Magazine of Documentation Center of Cambodia

Number 36, December 2002

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Villagers in Prey Thom sub-district bringing victims' remains to a stupa, 1981.

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

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Letter :

The Justice Cambodians Deserve

The independent tribunal to prosecute former Khmer Rouge leaders, who were responsible for the deaths of millions of Cambodians, must be formed on the basis of justice and the promotion of human rights. This is necessary for the development of Cambodia. Moreover, the tribunal will be the only way to fully reconcile Cambodian society.

If there is no prosecution of the Khmer Rouge leaders, what is the point of judging petit crimes in Cambodian society today? The absence of the trial will make people lose their confidence in the judiciary, which is key to the country's development.

The Khmer Rouge leaders always claim that they did not carry out acts that caused Cambodians all over the country to suffer. They say that they did not kill people's loved ones, separate them from their families, or permanently maim people. If they are telling the truth, then why are they afraid to cooperate with an independent tribunal? The courts need only request the testimony of Cambodians who witnessed the atrocities and evidence documenting them. Documents exist that show the locations of gravesites and identify the victims.

DC-Cam began searching for gravesites in 1995. Although the search was difficult, through interviews and research, we have found 19,440 mass graves, 167 prisons that operated during Democratic Kampuchea, and 77 memorials built by survivors. Most of the sites contain (or used to contain) tens of thousands of bodies. Mass graves have been found in 170 districts and almost every province in the Kingdom of Cambodia.

The United Nations and the Cambodian government are unable or unwilling to agree on legal procedures for prosecuting former Khmer Rouge leaders, but many thousands of mass graves and prisons containing instruments of torture remind us of the importance of having legal accountability. The similarity of each prison and mass grave, and consistent stories described by witnesses around the country prove that arrest and detention, torture, and execution were systematically carried out under the supervision of the Khmer Rouge leaders.

In addition to sites bearing evidence of atrocities, the survivors have built numerous memorials dedicated to their deceased loved ones and as a reminder of the Khmer Rouge tragedy. The Khmer Rouge tribunal will provide the Cambodian people with justice and national reconciliation, which they rightfully deserve.

Youk Chhang
Editor-in-chief and Publisher

DC-Cam's Planned Major Projects for 2003

Youk Chhang

The Documentation Center of Cambodia has a number of core projects and activities planned for 2003. Without exception, these planned tasks represent necessary developments of our existing work in further developing the history of the Khmer Rouge era, sharing that information with the public, and promoting accountability and reconciliation in Cambodia. Our planned activities for 2003 are essential if we are to achieve our objectives and meet the rising demands placed upon us by interested scholars, governments, foundations, and members of the general public.

Documentation Project

Documentation Center of Cambodia, Listing Division.

In 2003, our Documentation Project will continue to focus on collecting new materials—both within Cambodia and abroad—and building our bibliographic and biographic computer databases by accelerating our data input. The Cambodian Genocide Biographical Database (CBIO) contains detailed information on Khmer Rouge leaders and cadres. In 2001-2002, DC-Cam completed a major upgrade to CBIO, with entries on 10,412 individuals in a dual English-Khmer database. For the Cambodian Genocide Bibliographic Database (CBIB), the focus of our efforts last year was Khmer Rouge secret police documents. A total of 10,612 out of 28,691 bibliographical files were catalogued and edited by September 2002. We started data entry for a major CBIB upgrade in December 2005, after completing a CBIO upgrade.

Our long-time partner, Yale University's Cambodian Genocide Program, ceased activity in 2001, and we continue to negotiate with Yale University for rights to incorporate the information in the existing databases into a larger, longer-term project that aims to comprehensively catalogue DC-Cam holdings. The bulk of the Center's archival holdings have not yet been catalogued, including nearly 4,143 photographs (6,376 have been catalogued) and more than 95,000 (the D&K collection) additional pages of documents, as well as a wide range of additional materials of historical and legal interest.

Mapping Project

To date, we have identified mass graves, Khmer Rouge prisons, and genocide memorials in 170 Cambodian districts and almost all of the country's provinces. Many of those sites contain—or once contained—the remains of thousands of victims. During 2003, we plan to continue our search for new sites in previously unexplored areas and to enter those new sites into our computer database (not yet available on the Internet for public view). We will continue to rely on both physical exploration and interviews with Cambodians in the areas that we visit. Many such research trips are in the works.

We have also undertaken a significant new Forensic Analysis Project in collaboration with Dr. Michael Pollanen (an expert in forensic pathology), Dr. Katharine L. Gruspier (an expert in forensic anthropology), and Dr. Craig Etcheson (an expert in Cambodian history). The project involves forensic analysis of the remains of Khmer Rouge victims and aims to assemble forensic data on mass killing in Cambodia during the Khmer Rouge regime. Phase 1 of this project was completed in March-April of 2002 and consisted of a

preliminary forensic feasibility assessment of human skeletal remains at mass grave sites and associated memorials. Phase 2 will involve a detailed reconnaissance of mass graves to identify appropriate sites for a full-scale forensic exhumation, as well as the collection and preservation of a representative sample of traumatized human skeletal remains. Phase 3 will be a definitive, multi-disciplinary forensic analysis of a representative sample of mass graves.

At a time when the United Nations and Cambodian government remain unable to agree on procedures for a Khmer Rouge criminal tribunal, thousands of identified mass graves and scores of DK prisons—many with remnants of primitive torture devices—provide harrowing reminders of the need to establish accountability. Mass graves and other sites that our project uncovers offer potentially critical evidence for the crimes of the Communist Party of Kampuchea (CPK). The burial sites and detention facilities make it implausible—and indeed practically inconceivable—that any DK leader was unaware that members of the Party were carrying out mass killing and other criminal acts between 1975 and 1979, or took steps to prevent such abuses. Even more ominously, the mass gravesites and prisons provide compelling circumstantial evidence that CPK atrocities were part of a centrally orchestrated plan ordered, aided, and abetted by the DK leadership. Thus, the Mapping Project provides further moral and practical incentives to return to the negotiating table, agree on mechanisms that will deliver credible justice to the survivors of the Pot Pot regime, and build a sustainable rule of law in Cambodia.

Microfilm Project

In 2003, we intend to accelerate our entry of documents onto microfilm, which will preserve them for the future. In 2001, we completed the microfilming of over 236 reels, and in the first six months of 2002, we completed a further 70 reels (totalling 41,215 documents). However, we still have many additional documents in need of preservation. With the passage of time, our microfilming project becomes more and more important, as some Khmer Rouge documents begin to lose their physical integrity. Training of our staff members during 2001 and 2002 should enable us to microfilm documents even more quickly in 2003, provided that we continue to receive adequate core funding. In 2003, we plan to complete 120 reels consisting of 13,184 files of the D&K collection, totalling 95,000 pages.

Research Project

During 2003, we plan to publish a number of books and to undertake new research in collaboration with international experts. Vannak Huy's The Khmer Rouge Division 703, Osman Ysa's The Cham Rebellion, and Meng-Try Ea's Terror from the Southwest Zone are approaching completion and will be among the texts ready for 2003 publication. Other papers on subjects including "Child Cadres and Khmer Rouge Education in Tram Kak," "Khmer Rouge Nurses," "Hill Tribes Under the Khmer Rouge Regime," and "Pochemdam Village Vietnamese Families" are also nearing completion and will form part of our Research Team's 2003 focus. Three more recent papers, entitled "Khmer Kampuchea Krom under the Khmer Rouge Regime," "Women under the Khmer Rouge Regime," and "Cambodian National Reconciliation" are also underway. A new proposal for an in-depth study of Buddhism under the Pol Pot regime is also in arrangement with Dr. Ian Harris of the Becket Institute at St. Hugh's College, Oxford. Our research products continue to be a vital way that we share our findings with scholars and disseminate them throughout the broader public community as well.

DC-Cam also plans to continue to welcome scholars to the Center in 2003. Their input and interaction with our staff provide a vital inflow of ideas and expertise, and their work products are an indirect means by which DC-Cam shares our work with the broader scholarly community and the public. In the past, we have often had limited space to accommodate scholars. While this problem is not resolved, new space acquired at the Tuol Sleng Genocide Museum during 2002 is

helpful. In addition, to make our welcoming of scholars more sustainable from an economic standpoint, we are considering the implementation of a modest fee for visiting researchers.

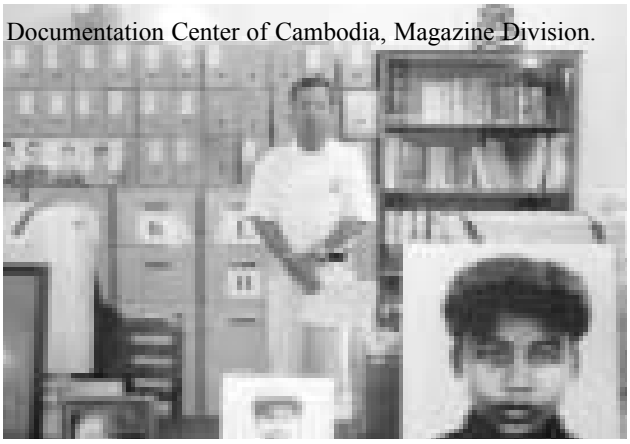
Magazine Project - Searching for the Truth

As of November 2002, we have published 35 issues of Searching for the Truth. The magazine features a variety of articles on different topics. Each issue includes five sections: (a) documentation work at DC-Cam; (b) history; (c) legal analysis; (d) a public forum for debates; and (e) a family tracing column describing the efforts of DC-Cam to locate information about missing family members from the Khmer Rouge time.

Our publication run has risen to 245,000 copies/ year, though we remain firmly committed to our original objective of publishing up to 40,000 copies per issue. With a generous grant from Swedish International Development Agency (Sida), we have also been producing approximately 1,000 copies of the English version per month. Copies of the English version of the magazine went on sale at US$3.50 per copy in October 2001. In 2003, we plan to generate additional funds by increasing sales of our English edition to help defray the expenses of publishing the Khmer version. Finally, Searching for the Truth has been published on-line so that the Cambodian Diaspora and overseas readers can easily access it. An estimated one million Cambodians live overseas.

In 2003, a major goal of our Magazine Project will be to publish our English and Khmer versions simultaneously. (To date, a translation lag has prevented the simultaneous publication of the English version.) We are currently seeking a qualified editor for our English version to complement the work of our staff members, whose heavy responsibilities demand their primary attention to the Khmer version. At the same time, we are considering ways to bring qualified interns and volunteers to the Center to perform that function. Of course, an essential goal is to maintain the high standard of our publication established during our first 34 months of publication.

Documentation Center of Cambodia, Magazine Division.



Another major goal for 2003 is to continue improving the efficiency of our domestic distribution, which has presented some challenges. In the past two years, we discovered that contracting with local agents was not cost-efficient and provided inadequate assurance of delivery. We have since found that handling distribution independently is more economical and reliable. Several NGOs have assisted us in distributing the magazine to the provinces, including the Cambodian League for the Promotion and Defense of Human Rights, the Center of Social Development, Partners for Development, and others. Every month, up to 85% of the print run of Searching for the Truth is distributed free of charge throughout Cambodia in four cities, 20 provinces, 173 districts and 1,560 subdistricts.

The magazine is also distributed free of charge to the Royal Council, members of the National Assembly and the Senate, political parties, embassies in Cambodia, the Council of Ministers, ministries, most NGOs, all libraries, provincial and municipal secondary schools, the National Archives, and all Cambodian ambassadors working abroad.

We also plan to expand our international distribution of Searching for the Truth in 2003 by seeking out both institutional and individual subscribers. Our magazine staff and international advisors have already begun collaborating to develop strategies for wider international sales. Increasing our revenues through sales overseas would help make the project more sustainable by reducing its dependence on external

funding.

Another way of increasing the international exposure of our publications has been to present them at international conferences and seminars attended by DC-Cam staff members. Thus far, informal responses have been highly positive, especially from people who work with institutions that deal in issues of transitional justice. Given that expressed interest, our staff members are currently working to secure new subscriptions to Searching for the Truth.

Project to Promote Accountability

Since its inception in April 2001, the PA Project has made significant progress toward both of its two major goals. With respect to the CPK dossiers, DC-Cam staff members have accumulated and organized substantial amounts of information. In total, the dossiers contain approximately 2,500 pages of documents, summarized in one volume of over 300 pages. Together, the 11 volumes represent substantial progress. The summary volume, containing excerpts and citations, has been verified and edited by Dara P. Vanthan, head of the PA Team. The files have yet to be translated into English, preventing a third-party evaluation of their substantive content and conceptual organization. To improve and further develop this aspect of the project, two major steps are envisioned for 2003:

◆ Translating more of the materials and involving DC-Cam's legal advisors more directly in reviewing and analyzing the materials; and

◆ Creating a database to amalgamate some of the evidence that staff members have collected relating to the DK political hierarchy and CPK chains of command.

These new dimensions to the project should help to produce material that is even more useful in proving the offenses of former CPK leaders and other perpetrators of the most serious abuses.

The PA Team has also made substantial progress in interviewing former CPK cadres or their surviving relatives. Team members have organized their trips geographically and (as of June 2002) had investigated 124 biographies of former CPK security cadres and identified 35 cadres who are still alive and resident in Cambodia. The remaining 89 individuals are believed to be missing or dead after extensive searches and conversations with relatives and former acquaintances. The PA Team has managed to locate and interview 20 of the former cadres and 136 relatives of missing or deceased cadres. Interviews are completely transcribed after their conclusion to create a body of historical and potentially legal evidence about the identities and activities of perpetrators during the DK period. To date, DC-Cam has amassed 1,652 pages of interview transcripts from former cadres and their relatives.

Unsurprisingly, it has proven difficult to locate some former cadres and convince them to participate in a recorded interview. As noted above, out of 126 biographies investigated, less than one-third of those have been located, and not all of those persons have been interviewed. To increase the efficiency of the interviewing process, DC-Cam has added a number of new features to the PA Project that we will further develop in 2003:

◆ Retaining temporary local employees in the provinces to locate individuals and pre-schedule interviews for the PA Team;

◆ Using a broader base of CPK biographies than the 555 relating to former security employees (enabling a higher density of individuals to be interviewed in a particular geographic area); and

◆ Opening a number of small provincial offices to reduce the costs and inconvenience of current research trips (both for the PA Project and other activities).

The team is currently focusing on four provinces—Kampong Cham, Kampong Thom, Kandal, and Takeo—and has expanded its search net to approximately 5,000 former CPK cadres.

The PA Project becomes more important with every passing month. To the extent that a tribunal or similar accountability forum does convene, the information provided through the PA Project will provide a critical asset to legal investigators. DC-Cam now holds the most complete collection of potential evidentiary materials

against the Khmer Rouge. To assist the operations of the proposed Khmer Rouge genocide tribunal, DC-Cam plans to retain a small legal staff drawn from its past and current volunteer legal advisors. Their work will include preparing potential evidence and educating the public about the process of achieving justice.

Translation and Publication Projects

DC-Cam has received approval from various distinguished authors to translate a number of English-language books into Khmer and to publish them. Those books include First They Killed My Father by Luong Ung, Voices from S-21 by Prof. David Chandler, Brother Enemy: the War After War by Nayan Chanda, Anne Frank's Diary and Victims and Perpetrators? Testimony of Young Khmer Rouge Comrades, by Meng-Try Ea and Sorya Sim. Between April and June, our Translation Team completed their translation of these works. The Khmer versions are now being formatted for publication. During 2003, the Director of DC-Cam also plans to complete a translation of the so-called "Khmer Rouge telegrams," which are a key body of CPK internal memoranda, letters, and reports.

Additional Proposed Activities for 2003

All of the projects described above represent extensions of our current work at the Center. However, if sufficient funding becomes available, there are a number of other projects that we would like to undertake in 2003:

◆ History Textbook Project. In order for Cambodians to move forward, they must understand their past. That problem begins in schools, where Cambodian students read textbooks that often fail to provide a full and accurate account of Khmer Rouge history. We hope to remedy that situation by reviewing current textbooks, identifying their deficiencies, and drafting and recommending a prototype curriculum for secondary schools to supplement or replace existing instruction on Khmer Rouge history.

