.

The cathartic effect of truth is the underlying goal of all of the Documentation Center’s work. These cathartic effects help to bring about change in Cambodia, one heart at a time, one Cambodian at a time, so that eventually, bit by bit, it will have the effect of facilitating national reconciliation everywhere in Cambodia. This kind of thing cannot happen all at once. There cannot be some heroic, magical revelation that will suddenly change the way all Cambodians look at themselves and the world. But by bringing out the real facts about the Cambodian genocide, the Documentation Center’s projects function as a “truth commission,” taking the genocide issue away from the politicians who will always exploit it for political purposes, and giving it back to the Cambodian people in a way they can understand. In this way, one by one, Cambodians can come to terms with the trauma of the genocide in their own hearts and minds, and eventually achieve “real” national reconciliation.

Craig Etcheson is a program manager and acting director of Yale University's Cambodian Genocide Program, and in 1995 helped to found the Documentation Center of Cambodia, where he continues to serve as an advisor. He is the author of three books on Cambodia: *The Rise and Demise of Democratic Kampuchea (1984), Retribution and Reconciliation: Healing What Ails Cambodia (2002), and Crimes of the Khmer Rouge: The Search for Peace with Justice in Cambodia (forthcoming).*

Searching for the Truth’s Public Survey on National Reconciliation

The Documentation Center of Cambodia (DC-Cam) also seeks the opinions of those who are not readers of the magazine, including those who are unable to read The Truth due to their age or other circumstances. The Center would appreciate their input on relevant questions and would be grateful if others would assist them in obtaining and completing the survey.

Answer please tick

Questions

1. Do you understand the aims of this magazine?

- I understand them clearly.
- I don’t understand them very well.
- I don’t understand them at all.

2. What is your impression of the magazine in its two-year course of publication? (Check all that apply)

- It is useful for the Cambodian public at large.
- It makes the people calm spiritually.
- It covers only old issues, nothing worth citing.
- It contains important information for researchers of history, law, culture and arts.
- It contains nothing important.
- It shows the true life of the people of Cambodia under the Khmer Rouge regime.
- It revisits old stories and provokes social dilemmas.
- It illustrates the merits of national reconciliation.

3. Are people in local Cambodian communities well aware of the publication of the magazine?

- Most of us have never heard about it before.
- The provincial and district authorities never deliver it (or speak about it) to communes and villages.
- Local authorities share it with the people each month.
- We see it only from time to time.

4. Do you think the magazine contributes to the healing of Cambodia’s social wounds?

- Yes. Why?.....
- Which section?.....
- No. Why?.....

5. Once you comprehend the history and acts committed by the Khmer Rouge leaders, what do you think?

- I want to have the tribunal established soon as a role model for the younger generation.
- I want to have a tribunal, but fear it would cause a recurrence of chaos.



- I don't want a tribunal for the leaders, because higher levels were not the killers.
- Other.

6. The magazine has published histories and activities of Khmer Rouge interrogators and lower-level cadres. Do you tend to judge lower-level cadres more as criminal perpetrators or victims?

- Perpetrators. Why?.....
- Victims. Why?.....
- Both. Why?

7. What is your feeling toward perpetrators at the lower levels of the Khmer Rouge?

- I pity them. Why?.....
- I do not pity them. Why?.....
- Other. Why?

8. What should the magazine discuss in order to help national reconciliation?

- Only perpetrators. Why?.....
- Only victims. Why?.....
- Only acts. Why?
- All of the above. Why?.....

9. Once you realize that the surviving villagers are those who killed your relatives, are you enraged and want to take revenge?

- No. Why?.....
- Yes. Why?.....

10. The magazine has published a large number of photos of victims' remains.

Which of the following statement do you agree with?

- It is just an indication of the dimensions of Khmer Rouge violence.
- It is shows disrespect to the spirits of the victims.
- What else?.....

11. If you realized that a son of those who killed your parents or relatives is your child's schoolmate now, would you teach your children to discriminate against him?

- Yes, it is necessary and right.
- No. I don't want to do so for fear of retribution by the perpetrator's son against my children some time in the future.
- Why?

12. In what way can the history of the Khmer Rouge regime best be publicized on a broader scale?

- Through the mass media, newspapers, radio, television, etc.
- Through government agencies at the provincial and municipal levels.
- Through private agencies such as human rights NGOs.
- Launching an educational campaign at the grassroots level, through schools.

