



DOCUMENTATION CENTER OF CAMBODIA
VOICES OF GENOCIDE: JUSTICE AND THE KHMER ROUGE FAMINE

DC-Cam Community Radio Program Pilot (Episode #1):
Famine in Democratic Kampuchea and Case 002 at the Khmer Rouge Tribunal
(formally known as Extraordinary Chambers in the Court of Cambodia: ECCC)

Topic: Background and Introduction

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In collaboration with VOA Record Studio in Phnom Penh, March 2013

Greetings from the radio MC to the audience followed by a brief overview of the radio program (program will consist of a series of broadcasts discussing the Khmer Rouge period famine and the ECCC). Then discuss translation, introduce people involved and Documentation Center of Cambodia (DC-Cam) along with any other preliminary matters.

During the period of Democratic Kampuchea (DK) in Cambodia from 1975-1979, direct violence was not the only sources of death and suffering for the civilian population. Miserable living conditions, famine, overwork and untreated diseases were also major causes of suffering and death.

However, when discussion of the DK period turns to individual criminal accountability at the Extraordinary Chambers in the Courts of Cambodia, or ECCC, potential crimes committed by the Khmer Rouge (KR) tend to focus mainly on instances of direct physical violence, such as torture and mass executions. The Court also clearly is struggling to move fast enough to reach a judgment in its second case against the most senior Khmer Rouge leaders still alive: Nuon Chea, Ieng Sary and Khieu Samphan. Already Ieng Thirith has been dropped from Case 002 because she was found unfit to continue with the trial with dementia brought on by Alzheimer's disease. More recently, all three of the remaining accused have been hospitalized with ailments such as breathing problems, high blood pressure and bronchitis and are over eighty years old. Therefore, another reason the ECCC may focus more on issues that are less complicated than famine is that the Court is in a race against time. If the Court attempted to address famine issues, it would take a lot of time to develop the necessary facts and argue the law, increasing the chances that some or all Case 002 accused would die before judgment.

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Aside from these time considerations, crimes predicated on the terrible living conditions in DK and/or famine can be marginalized or ignored altogether because it is easier to assign blame for prisons, violence, executions and mass graves than complex increases in mortality from a combination of living condition factors. This focus on violent crimes is typical of international tribunals and most likely occurs because violent crimes fit neatly within existing legal paradigms. Violent crimes are also typically easier to prove than crimes predicated on general living conditions. For example, in the case of the KR, documentation from the DK period clearly establishes that KR leaders authorized the "smashing" (killing) of perceived political enemies and the Cambodian countryside is littered with mass graves of executed victims, providing powerful proofs.

When it comes to possible famine-based crimes however, issues of causation and individual responsibility can become complex and hard to untangle, as deadly famines, including the DK famine, typically involve complex interactions between food production, government policy, armed conflict and the spread of famine-related diseases.

To date, no internationalized criminal court or tribunal has entered a conviction predicated specifically on causing mass famine. Nonetheless, many of these same courts have touched on the issue of famine or recognized the illegality of knowingly starving a civilian population. Also, when famine is forced on a civilian population, the famine may involve well-established international crimes, such as genocide, crimes against humanity and/or war crimes.

If the ECCC did decide to address the difficult issue of famine, Case 002 would probably be the best opportunity for the Court to do so. While this is unlikely, because the three accused in the Case: Nuon Chea, Ieng Sary and Khieu Samphan are all elderly and in poor health and the Court has decided to pursue more traditional crimes of direct physical violence thus far, these three accused represent the most senior former Khmer Rouge officials alive today. As senior officials, these three individuals appear to have had national authority during the DK period and may have assisted in the creating policies that caused famine. However, only through a full trial and careful analysis of the available evidence could the roles of each of these accused and their potential criminal responsibility for causing famine be determined.

This radio program is the first in a series that explores the possible legal consequences at the ECCC of the deadly famine that occurred during the DK period under the KR. The program will examine how the DK period famine occurred and explore key famine causing policies of the KR leadership. Additionally, this program will highlight the possible legal issues and challenges posed should the ECCC explore the issue of famine in Case 002.

The KR and Key Famine Policies

Survivors of the DK period can all vividly remember their individual experiences of hunger and starvation. However, few survivors have been provided with any explanation of how famine progressed in DK and the national policies responsible.

Famines are rarely disasters caused by a single factor or reason and this is true with the case of the famine in DK.

When the KR took over Cambodia in 1975, the nation's rice crops in some areas had been severely decreased for five years due to the ravages of the civil war. However, some of Cambodia's most important rice-producing areas, most notably surrounding Battambang in the Northwest which is considered the country's rice bowl, escaped the war mostly undamaged.

The regime immediately emptied Cambodia's cities, sending urban people to live as rice farming peasants in the countryside. One of the official explanations for this evacuation, stated by Ieng Sary himself, was the fact that there was no food in Phnom Penh. The regime claimed that the food problem would be solved by increasing food production by sending everyone to work in cooperative farms. Many evacuees were sent to Battambang province because the regime believed that the area could produce much higher rice yields with additional labor force. The KR argued that an agricultural push would make up for the lost food aid that had resulted from the KR expelling all foreign agencies, including food donor programs. However, this plan failed and living conditions were among the worst in areas of the country, such as Battambang, flooded with evacuees and subjected to high rice quotas.

Instead of revolutionizing DK along a realistic time scale however, the new regime decided that Cambodia would make a "super-great leap forward" in agriculture incredibly fast. KR leaders stated at party meetings that the revolutionary zeal and purity of the regime could be harnessed to nearly triple Cambodia's average rice yield, from slightly over 1 ton per hectare to 3 tons per hectare.

