

# មជ្ឈមណ្ឌលឯកសារកម្ពុជា

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

DC-Cam Community Radio Program (Episode #7):  
Famine in Democratic Kampuchea and Case 002 at the Khmer Rouge Tribunal  
(formally known as Extraordinary Chambers in the Court of Cambodia: ECCC)

## **Topic: Justice and Modern Famine: Beyond Cambodia**

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This is the 7<sup>th</sup> episode of a ten-episode radio series which explores the historical and legal aspects of the famine that took place in Cambodia under the Khmer Rouge from 1975-1979. The goal of this program is to better inform Cambodian people about a critical part of their shared history while encouraging active participation in the transitional justice process. The Documentation Center of Cambodia (DC-Cam) welcomes feedback about the program, including contact from people who would like to share their own experience of the famine under the Khmer Rouge or people who have questions for the Center about the Khmer Rouge famine or international law.

This episode focuses on how understandings of famine have changed recently and how famines are now understood as complex results of mostly human and political factors and note only the result of decreases in food production. In doing so, other modern famines in places such as North Korea, Ethiopia and Darfur are introduced and how they have been treated under international criminal law so far is explained.

### **Introduction: Famine in the 20<sup>th</sup> Century**

For many centuries, famine was understood as being the result of a natural disaster or other factor affecting the total amount of food produced within a country or area afflicted by famine. These understandings viewed famine as a largely unavoidable risk associated with human civilization. This understanding of famine is often referred to as “Malthusian”, after scholar Robert Malthus who wrote some influential analyses of famine in the late 1700s. Under this conception of famine, because famine is understood as resulting simply from a country having too many people or producing insufficient total amounts of food, famine prevention efforts typically focused on increasing food production capabilities and other technological challenges, such as

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improving transportation and storage capacities for food. This understanding of famine dominated the field of famine studies until relatively recently in the late 20<sup>th</sup> century, when a new set of scholars, such as Amartya Sen, began to question its applicability.

The main reason that old understandings of famine began were questioned is that these old views of famine did not appear to accurately reflect the realities of famine in the 20<sup>th</sup> century. Under a Malthusian understanding, the main challenge to ending famine was to solve the technological challenges of producing and transporting sufficient food to support the population of each country. Early in the 1900s however, a series of rapid technological advances solved the majority of the most serious challenges believed to be standing in the way of the global eradication of famine. For example, new fertilizers, machines, refrigeration and transportation techniques allowed food to be grown in larger quantities and moved to areas in need much more easily without the food going bad in the process. Despite these technological improvements, famine persisted throughout the 20<sup>th</sup> century and indeed, grew worse than ever before in many areas, and more than 70 million victims died in twentieth century famines alone.

In the second half of the 20<sup>th</sup> century, some scholars began to investigate the root causes of famine and to challenge some of the assumptions that were part of the Malthusian approach. When some of these scholars examined specific famines in detail, they almost all reached the same conclusion: that changes in total food production within countries and regions affected by famine conditions often are mostly unrelated to whether a famine takes place. Instead, these scholars began to come to the realization that various political, social and legal factors are far more important to famine prevention. For example, in the 1980s there was a severe famine in Ethiopia, a country in Eastern Africa. During the famine periods of bad weather reduced crop outputs somewhat. However, famine only occurred within Ethiopia and all of the countries surrounding Ethiopia, which all suffered the same bad weather, experienced no severe famine conditions at all. Furthermore, even within Ethiopia, famine conditions were confined to a very specific part of the country, which was known as the home base of an anti-government opposition group known. This pattern of localization of famine began to be identifiable in other modern famines. This is also true of the Khmer Rouge period famine, as despite the fact that a drought occurred in Southeast Asia in 1977, Thailand, Laos and Vietnam suffered no famine, while the Khmer Rouge famine only continued to grow worse. As a result of these findings, scholars who study famine have begun to emphasize the importance of political, social and legal ways of ending and preventing famine and moving away from the Malthusian emphasis solely on increasing food production.

### **Famine and International Criminal Law: Limited Progress**

This shift in understandings of the dynamics of modern famine also roughly coincided with the beginnings of modern international criminal law marked by the creation of International Military Tribunal (“IMT”) at Nuremberg and continuing more recently with other special tribunals, including the ECCC in Cambodia and the permanent International Criminal Court (ICC) in the Netherlands.