13. The magazine includes five sections concentrating on different topic as follows: 1) documentation at DC-Cam; 2) history; 3) legal analysis; 4) public forum for debates; and 5) family tracing column. Should high schools or junior high schools be given non-formal education on the contents of the

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magazine?

Yes. Which section? Why?.....

No. Why?.....

14. What role should the magazine play during and after the trial process?

(check all that apply)

- It should serve as the voices of victims and perpetrators.
- It should be a source of legal documents and information about the trials.
- It should arbitrate the offenses of the Khmer Rouge regime.
- It should serve as a bridge toward national reconciliation.

15. Please give your views on the concept of national reconciliation. What is it? How can it be achieved?

.....
.....

(Use additional pages to answer questions 1-15 if needed.)

Kindly respond to all question and dispatch to us at:

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The Un Needs To Look At Own History With Cambodia

Peter Maguire

From the day the UN “experts” issued their recommendations in 1999, it became clear that the UN was more concerned with their organization’s reputation for perceived “fairness” than it was in reaching a working compromise that would have cleared the way for an international trial. Sadly, the UN’s inability to close the deal after four and half years of pious legalism is a fitting end and entirely consistent with that organization’s previous efforts in Cambodia.

Did the UN forget its own history? They recognized the Khmer Rouge throughout the 1980s, not to mention the fact that no mention was made of war crimes in the 1991 Paris Treaty that set up their occupation and the election of 1993. By dragging these negotiations out, the UN can count one major success in Cambodia: they transformed the debate over Khmer Rouge war crimes. Today, the horrifying atrocities ordered by prospective defendants like Brother Duch and the ridiculous justifications offered by their leaders, have been completely overshadowed by points of stale legalism. I would rather see these defendants’ rights (Duch and Ta Mok) violated than further torment their victims by freeing two high-level war crimes suspects on a technicality. How would the world have reacted if the Allies had freed Auschwitz commandant Rudolf Hess on a technicality?

Peter Maguire has taught the law and theory of war at Columbia University and Bard College. He was the historical advisor of documentary Nuremberg: A Courtroom Drama.

Letter from a Reader

From: Rector, Staff, Lecturers, and Students of IFL what does this acronym mean?

To: The Director of the Documentation Center of Cambodia (DC-Cam)

Dear Mr. Director,

On behalf the lecturers, students, readers and researchers of the library of the IFL, I would like to express my deepest gratitude for your gift of Searching for the Truth magazine, which is sent to us every month.

The magazine is a true historical document, revealing stories that all Cambodians should remember. Most of the students here were born after the genocide. Everything that happened during that horrific period is unknown to them. They learn of it through the stories of the survivors. The magazine terrifies the students and makes them feel pity for their country.

Once again, I would like to express our admiration for you and your staff, who really are great Khmer citizens. You are trying with your hearts and souls to conduct extensive research to obtain information for publication in this magazine, the one with the stories the Khmer people will never forget. We will preserve this invaluable document for the future research of our students. In the past, such a document was not available in Khmer in our library.

May the magazine Searching for the Truth become a primary tool for seeking the truth for Khmer society and finding justice for the victims of the genocidal regime.

I wish you and your staff greatest success.

Please accept my deepest respects.

Phnom Penh, June 11, 2001

Representative of staff and lecturers of the IFL

Dr. Mao Sokhan

KHMER ROUGE NOVEL:

The Sacrifices of our Mothers

This is the second part of a serialized Khmer Rouge novel.
(Continued from the January 2002 issue)

Transplanting season arrived. One day while we were putting seedlings in the muddy field, we heard the sound of an approaching car; it stopped in front of Elder Khut's field. We saw a man step out of the car. He was dressed in a brightly-colored shirt with ironed white trousers and smoothly polished dark red shoes. A pipe was sticking out of his mouth. Behind him stood a young man holding a leather briefcase, who showed a servile, timid manner when the man in the front turned to him. In addition, two policemen escorted him.