◆ Oral History Video Archives. DC-Cam hopes to launch a new project aiming to collect oral histories from as many as 2,400 rank and file Khmer Rouge cadre and survivors. We aim to identify genocide survivors with specific experiences during the regime, juxtaposing their views with those of the local cadre of the era. This collection of perpetrator and victim oral history interviews will be assembled into a video archive and preserved for study by scholars. The archive will also serve as raw material for one or more documentary features. The project would serve to fill a need for more detailed oral history on the Pol Pot era.

◆ Photo Digital Archives. We also hope to engage in a joint project with Digital Memory Cambodia to digitize the 30,000 photographs in DC-Cam's custody to permit further use of the photographic images while allowing preservation of the originals.

◆ Collation of Sample Petitions. DC-Cam possesses over one million petitions from survivors of the Pol Pot era, often called the Renakse documents. In the next few years, we hope to devote a modest amount of staff resources to collate a sampling of such documents and, with the permission of their authors, to disseminate that compilation to the public. The project would provide valuable information while giving the survivors of the regime a voice in describing their experiences.

◆ Local Presentations. Not all Cambodians are capable of reading the works that our researchers produce through their manuscripts and Searching for the Truth magazine. One project that we hope to launch (and which would entail very minor costs) is to send some of our researchers on brief field trips to present their work orally in public settings. Many Cambodians have expressed interest in our findings. Occasional oral presentations would provide an important complement to our other outreach efforts without entailing excessive demands on our budget or our researchers.

All of these projects will depend upon securing sufficient funds and ensuring adequate staff resources. We intend to undertake each project as soon as financial and other circumstances permit us to do so, and we are confident that some will be possible as early as 2003. We are also optimistic that we will be able to embark on all of these projects sometime in the coming years.

Individually and collectively, they will contribute a great deal to our aims of preserving the history of the Pol pot period, encouraging accountability, and disseminating our work to the Cambodian public.

DC-Cam With or Without a Khmer Rouge Tribunal

As of this writing, the prospects for a Khmer Rouge tribunal remain uncertain, although the United Nations and Cambodian government are approaching a new round of negotiations. The United Nations' Third Committee recently passed a draft resolution sponsored by France and Japan that would direct the Secretary General and Cambodian authorities to pursue an agreement on a tribunal in the near future. Many states abstained from the vote on the draft resolution, however, believing that it did not adequately ensure that trials would meet international standards. China also continues to lead a movement opposed to a tribunal altogether. It therefore remains unclear whether credible and just trials will take place in the next several years. DC-Cam has been very careful to prepare our work to be relevant (and indeed essential) whether a tribunal occurs or not.

If a tribunal does convene, DC-Cam will have an obvious role in serving as the primary repository source of evidence against former Khmer Rouge leaders and as a major source of information about the trials. Of course, our historical work, public outreach, and other projects would also continue in the event of a tribunal. Ironically, if a tribunal fails to convene in 2003 or thereafter, the value of our work may be even greater. Scholars and various officials have observed that for all practical purposes, the Documentation Center of Cambodia carries out many of the functions that in other countries are sometimes entrusted to a "truth commission." Without a formal process, our work will indeed provide the closest surrogate to a truth commission. Our work in collecting and disseminating the truth will therefore be even more necessary.

In 2003, as in previous years, we will consciously seek to produce outputs that are equally valuable whether a tribunal convenes or not. A number of our legal advisors are helping us to identify the most useful types of information to prepare for an accountability process or for the purposes of establishing legal "truths" for the historical record. In the absence of a tribunal, we would attempt to take the lead ourselves in disseminating facts about the Khmer Rouge regime through publications, press releases, and public conferences. We are also actively considering other means by which we could fill the gap of an absent accountability process. In that case, we would undertake increased outreach activities to ensure that the truth is disseminated to all corners of Cambodia, even without the publicity generated by a tribunal. Through added field trips, increased publication of our magazine, and possible leadership in some form of public inquiry, we would attempt to fill the gap of an unfulfilled tribunal. At present, of course, such plans necessarily remain contingent on the prospective U.N. —Cambodian negotiations.

Conclusion

All of the projects described above form an integrated whole in the Center's work. Certainly, our long-standing core projects of mapping and documentation represent annual priorities for our funding, as they form the backbone for much of our other work. However, as time passes, we have a greater and greater obligation to meet the public demand and need for impartial information. Our magazine, research products, and translated works are therefore critical and have emerged as add-itional "core activities." The Project to Promote Account- ability is also urgent, given the possibility of a tribunal in the near future or the possibility that DC-Cam will be effectively charged with filling the role of a surrogate truth commission. It is difficult to prioritize one of these essential projects over another, which is why we have prioritized obtaining a sufficient pool of core funding that will help us to carry out all of these various activities.

Our important goals of achieving memory and justice can be accomplished only if we have stable and predictable sources of core funding.

Youk Chhang
Editor-in-chief and Publisher

Ieng Sary

The Fate of a Cambodian Student from Yugoslavia

Bunsou Sour

Saom Seila was a Cambodian student who pursued his studies abroad. At least 1,000 students from abroad were sent to the Boeng Trabek (known as Office K-17) re-education center after they returned to Cambodia when Ieng Sary, Democratic Kampuchea's minister of foreign affairs, appealed to them to do so.

Saom Selia's name is not among the 184 names in the "Students and Civil Servants from Abroad" section of the "L:ist of Prisoners Smashed at S-21." However, it appears that the names of Huot Sambath, Cambodian ambassador to Yugoslavia, and Thach Suong, second secretary of the embassy, are on this list. Seila, in his confession, said had had relationship with the two officials in Yugoslavia when he was studying there. After his arrest, Seila disappeared. The following is a brief summary of Saom Seila's confession of May 8, 1977. He was interrogated by a Group 10 interrogator named Hong.

Education

Saom Seila was 35 years old in 1977. He was a native of Rominh village, Rominh subdistrict and district, Takeo province. In 1949, Seila went to primary school in Battambang. In 1950, his father was transferred to teach in Battambang provincial town, and Seila and his family moved with him to Sisophon district. In 1955, his father became a school discipline controller in Phnom Penh. Seila then went to Boeng Keng Kang school. In 1956 Seila studied in Kampot.

Seila's father was Lam Saom; he was a member of the Democratic Party. However, Lam Saom decided to move to work as an inspector of primary schools in Kampong Thom provincial town after his party lost the elections. Seila then moved to study in Kampong Thom.

Receiving Western Influence

In 1957 Seila's mother, Meng Kim Sorn, visited Kong Thuch, Seila's grandfather, in Kep village. Thuch talked about life in the United States, where prosperity and freedom prevailed, and the country was the most powerful in the world. In addition, Thuch said every American had had two or three cars and used modern household devices.

In 1959, Seila was a fourth grader at Sisowath High School. Every evening, he went for a walk along Monivong Boulevard. One day, Seila met and got to know a new schoolmate named Chey Vuth. After they became friends, they often went out together. Vuth educated Seila to enjoy his adolescence by having sex with girls and loving rankism. Moreover, Vuth also appreciated the luxurious life in the U.S., explaining that people were not just happy but also had girls better than ours.

Relationship with the CIA

In 1960, Seila's family moved to Phnom Penh. His father worked for the Ministry of Education. In that year, Seila joined the CIA. Chey Savuth introduced him to a CIA office in the vicinity of Phsar Thmei. Seila was given a welcoming party. During the party, Kong Thuch stood up and announced the aims and objectives of the CIA. Kong Thuch said the CIA could help push Cambodia out of the claws of the Soviet and Chinese imperialists. After that every participant introduced him/herself and pledged allegiance to the CIA. At that time, Seila received a salary of US$100. He joined the CIA with four other people, including a businessman named Huot, two men who worked in a silver store, Keng and Pheng, and a farmer named Sreng.

Expanding Forces in Cambodia

Chey Vuth told Seila to contact his peers Chhean

and Chhong, who had seniority in joining the CIA. The two also worked under the instruction of Chey and Vuth.

In 1960, Chhean, Chhong and Seila met at Tuol Tumpoung to report on the outcome of an investigation of a Khmer Rouge operative named Ry, a fellow student. The three knew that Ry was Khmer Rouge because he appreciated socialism. After reporting him, Vuth imprisoned Ry in the second bureau. Chey Vuth assigned Seila to contact Chan to organize and increase CIA forces. One time, Seila attended a meeting in a free class at Sisovath High School. The meeting was attended by eight participants, including Seila. The meeting was held to discuss the program of building up CIA forces by means of bribes, direct persuasion, and coercion.

Chey Vuth assigned Seila to contact a student named Men so that he could persuade other students to join the CIA. After that Chey Vuth told Seila to contact Mam to join the police so that he could persuade more policemen to join the CIA. In 1961, a Vietnamese CIA agent named Thieu, through Huot, came and contacted Seila at Toek La-ak. Thieu told Seila that "[you] have to observe and inform Huot who in turn reports to Vietnam, in case a Vietnamese is serving the Viet Cong."

In 1963, Seila contacted a man named Chea in Kampong Thom in an attempt to establish the CIA in other provinces. He made Chea a CIA team leader so that he could investigate the Khmer Rouge in Kampong Thom and report on them.

Seila wrote in his April 18, 1977 confession that "Sam Na told me at a place next to Sisovath High School that all of us had to be ready to stage a coup against Prince Sihanouk and bring about a liberal regime in Cambodia." Knowing such information, Seila tried even harder to collect forces in all places. He managed to recruit and appoint a person named Kien to join the police in order to recruit more policemen into the CIA. However, when it became apparent that there were not enough forces for the planned coup, especially those burrowing among civil servants, Seila was accepted to study abroad. In 1964 he went to Yugoslavia to study economics.

Building Networks Abroad

Seila wrote that after he came to study in Yugoslavia, he often heard an Algerian talking about an organization he could join in order to make contact with the CIA in the Yugoslavia. His confession also mentions the activities of the Cambodian Front embassy in Belgrade, including those of Huot Sambat, Thach Suong and their families. In 1971, the Front students attended a meeting in Belgrade to prepare a statute in accordance with the requirements set forth by the Khmer Student Association in Yugoslavia. Then the association forwarded the statute to its branches in other countries.

In 1976, during his stay in Yugoslavia, Seila was educated and told to build as many forces in Cambodia as possible in an attempt to overthrow the independence of Cambodia by obstructing its development in all fields, from agriculture, industry, culture, and civilization, to the collectivism of the entire society.

Seila's confession claims that his network contained 141 members, both inside and outside of Cambodia. They included officeholders, policemen, soldiers, school-teachers, businessmen, farmers, students, university students from abroad, Cambodian embassy officials in Yugoslavia, Yugoslav students, physicians, Iraqis, Sudanese, Indians, Laotians, Tanzanians, and foreigners.

Seila's Fate

Seila returned to Cambodia on March 4, 1977 and stayed at the Ministry of Foreign Affairs. Upon his return, Seila began implementing plans he had formulated in Yugoslavia. Seila met with Chan Chhleav to talk about CIA forces to be recruited for the purpose of overthrowing the independence of Cambodia.

Soon after he arrived home, Seila was arrested. Nothing has been heard of him since March 20, 1977, the day of his arrest.

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

LIST OF FOREIGNERS SMASHED AT S-21

Prepared by Nean Yin

(Continued from the November 2002 issue)

No	Name	Nationality	Occupation	Place of Arrest	Date of Entry	Date of Execution
208	Nguyen Ut	Vietnamese	Spy	Kampong Som	12 Nov 1978	20 Nov 1978
209	Chuong Van Khang	Vietnamese	Spy	Kampong Som	12 Nov 1978	2 Dec 1978
210	Nguyen Van Vo	Vietnamese	Spy	Kampong Som	12 Nov 1978	12 Dec 1978
211	Dinh Thanh Liem	Vietnamese	Spy	Svay Rieng	13 Nov 1978	15 Nov 1978
212	Nguyen Van Ta	Vietnamese	Spy	Svay Rieng	13 Nov 1978	15 Nov 1978
213	Nguyen Thi Nga	Vietnamese	Spy	Svay Rieng	13 Nov 1978	15 Nov 1978
214	Tran Van Ngoc	Vietnamese	Spy	Svay Rieng	13 Nov 1978	15 Nov 1978
215	Le Van Son	Vietnamese	Spy	Svay Rieng	13 Nov 1978	20 Nov 1978
216	Le Van Minh	Vietnamese	Spy	Svay Rieng	13 Nov 1978	20 Nov 1978
217	Huyenh Van Be	Vietnamese	Spy	Svay Rieng	13 Nov 1978	2 Dec 1978
218	Le Van Vach	Vietnamese	Spy	Svay Rieng	13 Nov 1978	11 Dec 1978
219	Nguyen Van Dan	Vietnamese	Spy	Svay Rieng	13 Nov 1978	3 Dec 1978
220	Dinh Van San	Vietnamese	Spy	Svay Rieng	13 Nov 1978	2 Dec 1978
221	Dinh Van Trang	Vietnamese	Spy	Svay Rieng	13 Nov 1978	2 Dec 1978
222	Tran Van Kha	Vietnamese	Spy	Svay Rieng	13 Nov 1978	15 Nov 1978
223	Tran Van Vang	Vietnamese	Spy	Svay Rieng	13 Nov 1978	3 Dec 1978
224	Le Van Thanh	Vietnamese	Spy	Svay Rieng	13 Nov 1978	2 Dec 1978
225	Lau Trong Tinh	Vietnamese	Binh Nhi			
translate		Svay Rieng	14 Nov 1978	?		
226	Vo Van Dong	Vietnamese	Spy	Southwest	14 Nov 1978	2 Dec 1978
227	Pham Van Gioi	Vietnamese	Spy	Southwest	14 Nov 1978	2 Dec 1978
228	Vo Van Mong	Vietnamese	Spy	Southwest	14 Nov 1978	20 Nov 1978
229	Pham Van Vong	Vietnamese	Spy	Southwest	14 Nov 1978	20 Nov 1978
230	Tran Van Sinh	Vietnamese	Spy	Southwest	14 Nov 1978	20 Nov 1978
231	Tran Van Lom	Vietnamese	Spy	Southwest	14 Nov 1978	20 Nov 1978
232	Chuong Thi Thieng	Vietnamese	Spy	Svay Rieng	14 Nov 1978	20 Nov 1978
233	Le Van Vuc	Vietnamese	Spy	Svay Rieng	17 Nov 1978	11 Dec 1978
234	Tran Sang Liem	Vietnamese	Spy	Svay Rieng	18 Nov 1978	2 Dec 1978

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

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

(Continued from the November 2002 issue)

On 22 May we met and talked with Mr. Thuch Rin, aka Krin, a former junior high school teacher, and now acting chief of the Culture Department of the Southwest Zone, based in Amleang district. Due to the lack of food and living under trees, my health worsened. I faced boredom because of too much free time. I was especially disappointed by the Chinese communist political trend and the sanctimoniousness of most of the Khmer Rouge core members. I met and talked with core members several times. They just made me feel more hopeless. Little by little, I got to know the real characteristics of the Khmer Rouge. We adhered to a single stance: "Khmer society and communism do not match." We used to try to consider major conflicts between Khmer society and this "red" doctrine.

26 May-3 June 1972

In the evening of 26 May, Comrade Neak told us to prepare luggage to attend a scholars' conference. We received a mosquito net, a pair of clothes and a black bag from Comrade Neak. At 5 p.m., Mr. Ros Chea Tho came to lead us to the conference that was to take place in the school of "political training," north of Taing Khmao village. There, we met several important heroes who disappeared from Phnom Penh. Prince Norodom Phourisara, who was talking with Mr. Hou Yun, rushed to shake our hands. We then greeted other "comrades," including Dr. Chuon Choeun and his wife, Dr. Dy Pon, aka Thuok, Mr. Khieng Ka On, Mr. Phok Chhay, aka Nang, Mr. Thuch Rin, aka Krin, Mr. Menitho, aka Dan, Mr. Nguon Eng, aka Ny, Mr. Chan Bopha, aka Khom (a former judge), Mr. You Than, aka Phal (a former schoolteacher), Mr. Siek Toek Chhay, aka Than, Mrs. Daung, aka Khe (engineer), Mr. Dien Phikan, aka Rin (a former schooteacher) and other intellectuals totaling about 50 or 60.