The plan to increase rice output dramatically is outlined in most detail in the KR's unpublished, 1976 "Four Year Plan." In the Four Year Plan, the KR planned to reach and even surpass a national average 3 tons per hectare within a few years.

The regime planned to use the large amount of rice it planned to produce to feed its revolutionary army and as the main source of trade income, which would be used to finance all revolutionary goals. The KR leaders in documents stated that rice production was key to supporting the army and defending DK against Vietnam, therefore growing rice was seen as a crucial aspect of national defense.

The regime ignored the numerous difficulties facing it, including the lack of existing irrigation infrastructure, modern machinery, skilled labor and pesticides necessary to achieve such a massive increase in productivity. Instead, the KR leaders ordered that through sheer revolutionary effort, the nation would build its own irrigation systems and develop new and better ways to grow rice.

The KR ordered that to overcome all difficulties, the civilian labor force would have to "attack" rice production as if fighting a war. The result of the unrealistic demands of the KR leadership and lack of equipment was that civilians were forced to work long, hard hours every single day throughout the countryside.

Every calculation of the KR leadership was based on the incorrect assumption that 3 tons per hectare average rice yields would be achieved nationally. However, it quickly became clear that 3 tons per hectare was an impossible amount to achieve. Nonetheless, the KR leadership pushed forward with its plans and refused to admit any mistakes or slow the pace of its revolution. The regime even raised its already-impossible quotas in fertile areas, such as around Battambang to up to 5 tons per hectare in an attempt to cover shortfalls in planned production.

The regime took massive amounts of rice from the country's cooperative storehouses to feed the military and trade to North Korea and China. A foreign commerce trade account was set up for the DK government in Hong Kong, financed by the Chinese government. This financing was necessary because the KR had banned money completely.

While the KR were sending civilians to work long hours in the fields to produce rice for party use, the regime was simultaneously placing extreme restrictions on basic freedoms of workers within cooperatives.

After taking power, the regime announced that there was no longer any private property recognized in the country and therefore everything belonged to the revolutionary organization (*Angkar Padevat*). This included all wild food and animals. During previous famines in Cambodia, massive starvation was avoided because the civilian population could turn to the abundance of wild food sources throughout the countryside and in the jungle. However, under the KR, a starving civilian risked imprisonment, a beating or even execution for simply taking a fish from a pond or coconut from a tree to feed himself or his family.

By 1977, communal eating was enforced throughout Cambodia and the private backyard plots of food crops that had been common in Cambodia for centuries as sources of supplemental food had been completely eliminated. This meant that the only place where civilians were allowed to eat was in the cooperative dining hall. Therefore the workers relied completely on government rations for nourishment.

These rations however, were far less than the bare minimum required by a human being, especially a person forced to work constantly at hard labor.

These various policies triggered a massive, deadly famine in DK. This famine killed people by the thousands and appears to have grown continually worse until the KR lost power in 1979.

In less than four years, hundreds of thousands of Cambodians had died of starvation or related causes under the KR. Experts have estimated that approximately half, or 800,000 plus deaths in DK were non-violent and therefore the result of inadequate living conditions, overwork, starvation and disease.

Famine Crimes in DK and the ECCC

It is irrefutable that hundreds of thousands of people died from famine, overwork and treatable diseases in DK. However, it is unclear whether the acts of the KR leaders who presided over this deadly famine, were punishable as crimes under the jurisdiction of the ECCC.

In previous interviews, some of the accused in Case 002 have claimed that the civilian death toll in DK was exaggerated and that problems with living conditions, such as famine, were not the fault of the central leadership. Instead, they have argued that any famine that occurred was the result of the difficult situation the KR inherited after fighting a five year civil war and mistakes by lower-level party officials in interpreting the party line.

For example, Ieng Sary and Khieu Samphan have previously publicly stated that one of the reasons Phnom Penh was evacuated in 1975 was because there was no food left in the city and the country was already facing famine because of the civil war and the Lon Nol regime. Future episodes will explore the reasons and legal defenses each accused has given when claiming that they are not responsible for famine deaths in DK.

Experts and legal scholars have stated that in certain circumstance powerful individuals or groups who cause deadly famines can be held criminally responsible. While there is no specific international famine crime, this responsibility could theoretically be in the form of war crimes, crimes against humanity or genocide. All three of these crimes are charged in Case 002.

Within the context of the ECCC, it appears that crimes against humanity are the best-suited source of famine-related charges. Nevertheless, obtaining convictions for famine crimes at the ECCC could prove difficult, due to the lack of clear legal

precedent and the complex issues of proof and causation previously discussed. Indeed, as of now, the ECCC has focused primarily on violent crimes in Cases 001 and 002 and it is unlikely that additional topics, such as famine will be addressed moving forward. As such, this radio program is designed to provide some basic information on famine under Khmer Rouge and related legal issues in order for the Cambodian public to discuss their views on famine and justice in a structured and informed format.

Future broadcasts will explore various specific legal issues associated with famine and ECCC Case 002. Each broadcast will also provide stories of famine survivors, who will personally share their experiences of hunger and starvation during the DK period. Finally, each broadcast will conclude by answering listener questions related to famine and ECCC proceedings.

If you have any comment or question, please send your letter to Mr. Men Pechet, an organizer of DC-Cam's radio program, at house number 66, Preah Sihanouk Blvd, Phnom Penh, or send to P.O Box 1110, Phnom Penh, or call to 023-211-875 or fax to 023-210-358. Email: truthmpechet@dccam.org. Thank you.

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Supported by Office of Global Programs, Bureau of Democracy, Human Rights, and Labor (DRL), United States Department of State.

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