Scholars from various disciplines have argued that the use of international criminal law should form part of larger efforts to finally end famine. Some of these scholars have also argued that specific famines have already involved the commission of international crimes, such as the famines in the Ukraine inside the former Soviet Union in Eastern Europe from 1932-1933, Ethiopia in Africa from 1982-1985, North Korea in Asia from the 1990s to intermittently now, the Darfur region of Sudan in Africa, from approximately 1985 to intermittently now and Somalia, from at least 2011 to intermittently now to name a few common examples. Some scholars have also argued that the Khmer Rouge period famine involved the commission of international crimes.

Despite these academic calls for international prosecutions of individuals who cause famine conditions, as noted in previous episodes, there has been very little actual practice within international criminal law related specifically to famine. Aside from some early prosecutions of Nazi officials for causing famine amongst Jews in Europe and within occupied Polish territory in Eastern Europe during World War II, there has been very little attention paid to famine issues in international criminal prosecutions, which have tended to focus mostly on traditional crimes committed by direct violence, such as mass killings and the use of torture in prison camps for example.

### **The Famine in Darfur and the Bashir Case at the ICC**

Some progress however, does appear to already be underway towards recasting famine as a proper subject of international criminal law. In the example of the Darfur area of Sudan, which is a country in the Eastern part of Africa, the ICC has issued indictments against Sudanese President Omar Al-Bashir and others for various crimes including genocide, war crimes and crimes against humanity, based partially on the terrible living conditions enforced on civilians in the Darfur region. Famine is a major component of these living conditions that has contributed to the spread of disease and increased death rates in Darfur and would likely be explored should the case against Al-Bashir or others ever go to trial. In that case, the prosecution has alleged that genocidal acts were committed against members of the Fur, Masalit and Zaghawa ethnic groups in the Darfur region, including genocide by “deliberately inflicting conditions of life calculated to bring about physical destruction” of the ethnic groups as part of the Sudanese government’s military strategy. Indeed, specific reference is made in the second arrest warrant for Al-Bashir to acts of poisoning drinking water supplies, violent evictions of whole towns and encouraging members of other ethnic groups to settle the land of forcibly evicted people. The

prosecution, in its original application to the ICC concerning the situation in Darfur, argued that various acts causing starvation in Darfur were part of an alleged genocidal criminal plan created by President Bashir and others. In particular, prosecution alleged that in the Darfur region, approximately “83,000 [victims] died as a consequence of injury, *starvation*, lack of water, or conditions in [refugee] camps” between September of 2003 and January of 2005 alone.

### **The Famine in North Korea and the UN Investigation**

Meanwhile, concerning the situation in North Korea, which is located above South Korea and between Japan and China, in early 2013 Marzuki Darusman, the United Nations (“UN”) Special Rapporteur on the situation of human rights in North Korea, issued a report to the UN Human Rights Council calling for an investigation into patterns of human rights violations and potential crimes against humanity in North Korea. In the report, Darusman identified nine “inter-linked” patterns of human rights violations in North Korea since 2004 that potentially rise to the level of crimes against humanity, including violation of the right to food, “in particular the effect of State-controlled food distribution policies on the nutritional status and health of the population and the restricted entry of international humanitarian aid to deal with the endemic food crisis.” On 18 March 2013, the UN Human Rights Council voted to establish a one-year commission of inquiry to investigate the violations outlined in Darusman’s report. The results of this report will likely be very influential in determining whether criminal prosecutions ever result from North Korea’s famine causing policies.

### **Conclusion**

Severe famines, where large numbers of victims die from starvation and famine-related diseases, have finally begun to decrease over the past few decades. Currently, these kinds of severe famines are limited solely to instances of war, general chaos or authoritarian governments. These situations reflect modern understandings of famine that focus on human reasons and not natural decreases in food production, as the key ingredient in causing famine in the first place. While scholarship on the proper role of international criminal law in helping to completely end famine and starvation conditions globally is limited, there has been some movement towards recognizing that modern famines result from potentially criminal acts by powerful individuals in recent years. As mentioned in previous episodes of this program, the Khmer Rouge period famine represents one instance of famine that can be accurately remembered as a “criminal” famine committed against Cambodian civilians by the Khmer Rouge leadership, even if famine-based charges are never pursued at the ECCC. Moving forward into the future, it is possible that current famine situations in places such as Somalia, Darfur and North Korea may end up resulting in criminal prosecutions at some point in the future. Hopefully these legal efforts will contribute to a larger movement towards the long-overdue complete global elimination of starvation in the near future.