Around the school of political training, there were five to six halls for sleeping and one for a kitchen. A group of women were in charge of preparing food and medicines for all of the intellectuals. The program was the following:

- ◆ 0630: Breakfast
- ◆ 0700-1100: Discussion
- ◆ 1130: Lunch
- ◆ 14-1700: Discussion
- ◆ 1730: Dinner
- ◆ 20-21/2200: Criticism and self-criticism session, aka livelihood meeting.

The conference was organized by the Front Committee of Phnom Penh, with the following representatives:

1. Norodom Phourisara, aka Ken, chairman
2. Dr. Chuon Choeun, aka Pen, deputy
3. Mr. Ros Cheatho, aka Cheat, member in charge of information
4. Nguon Eng, Member representing a syndicate of workers and laborers
5. Mr. Phok Chhay, member representing students and scholars
6. Mrs. Khieu Ponary, member representing women of Democratic Kampuchea.

This Khmer Rouge Special Zone was put in charge of controlling the territories around Phnom Penh and the city of Phnom Penh itself, like our military zones did.

On 27 May, at 7 a.m., Mr. Ros Cheatho stood up and announced the schedule of the meeting, which included preparation and organization of the participants in groups, and then he gave the forum to Prince Phourisara. After delivering a welcoming speech and best wishes to the meeting, the Prince handed control over to Mr. Hou Yun.

The participating scholars did not know the meeting's agenda in advance. First, Hou Yun analyzed the situation of the world, which could impact their "revolution." The analysis drew on the Méthode marxiste léniniste d'analysedes événements sociaux, which was valued for its scientific nature.

Then, Hou Yun analyzed the domestic situation—the alliance and military solidarity between Laos, Cambodia and Vietnam, especially the alliance between the North Viet Cong and the Khmer Rouge. Hou Yun illustrated the Khmer Rouge's revolutionary stand on national and international levels.

Concerning the national situation, Hou Yun admitted that in 1970-71 the North Viet Cong (the name used by the Khmer Rouge Seventh Command) robbed villagers. They secretly killed the Khmer Rouge and suppressed them because at that time the Khmer Rouge were weak and had no weapons or strong forces. The North Viet Cong seized gold and silver from many Cambodian people to supply their troops, specifically in the Sa-ang and Koh Thom regions. In 1971, the Khmer Rouge or the Liberation Khmer movement managed to escape from Viet Cong influence. We then adhered to the stand of independence and self-mastery. The North Viet Cong had to absolutely respect the Khmer people, the Khmer Angkar, and help drive American imperialists and their lackeys out of Cambodia. This was what Hou Youn said.

In response to my question relating to the Angkar's concerns and measures to cope with the foreign troops of the North Viet Cong in Cambodia, Hou Yun says Angkar is also concerned, but Angkar has been concocting an elaborate charade. He appreciates the revolutionary stand of Angkar in the international arena and adds that communist parties and Korea wish to draw experiences from us (Khmer Rouge).

Hou Yun's speech did not eliminate our doubts about the Khmer Rouge.

The meeting the next day was open for discussion and exchanges of ideas and questions. Mr. Phok Chhay reported on the success of their army. On the evening of 2 June 1972, Mr. Ros Cheatho organized and made a joint announcement with Phok Chhay entitled, "Resolution of the Scholars' Conference in Phnom Penh." The closing ceremony was at 6 p.m.

I forget to mention that on 29 May Mr. Chey Chum (an elite official who had just come from Phnom Penh on 28 May) also attended the conference.

On the night of 2 June, an art performance was organized by the Special Zone's art section. The performance included traditional dances, ayai [satire], song and short drama. Dance, ayai or comedy have the same essence, nothing more than a song called "Our Militiamen," a dance called "Production," "Pioneer," etc. Ayai is played depending on what was written for the singers [by the Ankar]. The satire encouraged the proletarian class, farmers, and workers to rise up and destroy the oppressing feudal, capital, and reactionary classes, and the Americans' eternal "burning hatred." The softness, peace [and] humanitarian nature of the Khmer Rouge arts transformed themselves into harshness and barbarism. Perhaps the Khmer Rouge core elements intended to introduce "Marxism" via the Khmer traditional ways! We were surprised that they performed Chinese communist dances or North Viet Cong dances. Oh, my Khmer soul!

Living Standards in the Khmer Rouge "Offices" (3 June 1972-15 January 1973)

On 3 June 1972 we were told by "Angkar" to work at the Office of Propaganda and Culture of the Special Zone. Comrade Chhun Sokh Nguon, a former engineer, who was the chief of the office, replacing Chy Kim An, who committed suicide in April, brings us to Sre Andaung village. Our office was built on the top of a hill in an old, abandoned village, 500 meters west of Wat Sre Andaung. When we moved in, other members were impressed and paid much attention to us. Our team consisted of 13 members, mostly engineers and education staff under the supervision of Ros Chea Tho, who was the third hero in the special zone after Sok Thuok and Comrade Hang. The bureau chief instructed us about Angkar's discipline, collectivism, and daily activities we had to fulfill. The 13 members were divided into 13 squads. The bureau chief made those most loyal to Angkar squad chiefs. Each squad was required to attend a meeting once a week to follow

up and cross-check each other's stand, which was called a "livelihood meeting" or criticism and self-criticism session. Squad meetings were held every Thursday afternoon, and group meetings (which included all squads) were held Sunday afternoons.

Khmer Rouge Offices

Offices were built far from villagers' houses, close to water sources including creeks, streams, wells, and in the thick jungle near a pond. The buildings were made of leaves. They were not tall and were usually built under big trees and could serve as a place for a rest. In the office of propaganda of the Special Zone, there was a typewriter, a Roneo machine, and other office supplies. Next to the work area, there were bunkers and many smaller trenches in which to take refuge from bombardment. All members, as well as people young and old, knew how to recognize almost all kinds of airplanes that flew over Cambodian territory. Ten year-old children were able to distinguish a spy plane from a T-28 fighter plane.

Offices for important cadres were often built in the jungle, at least 500 meters away from even small villages. Their shelters were located in thick forest and close to tiny rice paddies designed so that they could hide from airplanes and receive fresh air.

The Communist Party of Kampuchea (CPK) divided their areas of control into major zones. These included the:

1. Southwest Zone, including Kampot, Koh Kong, Sihanoukville, Kampong Seila, Takeo, Kampong Chhnang, Kampong Speu, Oudong and a part of Kandal province.

2. Eastern Zone, including Kratie, Svay Rieng, Prey Veng, and Kampong Cham.

3. Northwest Zone, including Kampong Thom, Siem Reap, Oudor Meanchey, and Banteay Chhmar.

4. The zones of Pursat, Battambang, and Pailin.

5. Special Zone, which was created at the end of 1971 for the purpose of controlling the regions around Phnom Penh. The headquarters of the Special Zone were located in the Southwest Zone, bordering on Kampong Speu province and Kampong Chhnang at Sangkat Peam Pram Bei Mum, the southern part of Kampong Tralach district. Some of Special Zone offices were located in Kampong Speu province (Boset district) and Kandal province (Kandal Stung, Sa-ang Koh Thom district).

6. Preah Vihear, Stung Treng, Mondul Kiri and Ratanak Kiri were directly controlled by the central committee of the communist party. Based on the geographic and strategic map, we can understand the

reason why "the central committee" decided to directly control these areas. [It was because] these provinces strategically bordered Viet Nam, Laos and Thailand.

Each zone was divided into regions, districts, subdistricts, and villages. The secretary or chief of each zone had great influence over his zone. He was the one who was absolutely responsible for political, administrative, economic, social, and military affairs. Each zone's "secretary" and "chief" were members of the "central committee" and members of the "Royal Government of the National Union of Cambodia (RGNUC)." [They] were intellectual "core members of the Khmer Rouge," old timers who had been "involved in Khmer communism" a long time ago and were "full-rights members" of the KR.

In the Southwest Zone, important Khmer Rouge

heroes included Chou Chet, zone chief and deputy minister of health; Phok Chhay, aka Nang, political commissioner of the Southwest Zone; Thuch Rin, aka Krin (a former junior high school teacher and chief of the Office of Culture and Propaganda), and Ta Mok (revolutionary name), commander of the Southwest Zone. Their headquarters were located in the Amleang area. There, there was a newspaper called, Revolutionary People directed by Thuch Rin. The Southwest Zone was the biggest and strongest, and had the most important KR elements.

Based on a report by Phok Chhay, submitted to the congress at the end of May 1972, the expenses of the Southwest Zone rose to more than two million riel for administrative purposes, and 135 riel for each staff.

The Special Zone is under the supervision of Sokh Thuok, aka Vorn, acting both as chief of the zone and deputy minister of national security. The second in command is comrade Hang, and Ros Chea Tho, aka Cheat.

Many important Khmer Rouge heroes on the "Central Committee" were reported as disappeared from Phnom Penh between 1962 and 1968. They included:

Mr. Saloth Sar (first hero), secretary general of the CPK;

Mr. Khieu Samphan, deputy prime minister and third hero of the CPK;

Mr. Son Sen, fifth hero;

Mr. Koy Thuon, deputy minister of finance;

Mr. Hou Nim, minister of propaganda;

Mr. Tiv Ol, deputy minister of propaganda;

Mr. Hou Yun, minister of interior, in charge of the organization of rural areas and cooperatives;

Ms. Khieu Ponary, deputy minister of education and youth;

Mr. Chou Chet, deputy minister of health;

Mr. Sokh Thuok, deputy minister of national security;

Mr. Pok Dekoma, deputy minister of foreign affairs; and

Mr. Son Sen.

After the authorities in Phnom Penh announced that they had disappeared, [they] tried to hide themselves in Phnom Penh for a year more. This is the information we received from the Khmer Rouge heroes in the jungle.

Important Khmer Rouge who died in the jungle included Uch Ven (professor), who died of typhoid, and Mr. Chy Kim An (engineer) who died by suicide in Sre Andaung village.

The Office of Propaganda and Culture of the Special Zone was located in Sre Andaung village until 7 August 1972 and was removed to a remote location east of Sre Russey village. In early July, fighter planes dropped bombs repeatedly onto Taing Khmao village and Sre Andaung.

Within the Office of Propaganda, we survived among comrades who had a narrow-minded vision of socialist revolution and extreme leftism. Those members were of the younger generation who were secretly involved in the Yuvakak (communist youth league) in Phnom Penh and used to be members of Khmer associations indoctrinated by Peking.

The Special Zone opera office was located 600 meters southwest of Sre Russey village. Most of the 70 youths and team leaders were children of peasants, except those of Khmer Rouge core elements (i.e., the children of Ieng Sary and Sieng Po Se).

Three kilometers east of the Office of Propaganda and 800 meters west of Hong Thnaot village, a main hospital of the Special Zone was built along a stream in the abandoned village. The hospital housed hundreds of patients. It was this hospital where Dr. Chuon Choeun, Dr. Dy Pon, Professor Khieng Ka On and Mr. Nguon Eng (engineer) worked with other Khmer Rouge medical doctors from Hanoi.

(Continued in the January 2003 issue)

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

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

Compiled by Nean Yin

(Continued from the November 2002 issue)

No.	Name	Role	Place of Arrest	Date of Entry	Date of Execution	Others
576	Vong Sokha	Worker	Textile T-5	11 April 1976	27 May 1976	
577	Chhay Buoy	Worker	Textile T-5	?	27 May 1976	
578	Kim Sotheany, aka Yorn	Worker	Tire factory	?	27 May 1976	
579	Penh Soeng, aka Chhim Kim Ly	Worker	Tire factory	?	27 May 1976	
580	Net Sophal	Worker	Textile T-4	?	25 May 1976	
581	Ko Kim Chhun	Worker	Prey Nup	?	27 May 1976	
582	Hul Heanh, aka Wai	Fifty-member unit	99	?	27 May 1976	
583	Suon Sreng	Fifty-member unit	99	?	27 May 1976	
584	Nuon Srei	Combatant	04	?	27 May 1976	
585	Khieu Mong, aka Sary	Economic support unit	260	?	27 May 1976	
586	Sum Tour, aka Kork	Economic Support unit	138	?	27 May 1976	
587	Nhil Him, aka Thy	Combatant	138	?	27 May 1976	
588	Ek Nget	Combatant	127	?	27 May 1976	
589	Chea Vin	Combatant	265	?	27 May 1976	
590	Sim Yoy	Combatant	265	?	27 May 1976	
591	Him Hakly	Combatant	122	?	27 May 1976	
592	Thai Sreng	Combatant	112	?	27 May 1976	
593	Uk Mut	Combatant	127	?	27 May 1976	
594	Khieu Sun, aka Sarat	Squad chief	143	?	27 May 1976	
595	Sao Sok	Combatant	127	?	27 May 1976	
596	Mao Chhum	Hundred-member unit	138	?	27 May 1976	
597	Pheng Chhoeun	Bandit	Region 35	5 April 1976	27 May 1976	
598	Sao Det	Bandit	Region 35	5 April 1976	27 May 1976	
599	Um Thim	Bandit	Region 37	5 April 1976	27 May 1976	
600	Kol Soeun	Bandit	Prey Nup	5 April 1976	27 May 1976	
601	Buoy Sreng, aka Peng Srauy	Editor-in-chief	Region 25	22 Feb 1976	27 May 1976	

(Continued in the January 2003 issue)

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

First They Killed My Father:
A Daughter of Cambodia Remembers

Loung Ung

(Continued from the November 2002 issue)

"To your right, you see a table where your comrade brothers sit waiting to help you. Anyone who has worked for the deposed government, ex-soldiers or politicians, step up to the table to register for work. The Angkar needs you right away." Anxiety spreads through my body at the sight of the Khmer Rouge soldiers. I feel like I have to vomit.

Pa quickly gathers our family and stands us in line with other peasant families. "Remember, we are a family of peasants. Give them whatever they want and don't argue. Don't say anything, let me do all the talking, don't go anywhere, and don't make any moves unless I tell you to do so," Pa instructs us firmly.

Standing in line wedged among many people, my nostrils are assaulted by the stale smell of bodies that have not been washed for many days. To filter the smell, I pull the scarf tightly over my nose and mouth. In front of us, the line splits in two as a large group of ex-soldiers, government workers, and former politicians walk over to the table to register for work. My heart pounds quickly against my chest, but I say nothing and lean against Pa's legs. He reaches down and puts his hand on top of my head. It stays there as if protecting me from the sun and the soldiers. After a few minutes, my head feels cooler and my heartbeat slows.

Ahead of us in the line, Khmer Rouge soldiers yell something to the crowd, but I cannot hear what they say. Then one Khmer Rouge soldier roughly jerks a bag off of one man's shoulder and dumps its contents on the ground. From this pile, a Khmer Rouge soldier picks up an old Lon Nol army uniform. The Khmer Rouge soldier sneers at the man and pushes him to another Khmer Rouge soldier standing beside him. The soldier then moves on to the next family. Eyes downcast, shoulders slumped, arms hanging loosely on both sides of him, the man with the Lon Nol uniform in his bag does not fight as another Khmer Rouge soldier points and pushes him away with the butt of his rifle.

After many hours, it is finally our time to be questioned. I can tell we've been standing here a long time because the sun now warms my lower back instead of the top of my head. As a Khmer Rouge soldier approaches us, my stomach twists into tight knots. I lean closer to Pa and reach up for his hand. Pa's hand is much too big for mine, so I am only able to wrap my fingers around his index finger.

"What do you do?" the soldier curtly asks Pa. "I

work as a packer in the shipping port."

"What do you do?" The soldier points his finger at Ma. Her eyes focus on the ground, and she shifts Geak's weight on her hips. "I sell old clothes in the market," she says in a barely audible voice.

The soldier rummages through all our bags one by one. Then he bends down and lifts the lid of the rice pot next to Pa's feet. Gripping Pa's finger even tighter, my heart races as the soldier checks the pot. His face is close to mine; I concentrate on my dirty toes. I dare not look into his eyes, for I have been told that when you look into their eyes, you can see the devil himself.