They had stopped quite far away from us. A few minutes later, one of the policemen shouted to us to come closer, since Mr. District Chief, as they called him, wanted to talk to us. We then left the field and walked toward them. At about 5-6 meters from them, the chief gestured us to stop, and then sneezed. One policeman, who knew his boss well, roared, "Do not come too close to the chief; you smell nasty when the wind blows in his direction." I heard mum and dad murmur in surprise, "The sweat and blood of the poor is as cheap as that!"

The new district chief asked us, "Who permits you to work in this field?"

Elder Khut answered, "We rent Major Chhuon's land. He collects a rent of 100 Tang per season."

The chief responded, "Chhuon is responsible for the military section only. We are in charge of the civilian section. If you want to farm this field, you have to ask permission from the district office and pay the required tax to the state. In short, you have to obey administrative law."

Uncle Norm knitted his eyebrows and asked, "What is the so-called administrative law, sir?"

When the chief first talked to us, he did not look at us. But when he heard someone ask a question, he stared at them. "These people are really uneducated! Never known any official regulation. Listen, every single place has a regulation. Those who live without law are monkeys

living in the forest. We came to work here in order to keep things in order. Therefore, from now on, every one of you has to pay tax as stated in the law. That is what we want to tell you," stated the chief. Then they got into the car and drove off.

Their visit saddened the farmers; they did not have the strength to work anymore. Everyone expressed his or her anger. Elder Khut rose up with his hands folded tightly and said loudly, "They are doing this to prevent us from living! Contemptible Chhuon almost killed us once already. Now, comes the man with a pipe. Perhaps we will not be able to live in the end."

It was deep into the night. I had fallen asleep at dusk. But I woke up when I heard dad speaking softly. I sat up and saw dad, mum, Elder Khut, Uncle Norm and another person I did not know sitting and talking. I wondered what they were doing at this late hour. I strained to listen, but couldn't hear clearly what they were talking about. This was because I was sleeping too far away from them, close to the cooker. They talked without lighting a lantern. A moment later, my brother came up and whispered to them. The stranger then shook the others' hands and left in the middle of the quiet night.

The next morning, the villagers—armed with forest knives, axes, and sticks—were gathering in the center of the village. They shouted, "Go to the district office! Go to the district office! Return our land to us! Return our land to us!"

I saw mum trying very hard to convince Uncle San, Aunt Trabb, Aunt Phuong, Aunt Lam, and Aunt Ren to take part in the procession. A moment later, villagers, old and young, were gathering to leave for the district office. At the office, I spotted Elder Khoeun, Uncle Tra, Uncle Pring and others already waiting. We heard them protest the tax, make demands for farmland, and demand to meet Major Chhuon and Phon, the district chief. I tried to look for the major and the man with the pipe, but they were nowhere in sight. People said they had escaped to Pailin.

(Continued in the March 2003 issue)

POEM:

REVOLUTIONARY ARMIES PARTICIPATE IN CULTIVATION TO IMPROVE PEOPLE'S LIVING STANDARDS

The revolutionary armies of Kampuchea are polite and gentle. They are honest, helpful and patient.

They are stern with our enemies, and fight without hesitation to liberate their beloved homeland and people from terror.

Being aware that their nation has just come out of a war, these comrades, originating from the poor, work constantly without rest, every single day.

They hurt when people starve, so they intensively guard and grow food for them.

Since the beginning of this year's rainy season, they have been racing against time to plow, sow seeds, and transplant in vast quantities in every village.

By building dikes and dams, we have enough water for our rice, which is growing very rapidly.

When they finish they hand over the field to the cooperative, and then move on to help the next cooperative to cultivate on time.

These are revolutionary armies. Their fighting morale is high, and they are aware of the happiness and misery of their people.

Not only do they share backbreaking agricultural work with the people, they also eat with them when they lack food.

As harvest season arrives, we can see that our rice yields will be higher than in other years, which makes us feel delighted.

[They] assign forces to harvest, thresh, and store rice in villages happily and quickly, so that the revolutionary armies can begin renovating the dikes.

And as a result, the people become self-reliant in both the dry and rainy seasons, and can achieve the target production of three tons per hectare.

Our people are happy and feel warm with the help of their moral child armies.

The people are very proud, and they are determined to fight on with greater intensity and to cultivate to support themselves and to build their country.

We, the soldiers, determine to preserve the reputation of the revolutionary army by being polite and friendly.

We keep our duty of serving the people deep in our heart and try to achieve more and more missions in the future.

February 1976

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

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