**Listener Questions**  
**Answers by Randle DeFalco**

1. Why did the Khmer Rouge starve their people when they had produced a lot of crops? Where had those crops been transported to?
  - First, the Khmer Rouge planned to produce incredibly large crops of rice while in power, but these plans to produce three tons of rice per hectare were never successful while the Khmer Rouge were in power, so rice crops were not nearly as large as planned. That being said, there is evidence suggesting that, while not massive, a significant rice crop was harvested each year during the Khmer Rouge period. Second, the Khmer Rouge's economic plan was to independently transform Cambodia into a modern industrial country by selling rice on the international market to gain income to fund the regime's goals. Thus, there was a large amount of pressure on local leaders to provide the Khmer Rouge central leadership with a lot of rice to support both the Khmer Rouge military and to sell to other countries in exchange for money and goods that could not be produced in Cambodia. Available evidence suggests that China was the recipient of most of the rice shipped out of Cambodia during the Khmer Rouge period.
2. Why did the Khmer Rouge put their people to hard work?
  - The Khmer Rouge stated that the regime's official policy was one of "independence self-mastery" which meant that no foreign aid or assistance would be accepted. The regime also had plans for Cambodia to take a "super great leap forward" towards becoming a modern socialist country and wanted to achieve revolutionary goals at a faster rate than previous socialist revolutions, especially those in China and Vietnam. As a result, the Khmer Rouge leadership sought to rely on human labour alone to achieve massive agricultural and infrastructure projects, resulting in hard labour and extreme hours of work.
3. Why did the Khmer Rouge kill their people?
  - This is a difficult and complex question that has been considered by many scholars. The answer is that there were many factors that combined to create a situation where people were killed in very large numbers through both executions and living conditions, including famine. Generally, the Khmer Rouge leaders wanted to rapidly achieve a pure socialist revolution and believed that there were enemy agents, both foreign and within Cambodia, who were working to undermine the regime's revolutionary plans. As a result, over time the leaders became more and more paranoid. Eventually, the leaders blamed all of their failed plans, for example the plan to achieve three tons of rice per hectare, on acts of sabotage by hidden "internal enemies." Thus, whenever an area of the country failed to live up to the expectations of the Khmer Rouge leaders, this area would likely be violently purged. In this way violence and living conditions both spiraled out of control and resulted in so much killing.
4. Why did the Khmer Rouge separate people from their family members?
  - The Khmer Rouge leaders knew that family ties are very strong in Cambodia

and thought that people should be loyal to the revolution more than to their family members. These leaders saw family social structures as competing with their plan to turn Cambodia into a pure socialist state and therefore did not worry about separating people from their families. Another reason for these separations was the fact that the Khmer Rouge assigned people to be sent to wherever the revolution needed more human labour and no thought was given to keeping families together when assigning people to areas of the country.

5. Why didn't people rebel against the Khmer Rouge?

- It is impossible to know why people did not rebel against the Khmer Rouge, but there are likely several reasons why they did not. First, the Khmer Rouge came into power quickly and immediately spread people throughout the countryside, making it difficult for people to form groups to oppose the powerful Khmer Rouge military. Second, even on the local level, people were constantly watched by Khmer Rouge cadres and if they were caught saying anything bad about the revolution, they could be put in prison, beaten or even executed. This made it even harder for people to organize any rebellion. Third, people were overworked to the point of near death during the Khmer Rouge period. Because people were so weakened from overwork and lack of food, it is likely that they were simply too exhausted and weak to fight back, but focused all of their energy on simply surviving each day. Fourth, there were armed Khmer Rouge cadres throughout the countryside and local people did not have the weapons to effectively fight cadres who had guns and other weapons. In one village, a group of Cham Muslims did rebel against the Khmer Rouge after some of their local leaders were executed and they were banned from praying or otherwise practicing their religion. However, this rebellion was doomed to failure because the rebels mostly only had swords, while the Khmer Rouge had guns and other weapons. After the rebellion, almost everyone who had fought back was put in prison, tortured and executed.

6. Has the Khmer Rouge Tribunal brought justice to the Khmer Rouge victims?

- As of now the Khmer Rouge Tribunal has entered one verdict against Kaing Guek Eav alias Duch and is in the process of the trial of Nuon Chea and Khieu Samphan, former Khmer Rouge leaders. The meaning of justice is a very personal thing however, and it is up to each survivor of the Khmer Rouge period and indeed, every Cambodian citizen, to decide for themselves whether they are satisfied with the work of the Tribunal.

Questions received from:

- Ouch Sokseray Monika, Preah Vihear Province
- Pheaktra, Preah Vihear Province
- Sophea, Preah Vihear Province

This concludes episode 7 of the Documentation Center radio series on famine under the Khmer Rouge. The next episode will examine some previous court cases concerning famine and starvation.

*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](mailto:truthmpechet@dccam.org). Thank you.*

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