"All right, you are cleared. You may go."

"Thank you, comrade," Pa says meekly, his head bobbing up and down to the soldier. The soldier is already looking past Pa and merely waves his hand for us to hurry on. Passing the checkpoint safely, we walk a few hours more until the sun goes to sleep behind the mountains and the world becomes a place of shadows and shapes once again. In the mass of people, Pa finds us a spot of unoccupied grass near the side of the road. Ma puts Geak down next to me and tells me to keep an eye on her. Sitting next to her, I am struck by how pale she looks. Breathing quietly, she fights to keep her eyelids open, but in the end she loses and falls to sleep. Her growling stomach talks as mine grumbles in return. Knowing there will be nothing to eat for a while, I lie down on a small bundle of clothes next to her and rest my head on another. Quickly, I too fall asleep.

When I wake, I am sitting upright on the straw mat and Keav is pushing food into my mouth. "Eat this," she says. "Rice balls with wild mushrooms. Khouy and Meng picked the mushrooms in the woods." With my eyes still closed, the rice ball works itself slowly down my dry throat and quiets my hunger. After I finish my small portion, I lie back down and leave the world of the Khmer Rouge soldiers behind.

In the middle of the night I dream I am at a New Year's parade. The Cambodian Lunar New Year this year falls on the thirteenth of April. Traditionally, for three days and nights, we celebrate the New Year with parades, food, and music. In my dream, fireworks crackle and boom noisily, rejoicing in the New Year celebration. There are many varieties of food on the table: red cookies, red candies, red roasted pigs, and red noodles. Everything is red. I'm even wearing a new red dress that Ma has made for this special occasion. In the Chinese culture it is not proper for girls to wear this color because it attracts too much attention. Only girls who want attention wear red and they are generally viewed as "bad" and "improper," more than likely from a bad family. But New Year's is a special occasion and during the celebration everyone is allowed to wear red. Chou is next to me clapping her hands at something. Geak is giggling and trying to catch up with me as I run and spin around and around. We all have on the same dress. We look so pretty with red ribbons in our ponytails, red rouge on our cheeks, and red lipstick on our lips. My sisters and I hold hands, laughing as fireworks boom in the background.

I wake up the next morning to the voices of my brothers and father whispering to each other about what went on in the night.

"Pa," Meng says in a frightened voice, "a man told me the noise last night was the Khmer Rouge soldiers opening fire on all the people who registered for work. They killed every one of them." Their words push at my temples, making my head throb with fear.

"Don't say anything. If the soldiers hear us we will be in danger."

Hearing this makes me afraid and I walk over to Pa. "We've been walking and walking for five days now. When can we go home?"

"Don't talk anymore," he whispers and hands me over to Keav. Keav takes my hand and leads me to the woods so I can go to the bathroom. We have only taken a few steps when Khouy stops us.

"Turn and walk back! Don't go any farther!" He yells.

"She has to go."

"There's a dead body in the tall grass only a few feet from where you are. That's why this spot was left empty last night."

I grip Keav's hand tighter and suddenly notice

the smell that hits my nostrils. It is not the smell of rotten grass or my own body odor but a smell so putrid that my stomach coils. A smell similar to that of rotten chicken innards left out in the hot sun for too many days. Everything surrounding me becomes blurry and I do not hear Keav telling me to move my legs. I hear only the buzzing of flies feasting on the human corpse. I feel Keav's hand pull at me, and my feet automatically move in her direction. With my hand in hers, we catch up with the rest of the family and begin our sixth day of marching.

On our walk, the soldiers are everywhere, prodding us along. They point and give us directions with their guns and bullhorns. In the scorching April heat, many older people become ill from heatstroke and dehydration, but they dare not rest. When someone falls ill, the family throws out his belongings, puts the sick person on someone's back or a wagon if the family is lucky enough to have one, and march on. We walk all through the morning and afternoon, stopping for food and to rest only when the sun goes down.

All around us, other families also have stopped to rest for the night. Some stagger into the field, picking up firewood to cook their meals. Others eat what they cooked earlier and fall asleep as soon as they lie down. We walk around the curled up bodies to find an empty area of our own. Exhausted, Ma and Keav struggle to set up our resting spot and start a fire. From one of the plastic bags we carry our remaining belongings in, Keav takes out a bedsheet and spreads it on the ground. Ma unrolls the straw mat and lines it up next to the bed sheets. While I sit with Geak on small bundles, rubbing my burned and aching ankles, Chou and Kim move our other bags onto the bedsheet. Holding her hand, I attempt to lead Geak to sit on the sheets, but she pulls out of my hand and toddles over to Pa. He picks her up and holds her to his chest. Her face, brown and blistered from the sun, rests at the nape of his neck as his body swivels left and right. Before long, she is asleep.

Our food supply is reduced to only a few pounds of rice so Meng, Khouy, and Kim have to forage for other food to supplement the rice. They walk half a mile to the nearby town of Ang Snur and return an hour later. Their figures move toward us slowly; Kim carries an armful of dry wood and in Meng's hand is a small branch piercing two small fish and some wild vegetables. Khouy walks toward us with a small pot and an ecstatic grin on his face.

"Ma, look!" he calls to her, barely able to contain his glee. "Sugar!"

"Brown sugar!" Ma exclaims, taking the pot away from him. Though I am tired, those two words bring me running in the direction of the pot.

"Brown sugar!" I repeat quietly. I never knew how two little words could bring me so much happiness. "Ma, let me have a taste! There's almost a quarter of a pot of it!"

"Shh. Don't say it so loud," Keav warns me, "or people will come and beg us for some." I notice a few of our neighbors look in our direction.

"Here everyone, have a small taste. We have to save some," Ma says as we gather around her. My siblings stick their fingers into the sugar and lick what they are able to pull out.

"Me...me...me..." I beg Ma as she slowly lowers the pot to my level. I know it is my one chance to get as much sugar as I can, so I wait a few seconds to form enough spit in my mouth. Then I put my finger in my mouth and swish the spit around my finger to make sure I wet every millimeter of my finger. When I am satisfied that my finger is wet enough, I take it out of my mouth and slowly roll it around on top of the sugar. My finger rolls so slowly that I can feel the rough grains bonding to it. When I pull it out of the pot, I am happy to see what I have achieved. I have more sugar on my one finger than anyone else does! Carefully, I place my other hand under my treasure to catch any grains that might fall from my finger. Slowly, I walk my finger back to my spot on the mat and begin to eat each grain of the sugar.

After dinner, Ma takes us girls to a nearby pond, which is already crowded with people washing their clothes and naked children, tentatively putting their heads under the muddy water. The children all look

too tired to bop up and down, laugh, or splash at one another. Ma instructs us to strip off our clothes. I remove my brown shirt, a shirt that was yellow when I hurriedly dressed six days ago. Naked, Chou, Geak, and I wait while Ma removes her clothes from under her sarong and hands them over to Keav. With no soap, Keav takes the clothes to the edge of the river and scrubs them against the rocks to get them clean.

With Geak balanced on one of her hips, Ma takes my hand and walks Chou and I into the pond for our first wash in six days. Hand in hand, we stop when the water reaches my waist. The water feels cool and soft on my skin, slowly peeling away the layers of grime that have collected. The slippery grass in the water sways back and forth to the rhythm of our movements, gently brushing against my legs. Some of the blades slither around my ankles, sending chills up and down my spine. I jump and fall into the water, pulling Chou with me, who is still holding on tight to Ma's hand. When I resurface, they are all laughing at me. I am happy to have all of us laughing together again.

In the morning, Ma wakes everyone and we get ready for our seventh day of walking. The road ahead of us shimmers in the heat, and the dust swells are everywhere, burning my eyes. In the distance, my eyes focus on a lone bicyclist. I cannot tell how tall he is, only that he is very thin. It is strange that he is traveling against the flow of traffic. All of a sudden, I am startled by Ma's scream. Between loud, halting sobs Ma manages to say, "It's your uncle Leang!"

With our hands in the air and bodies jumping up and down, we wave excitedly to our uncle. Uncle Leang waves one hand back and peddles his bike faster in our direction. He comes to a stop a few feet from us, and all at once we rush toward him. Blinking his eyes, he takes Ma into his arms with Pa standing quietly beside them. All the worries and fears of the past few days are now over, for at last he has found his sister. Uncle Leang hands Ma a package from his front bike rack, and while she opens the cans of tuna and other food he tells Pa that this morning other people from Phnom Penh arrived in his village. The new arrivals told him of the evacuation and how the Khmer Rouge forced everyone to leave all the cities, including Phnom Penh, Battambang, and Siem Reap. Hearing this, he got on his bike and has been looking for us all morning. He then shares with us the glorious news that Ma's oldest brother Heang is on his way to pick us up in a wagon. A smile of joy crosses over my face, knowing I will not have to walk anymore and that in a few days we can ride in their wagon home.

Standing next to Uncle Leang, I have to tilt my head back as far as I can to see his face because he is so tall. Even then all I can see is the shape of his thin lips and wide, black nostrils that flare once every few seconds as he talks to Ma. At almost six feet tall, second Uncle Kim Leang hovers above all of us. His long thin arms and legs make him look like the stick figures I used to draw on my schoolbooks. Uncle Leang lives in a village called Krang Truop. Both Uncle Leang and Uncle Heang have lived in the countryside since before the revolution and have never lived in a city. The Khmer Rouge considers them uncorrupted model citizens for their new society. Pa says we will go and live with our uncles in their village.

The wagon, pulled by two yellow skinny cows moving very slowly, arrives later that evening. While Pa and Ma talk to my uncle, I quickly claim a seat in the wagon with Chou and Geak. Our trail takes us on a gravel road along Route 26 westward until we reach the Khmer Rouge-occupied village of Bat Deng. No matter where we go or in which direction we turn, there are people marching ahead and behind us. In the midst of the crowd, our wagon passes the Khmer Rouge village without stopping. We veer westward, leaving our roadside companions far behind. Somewhere between Bat Deng and Krang Truop, I fall asleep.

Krang Truop
April 1975

On the morning of April 25, eight days after leaving our wonderful home in Phnom Penh, we arrive at our destination. Krang Truop is a small and dusty village surrounded by rice fields as far as the eye can see. All around the rice paddies, little red-dirt roads wind like snakes slithering through water. In the fields,

gray buffalos and brown cows graze lazily on the grass. Many have bells tied on strings around their necks, which chime when the animals slowly move their heads. When they run, they remind me of the sound of the ice cream cart in Phnom Penh. Here, instead of concrete city buildings and houses, people live in huts made out of straw that squat on four stilts above elephant grass in the middle of rice paddies.

"The kids are even messier than I am!" I exclaim, as one runs across our path, oblivious to my own ragtag appearance. "Ma's always complaining about me—just look at them." The children are red and dusty all over, crimson earth clinging to their clothing, skin, and hair.

Chou frowns at me and shakes her head. Though she is only three years older than I am, Chou often acts as if she knows many more things than I do. I have the larger build and can beat her up easily, though I rarely do it. Because she is shy, quiet, obedient, and doesn't say much, all our older siblings assume what she chooses to say is of some importance and usually take her side in our fights. Because I am loud and talkative, my words are thought trite and silly. Chou looks at me now with her brows wrinkling close together, as if trying to figure out my thoughts. I stick my tongue out at her. I don't care. I am thrilled to be here and able to return home in a few days.

After a joyous reunion with my aunts and many cousins, Pa disappears with Uncle Leang to meet with the village chief and request permission to live here. Uncle Leang and Uncle Heang say that since the Khmer Rouge have won the war, the soldiers removed the old village chief and replaced him with a Khmer Rouge cadre. Now the villagers have to seek permission for the simplest of human desires—to have family members live with them or to leave the village to visit another area.

They return shortly and report that our request is granted. My interest in the town quickly dies when Pa tells us we will all live with Uncle Leang and his family in their house. Uncle Leang and his wife have six children, so with the nine of us it makes seventeen under one thatched roof. Their house would not be called a house by city people's standards. It looks more like one of those simple huts poor people live in. The roof and walls are made of straw and the hut has only a dirt floor. There are no bedrooms or bathrooms, just one big open room. There is no indoor kitchen, so all the cooking is done outside under a straw roof awning. Later that night Kim took me aside, scolding me for being snobbish about our new house. Even as a ten-year-old boy he understood how brave our uncle was to beg the new Khmer Rouge village chief to permit us to stay.

"The village is so poor," I say to Pa as the family gathers on the floor of Uncle Leang's hut. Sitting on straw mats or wooden stools and chairs, we listen to Pa's instructions.

"So are we."

The sternness in Pa's voice makes my face burn with shame. "From now on we are as poor as all these people here. We have to live far away from the city where people might recognize me and know who I am. If anybody outside the family asks where we are from, tell them we are country people just like your uncles."

"Why don't we want them to know who we are, Pa? Why can't we go home to our own house? The soldiers promised that we could go home after three days."

"The Khmer Rouge lied. They have won the war, and we cannot go back. You must stop thinking we can go back. You have to forget Phnom Penh." Pa has never spoken so bluntly to me before, and slowly the reality of what he says sinks in. My body trembles with fear and disbelief. I am never going home. I will never see Phnom Penh again, drive in our car, ride a cyclo with Ma to the markets, buy food from the carts. All of that is gone. He reaches out and takes me into his arms as my eyes water and my lips tremble.

As Pa continues to talk, I slide out of his arms and into Keav's. Pa tries to make my brothers understand the history of policies in Cambodia. Led by Prince Sihanouk, Cambodia, then a French colony, became an independent nation in 1953. Throughout the 1950s and 1960s, Cambodia prospered and was self-sufficient.

However, many people were not happy with Prince Sihanouk's government. Many regarded the Sihanouk government as corrupt and self-serving, where the poor got poorer and the rich became richer. Various nationalistic factions sprang up to demand reforms. One of the groups, a secret Communist faction—the Khmer Rouge—launched an armed struggle against the Cambodian government.

The war in Vietnam spread to Cambodia when the United States bombed Cambodia's borders to try to destroy the North Vietnamese bases. The bombings destroyed many villages and killed many people, allowing the Khmer Rouge to gain support from the peasants and farmers. In 1970, Prince Sihanouk was overthrown by his top general, Lon Nol. The United States-backed Lon Nol government was corrupt and weak and was easily defeated by the Khmer Rouge.

Pa says many more things to my brothers, but I don't care much about politics. All I know is that I am supposed to act dumb and never speak of our lives in the city. I can never tell another soul that I miss home, that I want to go back to the way things were. I rest my head on Keav's shoulder and close my eyes while gritting my teeth. She softly strokes my hair and caresses my cheeks.

"Don't worry, your big sister will look after you," she whispers quietly into my hair. Next to her, Ma sits on the mat, holding Geak, who sleeps quietly in her arms. Chou is next to her, focusing on her red-and-white kroma, intently folding and refolding it.

Later in the night, lying on the wooden planks for beds, I keep Chou awake by tossing and turning.

"I hate this. I am so uncomfortable!" I gripe to Chou, who is sleeping next to me. In the city, we three youngest girls slept on mattresses in the same bed. On the farm, the boys get to sleep in hammocks while the girls sleep all lined up like sardines on a rough wooden platform made of bamboo trees. I'd much rather sleep in the hammocks.

"Be quiet and go to sleep."

"Chou, I have to go to the bathroom."

"Go then."

"I'm afraid. Come with me."

Chou answers by turning her back to me. Every time I have to go, I have to walk into the woods by myself to the outhouse. We have used up our paper money and now have nothing to use for toilet paper. Chou taught me to use leaves, but at night, when I cannot see, I am afraid there might be bugs on them.

Entering the woods at night is a haunting experience, especially for someone with a vivid imagination. In the darkness, I see spirits shaking the trees, letting me know they are waiting for me. They whisper chants and spells that the wind carries through the leaves, back to my ears. The spirits call me to come to them so they can take possession of my body. I am so filled with fear about going to the bathroom alone at night that I force myself to hold it until dawn when I make a mad run into the woods.

I soon realize how early everyone gets up; they are already busy about the farm before the sun rises and long before I awake the next morning. Life on the farm is boring and dull, but at least there is enough to eat. Unlike my life in Phnom Penh, I do not have any friends outside the family. It is hard to make friends because I am afraid to speak, afraid I will blurt out secrets about our family. Pa says the Angkar has abolished markets, schools, and universities, and has banned money, watches, clocks, eight-track players, and televisions.

Since we are now a family of peasants, I will have to learn the time of day and night by the position of the sun and moon in the sky. If I run into other children and speak to them, I have to watch what I say and what language I use. I cannot mention the food I wish I could eat, the movies I have seen, or the cyclo I have ridden in. If I speak about them, the children will know we are from the city. I am used to kids seeking my attention and friendship in the city. Here they look at me with suspicion and steer away from me when I approach them. No matter, I have many cousins to play with. On the days I don't spend watching other people watch us, I help my older cousins bring their cows to the field to graze. I gradually adjust to life on the farm and let go of my dream of returning home.

The first time my cousin Lee Cheun puts me on

a cow, I am afraid I will fall off. The cows are much taller than I am. Lee Cheun is sixteen and taller than the cows. She hoists me effortlessly on top of one. Sitting on its back, my legs hang to the middle of its stomach. My hands hold tightly to the rope tied to the ring pierced through its nose while my legs hug its body. Every time the cow moves, its huge rib cage shifts between my legs, and my heels slide over the ribs like fingers over piano keys.

"Relax your body." Lee Cheun laughs. "Cows are lazy so they move slowly. You will fall if you sit so rigidly." Following her advice, I stop holding on so hard and sway my upper body with the movement of the cow. After a few minutes, my fear subsides.

"How much farther before we stop? It's hot and my bottom hurts," I complain.

"We're going just over the hill where the grass is greener. You're the one who wants to come so stop grumbling." Lee Cheun points to a group of girls walking in a distant field. "Look, at least you don't have their jobs."

They are peasant girls, not much older than I am, wandering in the field. They carry bags strapped diagonally across their back and their eyes look at the ground. Occasionally, a girl bends to pick up a round greenish-black patty from the ground and puts it in her bag.

"What are they doing?"

"They are collecting dry cow dung."

"Disgusting!"

"Usually the peasants come by with their wagons and scoop up the fresh manure to use as topsoil. These girls are picking up the dry manure because it is believed to have medicinal properties. They will boil it in water and drink it like tea."

"Disgusting!" I exclaim again.

Even the new experience of riding on a cow becomes dull when you do it everyday. Yet despite the monotony of farm life, the longer we live in Krang Truop, the more fearful and anxious I become. Everywhere I venture I cannot shake the feeling that someone is watching, following, me. Though I have nowhere to go, each morning I hurriedly dress myself so I can catch a glimpse of Pa before he goes off to work. On most days, by the time I am awake, Pa and my brothers are already gone and Ma is busy sewing clothes for the family or working in the garden.

After getting dressed I do what I can to keep up my hygiene. Pa tells us it is important, so I try to make him happy. Since we no longer have toothbrushes or toothpaste, I use a handful of hay and run it over my teeth like a brush. To get to the back teeth, I have to reach into my mouth with my fingernails and scrape away the thick, yellow crust.

To wash, I use a bath stall similar to an outhouse. Inside, there is a big round container that looks like a three-foot-tall clay flowerpot, which Kim and the other cousins fill with water every evening. I undress and hang my clothes on a splinter of wood on the door. Then I reach into the container and take a bowl full of water and pour it over myself. There is no soap or shampoo, and as a result my hair becomes very sticky and knotted, and it is painful to comb.

Pa returns late at night looking dirty and tired. Sometimes, after a quick meal, Pa sits quietly outside by himself and stares at the sky. When he comes back into the hut, he falls quickly asleep. I hardly ever sit on his lap anymore. I miss his hugs and how he used to make me laugh at old Chinese stories. Pa's tales were often about the Buddhist gods and their dragons coming down to Earth to fight evil and protect people. I wonder if the gods and dragons will come help us now.

(Continued in the January 2003 issue)

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

Khmer Rouge Slogan

◆ Vigorously endeavor and enhance people's living conditions in terms of food, cloth, housing, welfare, and education in a fastest possible way. *(Excepted from Notebook 076 KNH)*

Chay Kim: I Was Separated From My Husband during Ambok Season

Kannitha Keo Kim


Chay Kim

Every year, when the rainy season rice turns orange like a parrot, rural Cambodians make ambok (pounded crispy rice). The Ambok ceremony is held on the 15th of November to usher in the Water Festival. However, during Democratic Kampuchea, there was no Ambok festival. The 1977 ambok season marked the roundup and execution of villagers in Khnar Torting subdistrict, Bakan district, Pursat province.

More than forty years ago, Chay Kim, now 65, lived in Kandal province and married a man named Saran, who was a Khmer Krom (ethnic Cambodians whose land had been taken over by the Vietnamese). After their marriage, they moved to Bakan district. Chay Kim was widowed in 1977 when the Khmer Rouge executed her husband. When asked about her story, Chay Kim sobbed and said, "I knew very well that the Khmer Rouge were searching for Khmer Krom to execute. But I told them that I was a Khmer Krom, since I wanted to die together with my family—my husband and seven children."

After the Lon Nol administration came to power in 1970, many people were mobilized to join the army to fight the Khmer Rouge. Some villagers of Rumlich subdistrict were afraid and tried to hide in the jungle. Meanwhile, the Khmer Rouge, some of whom were Khmer Krom who lived in the subdistrict, came to this subdistrict and enticed the remaining villagers to join their revolution. One of the Khmer Krom was Ta Phan. He was appointed chief of Rumlich subdistrict and had three elderly assistants, Ta Khev, Ta Yan, and Ta Thim. Many Khmer Krom joined the revolution and were appointed militiamen and soldiers.

During the civil war, the Khmer Republic and Khmer Rouge forces tried to evacuate villagers to the areas each controlled. One day, Khmer Republic soldiers entered the village where Chay Kim lived. She then was evacuated to O Ta Paong subdistrict, Bakan district. In 1974, Chay Kim was told by a spokesperson in the liberated zone that if she came to her village, the village chief would return her water buffaloes to her. Unfortunately, when she reached Pralay Rumdeng village, her homestead, the Khmer Rouge treated her as a reactionary capitalist.

Chay Kim described a meeting in early 1977 where Ta Phan, the subdistrict chief, announced that there would be a biography screening. After the meeting, Chay Kim was asked several times, "Are you Khmer or Khmer Krom? How many children do you have?" Ta Phan told her that the screening was being conducted to relocate the Khmer Krom to live in one place. Since unit chiefs normally did the screening, those who the unit chief recognized as Khmer Krom were registered automatically on the Khmer Krom list.

In early 1977, the Khmer Rouge rounded up many Khmer Krom and sent them to live in Khnar Torting subdistrict. Saran, Chay Kim's husband, was assigned to cut wood in the mountains, while Chay Kim was made to grind rice and work as a cook. In Khnar Torting, Chay Kim was asked about her biography several times by her female unit chief, known as Pum.

Four or five months later, when the rice "took the color of a parrot," Khmer Rouge cadres gathered all Khmer Krom to be killed, claiming that they were being assigned to work in the deep jungle. Saran thought he would resist and try to escape when his turn came. When Angkar told him to work deeper in

the jungle, Saran was allowed to go down from the top of the mountain to his home and at 5 p.m. The unit chief told him to prepare his luggage to go to a meeting the following morning at 9, which would focus on changing work duties from harvesting corn to cutting wood in the jungle.

Chay Kim said that the Khmer Krom summoned to the meeting could not escape death. She told the Khmer Rouge cadres that she was Khmer Krom, so that she and her family would go to hell together. Chay Kim was determined to die with her husband and seven children, even though her husband begged her to inform the unit chief that she was not a Khmer Krom. But Chay Kim held firm.

Saran didn't want his wife and children to die unjustly. He stood up and told the unit chief, "My wife is not a Khmer Krom. May I leave her here in your care? If she survives, please look after her." Many witnesses claimed that Chay Kim was not a Khmer Krom.

The meeting ended at 10 a.m. Saran and other Khmer Krom were asked to depart. The militiamen put all their luggage into a car, telling them that the luggage would be brought later. But when the people were taken away, the luggage was taken back to a warehouse in the village. Although the Khmer Rouge killed Saran, Chay Kim says that he is with her in spirit. Before he was taken away, Saran told his wife, "Take care of the children and stay alive."

Now Chay Kim lives in Pralay Rumdeng village, Pursat province. During the reign of Preahbat Monivong [1927-1941], a number of Khmer Krom came to clear the hardwood forests in Bakan district so they could build homes and lay out rice fields and farm plots. After learning that there was fertile and unoccupied land available, many more Khmer Krom flowed into the area, and a Khmer Krom village was created. The majority of these Khmer Krom came from Preah Trapeang province. Rumlech subdistrict had more Khmer Krom residents than did the other subdistricts of Bakan district.

Prior to 1975, there were approximately 4,000 Khmer Krom families residing in Rumlech subdistrict. By 1979, only about 40 people remained. Those that did survive generally escaped to other villages.

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

DECLARATION

The Documentation Center of Cambodia (DC-Cam) would be grateful if Cambodians who lived through the Khmer Rouge regime and have written articles or books about their personal experiences send them to DC-Cam.

Address: P.O. Box 1110, Phnom Penh, Cambodia
Tel: (855) (23) 211 875
Fax: (855) (23) 210 358

Your writings are vital in many ways:

- They are part of the history for the next generations to read and learn from.
- They would help in the effort to seek justice for millions of our fellow countrymen who perished during the regime.
- They would help ease the minds of others by recording suffering, anger and grudges into history and for future research.
- Memory is a non-violent method to prevent genocide from happening again in society.
- They would help promote respect for human rights, particularly the right to life, now and in the future.

DC-Cam will publish those articles in Searching for the Truth or in books upon approval from the owners.

Thanks.

Noeun Neal: Jesus' Blood Cleanses Sins

Vannak Huy

Noeun Neal is known in his village as a soldier of Jesus. He said that if he had the opportunity, he would help his villagers and other people to be free from sins so they would be able to go to heaven. However, 25 years ago, he was a Khmer Rouge soldier.

Sixty-year-old Noeun lives in the middle of a field in a house with a zinc-tiled roof and palm-leaf walls. He said, "Today I work on the farm and serve God." He and his wife and children are Christians. Surrounding the front door are neat signs that read, "Jesus' blood cleanses sin," "Believing in Christianity leads to a life free from cheating," and "Jesus can cleanse sin."

In 1970, Neal joined the Khmer Rouge military as a member of a subdistrict squad. He was a KR soldier for five years. On 17 April 1975, he was appointed as the chief of Rumlich subdistrict cooperative in Bakan district, Pursat province.

Rumlich subdistrict is mostly inhabited by Khmer Krom (native Cambodians whose lands were taken over by Viet Nam). In 1975, there were about 500 Khmer Krom families and approximately 4000 inhabitants in the subdistrict. During the Khmer Rouge occupation from 1975 to 1979, most Khmer Krom people were arrested and slaughtered in Khnar Torting subdistrict, which borders Rumlich. According to villagers, Rumlich was an execution site. In 1978, according to villagers, thousands of eastern zone residents were killed there. Only about 40 Khmer Krom residents were left when Pol Pot's KR regime collapsed in 1979.


Noeun Neal

Thousands of Khmer Krom, including Neal's brother-in-law and nephew, were executed by the KR. Neal said, "Whenever I think about them I am so sad. Sometimes I cry. In the regime, even a soldier like me found it hard to stay alive." As he held his Holy Bible, he said that even though he was a soldier, he never killed anyone. But he said he saw the soldiers in his squad killing people.

In 1979, Neal fled to the Cambodian-Thai border and stayed in a refugee camp under the supervision of General Sak Sutsakhan. In 1992, he returned home along with other Cambodian people. Neal became a Christian in 1996. He said he believes in Christ because, "believing in Christianity helps cleanse my sins." He explained that, "Jesus created everything in this world and everyone has sins. Thus, only Jesus can save people from sins."

In the Bible, the book of Genesis, chapter 9, verses 4 through 6, state: "For your own lifeblood, too, I will demand an accounting: from every animal I will demand it, and from man in regard to his fellow man I will demand an accounting for human life. If anyone sheds the blood of man, by man shall his blood be shed; for in the image of God has man been made."

***Vannak 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.**

Nuon Chea

The Constitutions of Cambodia: Ambitions, Continuities, and Ruptures

Raoul Marc Jennar

(Continued from the November 2002 issue)

Chapter III is devoted to the rights and obligations of citizens. It covers respect for human rights, the equality of citizens before the law, the right to vote, freedom of speech, and freedom of meeting and association (Articles 30 to 38). However, contradicting certain of those rights is the obligation to respect and implement the State political line (Article 39). Articles 40 and 41 proclaim the obligations to serve the State and to serve in the armed forces. PRK citizens living abroad were to benefit from the protection of PRK laws (Article 42). The PRK provided every foreigner the right to seek asylum for reasons of democracy and socialism (Article 43). Last, foreigners living in Kampuchea were obliged to respect the country's laws (Article 44).

In the field of fundamental freedoms, the PRK's Constitution was merely words. Arbitrary arrest and detention, the absence of freedom of expression and association, restrictions on freedom of movement, and the political framing of the population by police instead marked the PRK years.

Chapter IV describes the mandate, the composition and functioning of the National Assembly (Articles 45 to 58). This Chapter contains the classical provisions on a parliamentary assembly. The assembly elected in 1981 had a five-year mandate (Article 47.1). There was no election in 1986 or the following years, because the Government used the provision indicating that "the Assembly can prolong its mandate in case of war or other exceptional circumstances"(Article 47.2). Also, with some very rare exceptions, the Assembly was able the exercise its rights to control the executive power, as provided for by Article 48.7. Finally, in an observable practice of both communist regimes and Cambodian constitutional practice, the Assembly was not given autonomy vis-à-vis the Executive Branch.

Chapter V deals with the Council of State (Articles 59 to 63), while Chapter VI concerns the Council of Ministers (Articles 64 to 70). There is nothing striking about those two chapters in regard to the classical constitutional law of communist regimes.

Chapter VII is devoted to provincial and local structures (Articles 71 to 78). Institutions were put into place at the provincial, district and commune levels: the revolutionary people's committees. The cities, which were directly linked to the central government (Phnom Penh and Kampong Som (formerly Sihanoukville)) were divided into subdistricts, which were also administered by similar committees. At the subdistrict or commune level, those committees were elected directly by universal suffrage. At the city, district or provincial level, representatives at the immediately inferior level as well as party representatives and mass organizations at the same level, elected the committees. Those people's committees acted at the same time as the decentralized organs of administration, as a trustee power over the subordinated levels, and as organs of administrative management.

Chapter VIII deals with the courts (Articles 79 to 86). There are military and civilian courts. The Council of State was given power to create special jurisdictions. Verdicts were given by a judge and two people's assessors. Citizens who were ethnic minorities were allowed to use their own language. Defendants could be assisted by a lawyer.

The functioning of justice was one of the PRK's weak points. The judiciary was not independent from the executive branch or the party. The level of mastery of law was extremely low. It must be noted that the ultimately, the political decision to recreate the Faculty of Law was never taken during the PRK regime.

Chapter IX concerns the coat of arms, flag, national anthem, national holidays and the capital city (Articles 87 to 90). It simply noted that the flag is that of the Khmer Issarak movement, a united red flag with, in its center, in yellow, a representation of Angkor Wat temple with five towers. The national day was 7 January, the date of the anniversary of the taking of Phnom Penh and the fall of the Pol Pot regime.

The tenth and last Chapter (Article 91 to 93) establishes the superiority of the Constitution over all other texts, and regulates the mechanism for constitutional amendments.

The detractors of the People's Republic of Kampuchea will not fail to emphasize the similarities between that text and that of the Socialist Republic of Vietnam. By keeping out those who pursued their political quarrels through Cambodian proxies, a scrupulous examination of the text and the procedures for its adoption allows us to draw the following observations:

1. Even though the PRK Constitution borrowed less than usual from the pseudo-scientific jargon suitable for that kind of document, the model of reference is that of the classical communist systems, better known under the name of "people's democracies." One would not be surprised to see a Council of State, an institution that sometimes carries out the devolved functions in democratic systems of the Head of State, and at other times of the Legislative or Executive Branch.

2. The drafting and procedures for consultation on this constitution lasted for two years and, according to even those observers with little leniency toward the PRK, aroused real debate. The Assembly elected on 1 May discussed that document for three days and made amendments that were not merely formal.

3. The systematic examination of different drafts and successive modifications, as well as a comparison between the 147 articles of the Vietnamese Constitution and the 93 articles of the Cambodian Constitution give rise to the conviction that the regime, although very young, very weak and very dependent in the diplomatic, military and economic fields, was successful in affirming its Cambodian character.

In spite of its weaknesses, this Constitution expresses, two years after the overthrow of the Pol Pot regime, a formidable ambition: to recreate a State, a structured society, and a private life for Cambodia.

The Constitution of 1989

Beginning in 1986, it was clear that PRK would never be admitted to the United Nations, and would never be recognized by China, the US and their allies. It was also quite evident that only a negotiated solution would put an end to the isolation the country had gone through since 1979. Lastly, inside the political system put into place five years earlier, changes had taken place. The major one was the powerful rise of an institution that, in a classical communist regime, was more an executive power than a decision-making power: the government. Under the impetus of the President of the Council, Hun Sen, the government, without a doubt still under the control of the Party's Politburo (Political Bureau), became the real institutional engine of the country's management. The country gradually came out of nothing; its inhabitants started step by step and quite shyly to let the aspiration to change filter through, here and there.

On 29 and 30 April 1989, at its extraordinary session, the National Assembly adopted a series of amendments to the constitutional text, amendments prepared by an ad hoc committee whose work was associated with the people who used to serve the Sangkum Reastr Niyum or the Khmer Republic or both, as well as Western experts.

Can we talk about a new Constitution? No more

no less than one can talk about the Constitution of 1956 in relation to that of 1947. In both cases, some purists would see similarities in that the initial text was only subjected to amendments, while others, more attached to the substance, will be sensitive to the changes introduced. By choosing the second approach, we will proceed with the Constitution of 1989 in the same way we have done with that of 1956.

Like its predecessor, the new Constitution comprises 93 Articles in ten Chapters (Articles 43 and 44 were abrogated).

Two types of modifications were introduced. Some relate to the attributes of the State and others to the nature or functioning of the regime.

First, the country's name and flag were modified. It was thenceforth called the "State of Cambodia" (Article 1), and the flag took up two of the colors of the flags before 1975: blue and red. But white, which is a color of monarchy, is not used for the representation of an Angkor Wat temple with five towers. It is yellow, signifying an incarnation, stated the text, of "the ancient civilization of the Cambodian people and of religion"(Article 88).

Article 1 also introduces the notion of the indivisibility of the State and the conformity of its laws and institutions to the Constitution.

A first fundamental reform is the restoration of Buddhism as a State religion (Article 6). We must not have a European reading of that statute. It does not imply any confusion between religion and the State, and does not allow any constraints. It is a recognition of the dominant place of that current of thought in the society and the considerable social function it carries. That recognition is in itself an enormous change. So far, Buddhism was tolerated. Drastic restrictions had been introduced to the entry into the Sangha, the community of monks. During the Khmer Rouge regime, many thousands of pagodas had been set on fire, and at that time were still abandoned. The Constitution of 1989, by virtue of that change alone, opened the door to considerable transformations in the social life: it established a venue for the reconstruction of pagodas, an increase in the number of monks, and their gradual regaining of their role in society. One can say that if the monks were active in 1993 in promoting peace, calling for a democratic Constitution, and insisting upon the elementary rights of individuals, it is thanks to the restoration inaugurated in 1989.

A second fundamental reform was the recognition of a private sector in the economy (Article 12). The consequence of that sudden introduction was the immediate presence of foreign businessmen of all kinds, which proved to be devastating for the country's fragile economy. The country became a most savage model of economic liberalism.

The third reform, closely linked to the previous one, was the recognition and protection of private property (Articles 15, 17, 18, 18-bis). I believe that its consequence was a regrettable one: the abandonment of the Krom Samaki. Their disappearance facilitated the return of a sinister personage in the country's rural scene: the usurer.

In the chapter on the rights and obligations of the citizens, Article 35 addressed the protection of the physical integrity of citizens, and was considerably reinforced by the addition of prohibitions imposed against arbitrary arrest and detention as well as corporal violence through the introduction of the presumption of innocence and by the abolition of the death penalty. But these innovations were not translated into reality.

On the institutional level, Article 49 creates the National Assembly's Permanent Committee whose tasks are similar to those usually conferred upon the Bureau of the classical parliamentary assemblies. Article 58 provides indemnity to the members of the Assembly.

Modifications introduced to Articles 48 (National Assembly's attributes) and 60 (Council of State's attributes) permit the creation of a Supreme Court and Office of the Prosecutor General attached to it.

No attribute is, however, given to the two newly created institutions: the President of the Supreme Court and the Prosecutor General attached to it and nominated by the National Assembly. The latter controlled the functioning of the Supreme Court and the Prosecutor General attached to it (Articles 48 and 57), and removed any independence of those judiciary institutions. As for the Council of State, owing to the creation of the National Assembly's Permanent Committee, its legislative attributes were considerably reduced (Article 60).

Finally, the provincial and local structures were substantially changed. The committees ceased to be qualified as "revolutionary." Another modification of the text of 1981 reflects the new development of big cities: the districts were divided into subdistricts.

Some have talked about the 1989 reform like one talks about a face lift: a cosmetic exercise in a way. Others are willing to see it as an exercise to put the text in conformity with new realities and aspirations. Others still see it only as a political gesture intended to cajole Westerners. I believe all of these are true. The United Nations mission in charge of studying the political-administrative system of the State of Cambodia has noted in its report that "the recent amendments have significantly modified the 1981 Constitution."

Let's be fair; were not the same complex motivations at the origin of transformations noted a few months later in Eastern Europe? The difference is that what the West did not applaud in April 1989, it warmly greeted in the fall of the same year. But we have known for a long time that States have their own logic that logic cannot know.

The Constitution of 1993

The agreements for a comprehensive political settlement of the Cambodian conflict signed in Paris on 23 October 1991 stipulate in Article 12: "The Cambodian people have the right to determine their own future through free and fair elections of a Constituent Assembly which will elaborate and approve a new Cambodian Constitution in accordance with Article 23, then transform itself into a legislative Assembly that will form the new Cambodian government." Article 23 indicates that the fundamental principles that must be inscribed in the future Constitution are taken up in Annex V of the Agreements.

The "principles for a new Constitution for Cambodia" spelled out in Annex V are:

1. The constitution shall be the supreme law of the land. It shall be amended only by a designated process involving legislative approval, popular referendum, or both.

2. Cambodia's tragic recent history requires special measures to assure the protection of human rights. Therefore, the Constitution will contain a declaration of fundamental rights, including the right to life, personal liberty, security, freedom of movement, freedom of religion, assembly and association, including political parties and trade unions, due process and equality before the law, protection from arbitrary deprivation of property or deprivation of private property without just compensation, and freedom from racial, ethnic, religious or sexual discrimination. It shall prohibit the retroactive application of criminal law. The declaration will be consistent with the provisions of the Universal Declaration of Human Rights and other relevant international instruments. Aggrieved individuals will be entitled to have the courts adjudicate and enforce these rights.

3. The Constitution declares Cambodia's status as a sovereign, independent and neutral State, and the national unity of the Cambodian people.

4. The Constitution states that Cambodia shall follow a system of liberal democracy, on the basis of pluralism. It provides for periodic and genuine elections. It will provide for the right to vote and to be elected by universal and equal suffrage. It will provide for voting by secret ballot, with a requirement that electoral procedures provide a full and fair opportunity to

organize and participate in the electoral process.

5. An independent judiciary shall be established, empowered to enforce the rights provided under the Constitution.

6. The Constitution shall be adopted by a two-thirds majority of the members of the constituent assembly.

Recalling these principles is useful, no to check whether they have been inscribed in the Constitution —actually, they have—but to appreciate whether they have been inscribed in an operative manner and thus whether they have been implemented.

Before proceeding to that exercise, let's recall that the Constituent Assembly resulting from the elections organized between 23 and 28 May was installed in June 1993. A committee of 26 members sat until 17 August, when it took action on the text. It seems that it was not willing or able to take action on the Chapter related to the Head of State. It was left open with many options to choose from: a Republic with a Presidential system, a parliamentary system, a constitutional monarchy, or reestablishing the regime in effect prior to 18 March 1970 (a reestablishment all the more juristically conceivable and conceived by the President of the Constituent Assembly, Son Sann - that on 14 June, the Assembly adopted unanimously a motion to nullify the vote of 18 March 1970). That vote not only rendered null and void all the acts of the following regimes, but also created a situation of constitutional continuity.

Afterward, a delegation of the committee went to Pyong Yang where Prince Norodom Sihanouk was staying. Negotiations were concluded and the constitutional monarchy was chosen; this choice was nothing less than certain for the future sovereign. We still have in mind the hope formulated with remarkable consistency by Prince Norodom Sihanouk: to see a system very largely inspired by the Constitution of the Fifth French Republic put in place. One does not risk making a mistake by affirming that the current regime, where the King scrupulously respects the rules, is not the one that he envisioned in 1993 for Cambodia.

The result of that Pyong Yang compromise was submitted on 15 September to the Constituent Assembly, which deliberated it in an open session. The text was adopted on 21 September 1993 by 113 votes in favor, 5 against and 2 abstentions. The Constitution was promulgated by the Head of State on 24 September. That same day, after he was chosen by the Throne Council, Norodom Sihanouk took the oath that made him a constitutional sovereign.

The Constitution comprises a preamble and one hundred thirty-nine articles in fourteen chapters. It is the longest constitutional text in Cambodia's history. It has been the subject of many systematic studies, rendering a supplementary representation superfluous. On the other hand, as already mentioned, it is interesting to examine, three years after they went into effect, how the provisions inscribed in the fundamental law have been implemented, and in particular to note the consequences of certain choices on the political system that was slowly put into place.

The Constitution is mute on the electoral system that must implement the law provided for by Article 76. One knows, however, the decisive consequences of the choice of an electoral system—a majority system, with one or two rounds and proportional representation—or the political system. If, less than two years after the vote on the renewal of the Assembly elected in 1993, the electoral law was still not adopted, it was in large measure due to the difficulty in making a choice that had been postponed by the constituents.

Article 88 imposes a quorum of seven-tenths of the members (that is, 84 out of 120) in order for the Assembly to hold a valid session. That requirement, in addition to the fact that it reflects the concept of a national representation that was not in conformity with the fundamental principles of representative democracy, shows a grave risk of institutional paralysis, a risk that was largely verified. According

to the Secretary General of the National Assembly, the latter sat only half of the three months scheduled. We see in the behavior of the MPs one of the reasons for the Assembly's weak legislative production, which, in three years, adopted only 30 laws.

Articles 117 to 125 are devoted to the Constitutional Council, which is still awaiting a vote on the law that would create it and define its organization and functions as provided for in Article 125. Does the absence of the Constitutional Council invalidate all the acts of the government? This was the view of the former prime minister and High Personal Adviser to the King, Nhiek Tioulong, who was designated by the sovereign to sit on that Constitutional Council.

The transitional provisions of Article 138 ratify the existence of two prime ministers during the first legislature; they contain valuable lessons for the observer of Cambodian political life, and confirm first a sharing of power between two major political forces at the time the Constitution was written. It is an indication that the constituent must make concessions to the circumstances of the political situation. Their provisional character is also an indication of the will not to maintain the electoral system imposed by the Paris Agreements and the electoral law of UNTAC.

The nuance of the hierarchical order between the two prime ministers could make people believe that one is in the presence of a government coalition where power is shared, as commonly practiced in parliamentary democracies, on the basis of the result of elections. On the other hand, few have noted that the sharing of influence did not reflect the result of the elections. The first constitutional government, which was put in place in October 1993, comprised 34 members, 18 ministers and 16 secretaries of State, including 18 from CPP, 11 from FUNCINPEC, 3 from BLDP and 2 without partisan affiliation. One cannot say that such a repartition reflects the result of the elections. This confirms the recent declaration of the sovereign, which states that the 1993 elections have not resolved the political problems of Cambodia and the current government is not based upon the result of the elections, but on the agreement of power sharing between FUNCINPEC and CPP, which leaves aside the results of the ballot.

Article 139, intended to ensure the continuity of the State and to avoid a juridical vacuum, favors a change that does not respect the intent of that Article. The text reads: "Any law or provision guaranteeing the interests, the rights, liberty and the legitimate properties of individuals, and which is in conformity to the national interests, with the exception of provisions contrary to the spirit of that Constitution [author's emphasis], remain always valid until there is new text to revise or remove them." On the basis on that Article, by leaning on the previous legal provisions and manifestly contrary to the liberal spirit of the Constitution, journalists have, for example, been prosecuted and condemned, and the rights of meeting and association have been violated.

I have three general observations before concluding:

1. The provisions of Title III related to the rights and obligations of Khmer citizens (Articles 31 to 50), and Articles 76 (eligibility of the members of the National Assembly) and 128 (participation to the National Congress) apply to only "Khmer citizens." The choice of that formula to designate the inhabitants considered as full-fledged members of the national community, in preference to "Cambodians" or to "citizens," introduces discrimination against other members of the Cambodian population who are not ethnic Khmer and who could thus be excluded from the benefit of the fundamental rights and freedoms inscribed in the Constitution. This includes those with Chinese or Thai origins, are hill tribes, or Muslims. That discrimination—absent in the two previous Constitutions—produces anxiety about the fate of those considered as foreigners and in particular, the Vietnamese population who, since 1970, have paid a heavy tribute to racism and xenophobia on the part of

the Khmer population.

The 1993 Constitution seems to ignore or pretend to ignore that the Universal Declaration of Human Rights, like the International Covenant on Civil and Political Rights and the International Covenant on the Protection of Minorities, applies to foreigners as well as to nationals. This very much weakens the credibility of Cambodia's adherence to international instruments related to human rights (which is nevertheless affirmed in the first paragraph of Article 31) and to the principle of equality before the law proclaimed in the second paragraph. If only the "Khmer citizens" were equal among themselves, which is the essence of the later part of that paragraph, which indicates that they benefit from the same rights and freedoms and have the same obligations "without distinction to race, color, sex, language, belief, religion, political viewpoint, ethnic origin [author's emphases], social class, fortune or all other aspects." Clearly, equality of rights and obligations apply to different persons.

2. To that first observation, a second one is added: the general weakness from the juridical viewpoint, of the terms used. Words or phrases have been used, which have, in law, no sense. What are the "good customs?" What is the extent of a "severe punishment?" What is a "good citizen?"

Some of the expressions used are so vague that they allow the most contradictory interpretations and they weaken, even destroy, the coherence of a provision. Different phrases are used in many articles in order to designate the same problem. Thus, for example, Articles 22, 78 and 86 speak of the "nation in danger," "time of war," "special circumstances," "the country in danger," without clear definitions of those notions while they all correspond to the qualification of what the public law calls "exceptional circumstances."

Legal concepts are employed without concern for preserving the Constitution's coherence. Thus, for example, the Constitution cites contradictory sources of power. At Article 50, the source of authority is national sovereignty, while in Article 51 it is the people's sovereignty. In Article 77, an imperative mandate is proscribed in order for the Assembly to hold a valid meeting, but in Article 88 a quorum of seven-tenths is imposed. Thanks to these kinds of contradictions, an elected MP can be deprived, arbitrarily, of his/her mandate.

Khmer is an analytic language. Needless redundancies make a phrase heavy and create confusion about both the speaker's intention and the sense of the terms used. Article 53 is particularly eloquent: the Kingdom always practices a policy of permanent neutrality. Is it possible to always practice a policy of occasional neutrality? Another example: the right "to participate actively in the political, economic, social and cultural life" (Article 35). Is passive participation prohibited? Does that right, presented actually as an obligation in the previous two Constitutions, imply other possibilities than those indicated in the provisions related to the freedoms of speech, meeting and association?

Unquestionably, in comparison to the Constitutions of 1947, 1956 or 1972, the 1993 Constitution illustrates a net regression of the mastery of the concepts of public law and juridical rigor. On that follows the third observation:

3. Thirty-three times, the Constitution confers upon the law the task of implementing a constitutional provision. The original weakness of the Constitution has been confirmed by the slowness with which laws are submitted, considered and voted on. To this day, only nine of the thirty-three laws announced by the Constitution have been adopted. We can rightfully affirm we are in the presence of a Constitution that, to a very large extent, has not been implemented.

It has become commonplace to note that the 1993 Constitution has been very much marked by its drafting. In that sense, it was founded partially on a regime that, three years later, was still seeking stability. Thus, the Constitution runs the risk of

lagging behind the political system it was seeking to put in place.

From that viewpoint, we cannot not say that UNTAC had a strong imprint on Cambodian constitutionalism. This statement must be tempered by the Constitution's guarantee of the fundamental freedoms of economic and social rights, which have, however, been quite slow in developing in terms of civil society. If Cambodia's civil society can diversify, consolidate, and become autonomous, it will represent the best asset for the future of the democratic system that the 1993 Constitution announced. With such support mechanisms growing (e.g., the abundant press—over which one may have reservations) and a political pluralism that, even if it faces strong opposition, imposes itself, Cambodia has trump cards to play in a move towards the pluralistic society announced by the 1993 Constitution.

A. CONTINUITY AND RUPTURES

The Cambodian constitutionalism manifests, through the seven fundamental laws we have just gone through, a certain number of continuities, but also of ruptures. We can enumerate them by examining the major themes of public life in that country.

Buddhism

Buddhism is a substantial element in the concept of srok Khmer. Without it, it is practically impossible to understand the culture and tradition of the Khmers. In Cambodia, Buddhism is led by the clergy (the Sangha), which forms an organized body whose structures are very hierarchical. It is entirely independent and has no material or political links with the clergies of other Theravada Buddhist countries. As Preschez states, "the Cambodian Sangha is a national church." In addition to its role as a moral authority, the Sangha has an important socio-educative role and constitutes a considerable social force.

The place of Buddhism in Cambodian society was either recognized or fought against, but was always taken into consideration by the successive Constitutions. Consecrated as the "State religion" in five (1947, 1956, 1972, 1989, 1993) of the seven charters, implicitly condemned in the Constitution of Democratic Kampuchea, and formally protected in that of PRK, Buddhism was an instrument of those in power, which either tried to use it for their own legitimacy or treated it as a danger (DK).

The doctrine of the Sangkum rests on the fundamental principles of Buddhism. The Lon Nol Republic literally mobilized Buddhism and the Sangha in their struggle against communism. In reaction, but also by virtue of the atheist convictions inherent to their ideology, the Khmer Rouge treated Buddhism as "opium that weakens the talent and the mental and physical force of the people." The monks were considered as "social parasites" who were pleased to "eat without producing." Under PRK, Buddhism was reborn from its ashes, but according to a process closely controlled by the authorities. With the State of Cambodia, it was returned to the status of a State religion, and with the 1993 Constitution, the recognition of its orders (Thammayoott and Mohanikay), whose superiors participated in choosing the new King.

The Monarchy

We note, on the one hand, the central place occupied by the king in Theravada culture. It was the person of the king, who was the subject of massive allegiance, which corresponds perfectly to the idea of a personal link between the "patron" and his "client." This idea was formulated in a family sense by Norodom Sihanouk: "Samdech Euv" speaking to his "Kaun-Chaus." That place was preserved in the 1947 Constitution; it was magnified in that of 1956. It disappeared with the republican Constitution. The monarchic idea was certainly absent in the Constitution of Democratic Kampuchea as well as in republican Constitutions of PRK and State of Cambodia. As we know, the 1993 Constitution restored the monarchy, but by very strictly limiting the powers of the sovereign.

We also observe that the mechanisms for

succession evolved between 1947 and 1993. If the monarchy remained elected in 1947, the King could designate his successor. That faculty was preserved for him in the 1956 text, but explicitly ruled out in the current Constitution.

On the other hand, in the 43 years of contemporary Cambodia's independence, 20 saw a monarchic regime and 23 a republican one. That observation must be retained by all who are going to observe Cambodia's political life in the coming years. The immense majority of the country's present population has known the monarchy for only the past three years. No legal provisions to allow the functioning of Constitutional mechanism for succession to the throne have been adopted. If they are is not supported by a strong consensus, we can rightly wonder about the viability of the monarchic principle and its capacity to survive future tests.

Sovereignty

All of the Constitutions written between 1956 and 1989 answered to the wishes of those who exercised power, not of those who represented the nation. The 1956 Constitution responded to the wishes of the Head of State, Norodom Sihanouk; that of 1972 is, for the most part, in conformity with the expectations of Lon Nol; and those of 1976, 1981 and 1989 reflected the wills of the parties in power.

The 1947 and 1993 Constitutions are the exception, inasmuch as they emanate from a constituent assembly. However, each item of the text prepared by the 1993 Assembly was subjected to compromises with Prince Norodom Sihanouk before being adopted.

What/who is the source of authority in Cambodia? The King? The nation? The citizens? The party? In fact, each of these different sources of the sovereignty is present in the Constitutions of Cambodia.

But the King is the source of all power, according to the Constitutions of 1947 and 1956. The 1972 Constitution affirms that all power emanates from the people, thus consecrating the principle of the people's sovereignty. The Constitution of Democratic Kampuchea affirms that the State belongs to the people, to the workers, peasants and all other laborers, but we know that the actual source of power was the Angkar, a smokescreen for the Communist Party of Kampuchea.

Under PRK as well as under the State of Cambodia, the Constitution's statements that all the power belongs to the people are contrary to the proclaimed leading role of the Revolutionary People's Party of Kampuchea. The 1993 Constitution proclaims that all powers emanate from the people, who express themselves through the Assembly, thus consecrating the principle of national sovereignty, as found explicitly in Article 50.

At no time in its contemporary history has the sovereignty of Cambodia's people been truly expressed, even though concrete efforts were made during the Sangkum period to establish a kind of direct democracy. As for the 1993 Constitution, its ambiguities on this point were settled when the Assembly deemed it had the power to remove the mandate of one of its members.

Separation of Powers

The 1947 Constitution created a High Council of Magistracy in charge of preserving the independence of the judicial branch. But the Council was presided over by the Minister of Justice, thus negating the independence and credibility of the instrument in charge of guaranteeing the independence of the judicial branch. The 1956 Constitution confers the Presidency of that Council to a magistrate when the Head of State does not preside over it himself. The 1972 Constitution made a much more radical attempt to break the judicial branch's submission to the executive and legislative branches. All the Constitutions that follow, including the one currently in force, have submitted justice to political control.

In legislative matters, the principle dear to Montesquieu, "by the nature of things, the power stops the power," has never been put into practice in Cambodia. To avoid absolutism, the legislative branch should

not have to power to stop the executive branch, and vice versa. Yet, as Professor Gour observed in 1965, "Cambodia does not consecrate the separation of powers, and it rejects the idea of the Judiciary Power (…). The separation of powers is foreign to the Cambodian tradition. It is also to the present Khmer positive law." There is no doubt that the Constitution in force under the Sangkum regime conferred the exercise of legislative and judiciary functions upon the King, the government, the Assembly and even the people, thus creating a confusion of powers.

The 1947 Constitution, like that of 1993, confers only on the National Assembly the ability to vote on laws. The National Assembly is given unique legislative power in the 1981 and 1989 Constitutions, while that of 1972 assigns to the Parliament the ability to vote measures into law, and the 1976 Constitution confers these powers on the People's Assembly. That beautiful unanimity gives a brilliant illustration of the gap between the proclaimed norm and the observed practice. Such a gap reduces the constitutional proscription to the identification of formalism.

Both the Assembly and judiciary are used as instruments by the real source of power: the day before yesterday it was the King, yesterday the sole party, and now the coalition government.

The Law

What is the value of the law in Cambodia? "The law is the expression of the national will," the 1947, 1956 and 1972 Constitutions answer in identical terms, while the other four texts remain mute on this. Who determines the national will? In a system that consecrates national sovereignty, it is unquestionably the Parliament, on the condition that its independence be preserved. In any other system, the law is the expression of other actors; this affects at the same time its legitimacy and, in some cases, its juridical validity.

In order for the law to be able to impose itself as the common rule borne from the national will, it must, imperatively, come from a national representation in which it is possible to express contradictory views. The confusion of powers maintained during the 50 years of Cambodian constitutional practice is a part in the explanation of the weak value of the law in the eyes of the citizens.

For a long time, the law has been perceived in Cambodia as the transcription, by the powers that be, of the cosmic order identified either with the Brahmanist world vision or the Buddhist world vision. The law does not emanate from the people and does not express the will of the majority. It is the instrument by which the political order organizes itself, and presents itself as the interface with the cosmic order. The layout, by the law, of that political order is the work of whoever is in power. The law maintains universal order by making the cosmic and political orders agree with each other, thus blurring the lines between politics and religion. The law is a method of rendering the religious into an instrument at the service of the politic. When those in power discredit themselves, the loss of confidence is translated first by the discredit of the law, and the expression of discontent toward those in power is translated into contempt for the law.

The different Constitutions inscribe, in one way or another, the principle of the superiority of the Constitution over all other norms and all, except that of Democratic Kampuchea, affirm the obligation of conforming the law to the Constitution. It is the materialization of the principle of the hierarchy of norms that must guarantee the coherence of the rule of law. But the control of that constitutionality is entrusted to different institutions. The 1947, 1956, 1981 and 1989 Constitutions reserve that role for the Assembly, while those of 1972 and 1993 give it to the Constitutional Council.

B. WHAT CAMBODIAN CONSTITUTIONALISM?

The constitutionalist doctrine postulates the rule of law. The Cambodian tradition gives privilege to a client system. Are these two practices compatible?

The Democratic Party tried, from 1946 to 1952,

to introduce a parliamentary system as a modern method of managing public affairs. That experience failed and needs to be studied meticulously in order to draw lessons for the future.

The Sangkum Reastr Niyum was another, more pragmatic, attempt to reconcile the efficient management of State affairs and the permanence of a client system. One can say that it was a tentative integration of behaviors that formed the very negation of the rule of law in a State system. We have undoubtedly not studied that experience from the viewpoint of constitutional law.

Can the Cambodian Constitution, impose a new reality? I do not think so. With the current state of the texts, we are compelled to note that the Cambodian constitutional law proposes rather a virtual constitutionalism or, if we want to be more positive, a theological constitutionalism.

The Cambodian tradition has its roots in Buddhism. The latter advocates values, which are common to all those who believe in it, while at the same time the dignity of people and the collective interest. By drawing from what they are, in what they have experimented with, and by agreeing on what they aspire to, Cambodians discover the terms that express their willingness to live together.

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

Recommendation for Division 920
Telegram 37, July 25, 1976

To Respected Comrade Chhin

1. [I] received your telegram on July 22.

2. We have gained experience from the previous enemy attacks and organized a plan to mobilize our forces secretly. We have scattered small groups of soldiers in distant positions and patrolled constantly, in case the enemy attacks our large bases.

3. Take action to counterattack. Spy, investigate and attack the enemy's new camps, which we discussed before. For this I recommend we should have approval from regional bases and make a plan to attack, most importantly to protect our soldiers. We should seek an effective striking procedure. Keep the plan top secret. Use a small force to destroy the big force of the enemy.

For example, use artillery. Be careful during a special attack. When [you] agree with comrade Lang, please report to comrade Ya. I would like to report to comrade Ya that I agree with Angkar on the procedure to defend the newly established base and to attack as a defense, for the enemy violates the agreement in setting up camps, which says stay in one place. Moreover, they attacked us on our land, on July 22, 76. If we do not attack them, they will continue to sneak up on us.

4. I agree with the idea of building dams and digging irrigation ditches.

Warmest revolutionary fraternity

89

Copied to: ◆ Brother 81 ◆ Brother Nat ◆ Brother Saom ◆ Documentation ◆

Artist: Bou Meng, a former S-21 prisoner

The Unsettled Past

Bunsou Sour

In the 1970s Vietnamese troops arrived in Cambodia, pushing the Khmer Rouge, the extreme Maoist political organization, to the Cambodia-Thailand border. China, the great communist power, strongly supported the KR, and, according to U.S. intelligence, continued to provide the KR forces with $100 million in weapons per annum through the 1980s (Kiernan). Then, in the early 1990s the Soviet Union collapsed and the Cold War ended. Although the Cold War was over, the KR did not collapse until 1996-1998 when its top leaders defected to the government of Cambodia. Today, the People's Republic of China continues to support the regime passively by opposing any initiative to bring its leaders to justice. Without justice, the recent violent past of Cambodia remains unsettled. What will be the fate of the rule of law in Cambodia?

To date, no less than twelve countries have established truth commissions or similar commissions with jurisdiction over the settlement of past human rights violations, either organized by states or by non-governmental organizations. Those countries include Argentina, Bolivia, Chad, Chile, El Salvador, Ethiopia, Hungary, Mexico, Rwanda, South Africa, Uruguay, and the former Yugoslavia, which is processing the Milosevic case. The establishment of such a commission is a necessary step in a country's efforts to end the suffering caused by a perceived continuing threat, and questions about past human rights violations.

In addition to the legal and psycho-social benefits of such commissions, there can be socio-economic benefits. For example, in exchange for its prosecution of Milosevic before an international court of law, the former Yugoslavia has received large pledges of economic aid.

As for Cambodia, the People's Revolutionary Tribunal held proceedings against Pol Pot and Ieng Sary on charges of genocide on 15 August 1979. The hearings took place at Chaktomuk Hall before representatives from all provinces, departments, ministries, and public organizations. Also witness to the proceedings were Buddhist monks and ordinary citizens. A total of more than six hundred attended. This remarkable event was also attended by international law experts including: Susumi Ozaki (Japan), Vitandra Sama (India), Francisco Varona Duque Estrada (Cuba), John Quigley (U.S.), and Ms. Ngo Voc Thanh (Vietnam), as well as a number of international journalists.

However, the trials received severe international criticism and their legitimacy was largely dismissed by the international community. This was especially true of the United Nations, which continued its recognition and support of the Khmer Rouge (and the three-faction coalition government) until 1992. Concerns about the tribunal were raised regarding issues of law (including the relationship between Decree-Law No. 1 and the Genocide Convention), due process (namely the questions, Did the lawyers for Pol Pot and Ieng Sary offer an effective defense? and Was there possibility of appeal?), evidence, and other related matters.

Some historians argue that most of those who died under DK died of a combination of malnutrition, overwork, and disease. In other words, some historians claim that these deaths were the result of the socio-economic policies pursued by the DK, rather than deliberate killings. When will the arguments between lawyers and historians end? And when will we (Cambodians, their leaders, and the international community) initiate positive discussions on the socio-economic development and reconstruction of the rule of law in

Cambodia?

Until now, the matter of truth (Who killed whom? and Who were the architects of the atrocities between 1975-1979?) has remained uncertain. Dissatisfaction among both victims and lower-lever perpetrators remains high. Unfortunately, history and legality are not clear cut. Cambodia is working to develop a foundation for the rule of law, in order to settle the past and look towards the future. Without the rule of law, Cambodia cannot develop its economy.

Cambodia is not unlike many countries that have suffered serious human rights abuses. It can be argued that the leaders' ignorance of past violations affects the rule of law. In this context, even adopting many "golden laws" does not safeguard the trust of its people or the international community, specifically, investors and tourists. Cambodia's unsettled history negatively affects the psycho-social well-being of all Cambodians and teaches younger generations that there are no consequences for breaking the law.

Therefore, settling the crimes of the past will help to reinforce the fragile rule of law in Cambodia. It will also engender the Cambodian people's trust in the government and may energize its leaders to work harder to develop the economy. Peace and justice will contribute to strengthening the rule of law, security, and economic development in Southeast Asia.

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

Transitional Justice in Cambodia

Suzannah Linton

I was reading the latest report of the United Nations Special Representative for Cambodia to the General Assembly, dated 27 September 2002. In it, I observed that the language of what is termed Transitional Justice seemed to have crept in. "Aha!" I thought, "they want Cambodia to have a truth commission." It therefore came as no surprise to read very shortly after, that the President of South Africa, Mr. Thabo Mbeki, was offering to share with Cambodia his country's recipe for nations with dark secrets: a truth commission.

This could herald an important new debate for Cambodia. What does one do when not just the preferred choice of meeting the demands of society and law for justice and accountability through the criminal justice system (an international tribunal), but the second-best choice (a mixed panel with UN involvement) have not come to fruition? And what if neither the third-best choice (mixed panels with no UN but staff seconded by other states) nor fourth (a purely domestic process) is going anywhere? Does one hold to the dream, or keep compromising down the ladder? When should one start looking at other options?

"Transitional Justice" is a new paradigm that focuses on nations that emerge from a legacy of gross violations of human rights under some kind of authoritarian regime and how they deal with the challenges of justice. "Transitional Justice" posits that nations in such situations are faced with thousands of victims and thousands of perpetrators; they usually also have weak judicial systems, unstable regimes and myriad other pressures that require looking at other means beyond criminal justice for achieving equilibrium in society. "Transitional Justice" is thus sometimes said to be about "Transitional Politics."

The Truth Commission is increasingly being globally marked as the best mechanism to deal with justice in times of transition. Truth Commissions are essentially fact-finding commissions, with some wider

socio-political purposes. The first such commission has been traced back to Uganda in 1974; the device spread in popularity in the mid-1980s in South America, particularly after Argentina created a National Commission on the Disappeared to investigate the fate of the thousands who disappeared during the military dictatorship. There have been approximately thirty truth commissions to date. Very quickly, language of "truth" and "reconciliation" crept in and thanks to the South African Truth and Reconciliation Commission, the debate is now coloured with considerations of "forgiveness," "healing," "recovery," "rehabilitation," etc. This terminology reflects a move away from the legal discipline and draws from the focus that was placed on victims in the South African experience, trauma counseling and religion.

The debate on what to do next in Cambodia needs to be balanced with more information. There is a lot of scholarly writing on Transitional Justice. Truth Commissions are just one of a range of options. They have both supporters and detractors. Much has been spoken and written on the important role that victims are given in this forum, and how a certain closure is attained with the delivery of the "truth." Some claim it provides a framework for rebuilding shattered states, communities, families, and individuals. It is pointed out that the truth commission can take the pressure off a fragile justice system. On the other hand, many are concerned that the expectations created by the language employed in the truth commission process are unrealistic and imply that "truth" and "reconciliation" do not emerge from the criminal justice system. There are concerns at the implicit suggestion that courts of law do not provide a venue for victims to express themselves or for satisfactory justice. The claim that the truth commission is a form of accountability is in some quarters viewed with deep skepticism. Others vehemently object to the diluting of the Rule of Law and see a move away from the fundamental principles of the Nuremburg Trials, that individual perpetrators of atrocity must be made criminally responsible for their actions. The global human rights movement has for decades focused on the use of individual criminal responsibility to maximise protection of the rights of individuals, and many are concerned about where the new paradigm is leading to.

The South African Truth Commission, on which so much attention is focused, was in many ways remarkable. South Africa's unique experiment was born of political compromise; the truth commission and amnesty were the price of a peaceful transition from apartheid; the country really stood on the brink of civil war. By the standards of international law, the granting of amnesties to perpetrators of apartheid, a clear crime against humanity, to torturers, mass murders and other similar criminals was in violation of inter-

national obligations. But the international community has chosen to overlook this because it is widely recognized how difficult the choice was, that the process was uniquely calibrated for the circumstances of South Africa and was a genuine effort to deal with a legacy of brutality. The handling of amnesties in particular is regarded by many as having been thoughtfully and responsibly done. Rather than provide blanket amnesties, the application of each individual for amnesty was conditional on his or her providing full and complete disclosure.

But not everyone, even in South Africa, considers that the experiment was a success. Some people found it therapeutic to speak in public of their pain and suffering. However, many did not. In fact many in South Africa are very angry and embittered that their leadership chose to bargain with perpetrators of atrocity, even grant them amnesty for a "truth" that was believed to be in their exclusive possession rather than go down the time-honored route of providing the "truth" in a court of law. Some point out how the commission failed to secure the support of white South Africans who had been involved in the apartheid regime, as the majority of persons seeking to provide information in return for amnesty were in fact black South Africans. Others question the active role of the Church and whether many victims were pressured to "forgive" and "reconcile" with perpetrators before they were ready.

Studies have shown that many truth commissions have at least four common objectives: establishing an accurate historic record, obtaining justice for victims, facilitating national reconciliation, and deterring further violations and abuses. A lot of work has already been done in Cambodia on precisely these issues. Take for example, the Documentation Center of Cambodia, DC-Cam. Its objectives have been to record and preserve the history of the Khmer Rouge regime for future generations and to compile and organize information that can serve as potential evidence in a future legal accounting for the crimes of the Democratic Kampuchea era. The Executive Summary of its 2001 Annual Report says that "[t]hese objectives represent our promotion of memory and justice, both of which are critical foundations for the rule of law and genuine national reconciliation in Cambodia." Within its vast database must surely lie the "truth." However, this work goes well beyond mere fact-finding and evidence collation for use at trial. DC-Cam has assisted with the tracing of relatives and friends, engaged in research to deepen understanding and developed knowledge about the Khmer Rouge-trained Cambodians in a variety of useful skills. Its work goes well into social justice and the creation of a better society through learning from the past. In a recent publication, it was suggested that "[t]he 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."

I was happy to read that a Cambodian delegation went to South Africa to learn more about its commission. I would sincerely hope that they will also go to Churchillplein 1 in The Hague, home of the International Criminal Tribunal for the former Yugoslavia, to see the sort of justice that is the rightful due of the Cambodian people. They should also see the brave efforts of impoverished Rwanda: with thousands of suspected genocidaires languishing in its prison, it is attempting to process many of these cases through creative use of a traditional dispute resolution mechanism called gacaca. There are legitimate concerns about the process, but for better or for worse, Rwanda is a vivid illustration of a nation attempting to use Rule of Law to fashion its post-conflict future in a principled way.

The work of the many other truth commissions should also be considered. Then, there are the current efforts in East Timor, which has a mixed panel of judges dealing with international crimes, and a truth commission. This truth commission is a sophisticated model that is subordinated to the criminal justice system (there is no amnesty for genocide, crimes against humanity, war crimes etc, and any amnesties have to be judicially approved) and uses traditional justice mechanisms. Why not have a look at nearby Indonesia, where the question of what to do with its huge legacy of 34 years of oppression under the New Order is still unresolved and a draft Truth Commission Law that is heavily influenced by the South African model is greatly criticized as being inappropriate for that country. Then, there is Sierra Leone, whose Special Court and Truth Commission have recently started to function; the latter is experimenting with use of traditional justice mechanisms as a means of achieving reconciliation.

There is one priceless lesson of South Africa and it is this: that with political will, sincerity and creative thinking, a nation can craft its own unique way of dealing with a legacy of gross violations of human rights and do so in a responsible and meaningful way. Cambodia would be wise to look around at what other nations are doing, but it need not jump on the bandwagon of Transitional Justice. Just because a device was used with some success in one country facing a unique situation or is presented by potential donors as a suitable mechanism does not mean that it is right for Cambodia. Cambodia has its own particular needs, one of which is the desperate need to reform and strengthen its justice sector and assert Rule of Law to hold individuals, regardless of rank and influence, responsible for their criminal actions. The impunity simply cannot go on and on and on; it is poisoning everyday life and condemning future generations.

Let it never be forgotten that the obligation on the State is to investigate, prosecute and punish the perpetrators of atrocity, and when it cannot do so, it may extradite suspects to third countries that are willing to exercise universal jurisdiction to try them. It may be time for States that are supporting criminal justice for the Khmer Rouge to consider the exercise of universal jurisdiction through their own courts. In the meantime, perhaps the seeds for a unique Cambodian solution may lie in having a nationwide consultation on how best to utilize existing resources and deal with the ongoing challenges of addressing the crimes of the Khmer Rouge.

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.

Petition for Trials

This petition, which was translated from Khmer, was forwarded from the UN's Cambodian Office of the High Commissioner for Human Rights.

My name is Sok Sanday, male, 34. I reside in Chamkar Luong village, Veang Chass subdistrict, Udong district, Kampong Speu province.

To: The Director of the UN Office of Human Rights in Cambodia and embassies in Cambodia with respect.

Ieng Sary, Khieu Samphan, Nuon Chea, Chann Yourann, Ta Mok, Duch, Mak Ben and other former Khmer Rouge leaders committed injustices against me. They murdered my father, three uncles, a younger sibling and grandparents, totaling 7, and millions of innocent Cambodians during the 3 year, 8 month, and 20 day period of Khmer Rouge control [1975-79].

The stories of their deaths are as follows:

After the Khmer Rouge victory over the Lon Nol government on 17 April 1975, the Khmer Rouge expelled people, including my family, from cities and suburban areas to the countryside. My village in Phnom Penh was Chroy Chanva. My home was situated near the city water pump on the riverbank. On 20 April 1975, my family was forced to leave home on our personal boat from Chroy Chanva village to our first stop at Rokakaong pagoda before moving on to Prek Por. From Prek Por, we traveled by ox-cart for several days and nights through bamboo swamp, resting at meal times, until we arrived at a village where the Khmer Rouge allowed us to live. At first, they told us to stay in Prey Sovann pagoda. One night later, the village chief told us to stay under a villager's house, which had no walls. We were in Prey Sva village, Chrey Khmum subdistrict, Seithor district, Prey Veng province.

Five days passed and my younger (three-year-old) sibling drank unclean water, which caused vomiting and diarrhea. My parents brought my sibling to the subdistrict hospital, but as the hospital had no medicine, my younger sibling died soon after being brought back home.

Most distressingly, a few days after the death of my younger sibling, the village chief summoned my father and other new people of about the same age to make biographies. My father told the village chief the truth: that he was a former naval captain at Chroy Chanva. Other people also told him exactly about their former occupations.

After being questioned, the village chief told them to return to work as usual. Four or five days later, the village chief arrived at night to invite my father, who was collecting rainwater, and other people he called several days earlier to attend a study session. At that time, my mother put some clothes into a white plastic bag for him, but my father told her the clothes were not needed because they called him to kill him. Despite knowing he was called to die, he did not run because he was afraid they would hurt our family. On that day, he left with nothing, except the clothes he was wearing. After they killed my father, the Khmer Rouge claimed

our property, including motorcycles, crockery, and other belongings, to be shared by the cooperative.

Three months later, my grandfather began to get sick. At first it was minor, but this barbarous regime did not have medical care. He later died. The village chief told us to bury him. We had no coffin to put him in, we had only a sleeping mat in which to wrap his body. In just three months, three people in my family had perished.

Later they evacuated my family to Battambang province by boat. After staying in Ponhea Leu pagoda for two or three days along the way, a few trucks arrived to take evacuees waiting in the pagoda to a train station in Battambang. My uncle's legs were paralyzed. They said that the journey required some walking after the train reached Battembang and no one would be able to carry him a long way. They told us to unload our belongings and stay. We waited many more days for a boat to bring us back to the village we left. In the pagoda, they let us stay in an abandoned, unwalled coffin storehouse with no bed. We slept on the ground and as we looked up, we saw scary coffins stored in the eaves.

Days passed and we were running out of food. We collected plants to make salted rice soup. When the boat arrived, we were all sick, unable to get up, except my grandmother, who had been to the village and took thin rice soup from the cooperative kitchen for us. My crippled uncle and grandmother's older sister were unable to recover and had serious diarrhea without medicine. They died soon afterward.

Before we recovered fully, the unit chiefs called my mother and two uncles to dig an irrigation channel and fetch water for the workers at the work site. The water source was 7 km from the village and we did that every day.

In mid-1978, my two uncles fell ill with knee injuries. The Khmer Rouge accused them of pretending to be sick to avoid working, so they took them, along with another four or five patients, to be killed at Prey Sva pagoda. This pagoda was a large killing field where people of all age groups, male and female, were brought from other provinces and ruthlessly executed. The instruments of execution consisted of a long knife, a hoe, and a bamboo pole. There were 30 to 40 mass graves containing 20 to 30 bodies each. In around September 1978, as the pagoda was flooded, the bodies swelled, pushing up from under the shallow graves. Dogs tore and ate the rotten flesh.

As for me, I was just seven years old. I was separated from my older siblings and mother and forced to work very hard. Every day at 4 a.m., I walked 3 or 4 km from the village to collect manure for the rice fields, then I dug a cubic meter of earth to build a road. In the afternoon, I led four cows to eat grass along farm dikes. I was pulled to the ground many times by the cows.

One afternoon the sky darkened and it began to rain. My four cows were hungry and started eating rice seedlings in a field [near Prey Sva pagoda]. I could not stop them, so I let go of the ropes. I was cold and afraid of ghosts since I was close to the pagoda crematorium. So, I left the cows and hid in a toilet near a cattle shelter and waited for someone to bring the cows to the shelter. A moment later my grandmother brought the cows into the shelter and left. Because I was very hungry, I left the toilet and returned home to look for something to eat. The son of the chief grabbed my shirt and blamed me for letting the cows eat the seedlings. He said he would keep me in a stupa in the pagoda. I was scared like a sheep [caught] in [the teeth] of a wolf. He dragged me to the cooperative kitchen. As we moved I put my palms together and begged him,

"I felt so dizzy that I let the cows do what they wanted. Please have mercy on me, don't keep me in the stupa. I won't do it again."

When we arrived at the cooperative kitchen, the chief's son called out two women to kaos khchal me [a traditional Khmer way of curing fever and faintness by scraping one's skin with a coin until the skin becomes red]. One woman kept me from moving, while the other scraped my back like a butcher scrapes fur from the skin of a pig. My body became red [as if whipped]. Afterwards, the chief asked, "Are you hungry?" I said yes. Then he took out a bowl of rice with salt. As I ate, he rested one leg on my chair and asked, "How is rice with salt?" I told him it was delicious and sweet. Later he let me tend only two cows. I brought my cows to higher ground and no longer fed them on farm dikes, nor did I let go of the rope.

One day the cows became agitated and pulled the rope through my palm. The rope cut through the corner of my thumb and the wound bled heavily and I cried. I was all alone and had no medicine. I urinated on the cut to prevent it from getting infected. Then I tied the ropes around my wrists and walked back to the village.

These stories about the death of my family members and the torture I received are true. I was a child who received more punishment than the others in my village.

Please Mr./Mrs. president of human rights organization of the United Nations and justice loving countries such as England, Australia, France and other countries, put more effort into pushing the UN to negotiate with the Cambodian government to permit the International Criminal Court (ICC), established in July 2002, to bring the surviving murderers to trial to seek justice for my family and other victims.

I would like the ICC to:

Summon the top criminals mentioned above and their conspirators to court as soon as possible, for the Khmer Rouge leaders are getting old.

Punish them as severely as they did us.

I have attached my picture and my deceased family members' pictures along with my right thumbprint.

Sok Sanday, Udong

13 October 2002

CC: ◆ US Embassy ◆ UK Embassy ◆ Australian Embassy ◆ Canadian Embassy

Khieu Samphan wants forgiveness from a truth commission.

"The Khmer Rouge leadership such as Ieng Sary, Khieu Samphan, Nuon Chea and Ieng Thirith should not qualify for forgiveness by a truth commission. A truth commission works only for the middle level and lower cadres, the thousands of them who cannot and should not all be prosecuted because it would be too disruptive to society."

—Youk Chhang

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.

A magazine of the Documentation Center of Cambodia: *Searching for the Truth*. Number 36, December 2002.
Funded by the Swedish International Development Cooperation Agency (Sida)