

The Value of Documents in the Khmer Rouge Tribunal and Beyond

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Organized by Office of the Co-Prosecutors of the Extraordinary Chambers in the Courts of Cambodia
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including representatives from the United Nations Office of Legal Affairs (OLA)
and NGOs as well as from other academic institutions.

With the trials of senior Khmer Rouge now on the horizon, many Cambodians are eager to step forward as witnesses or civil parties. Their accounts will add greatly to the history of Cambodia's darkest years and will do much to further justice in our nation. DC-Cam is helping potential witnesses from around the country and abroad to file complaints with the Courts. We are also making an equally important contribution to justice through our documentary holdings. While witness accounts may be disputed at the Tribunal, the more than 600,000 documents DC-Cam has amassed since 1995 are hard evidence of the Democratic Kampuchea (DK) regime's inner workings.

Most of the documents in our archives were collected shortly after the fall of DK and later entrusted to DC-Cam. But we still continue to receive documents from Cambodia and abroad.

We have divided our collection into two main categories: primary documents, which are from Democratic Kampuchea, and secondary documents, which were produced after the regime fell in 1979. The documents within these categories are five types: 1) paper documents, 2) physical information (on, for example, mass graves), 3) interviews, 4) photographs, and 5) films.

The first, which will likely form the bulk of the documentary evidence at the Tribunal, are **from Democratic Kampuchea**. Although most of the documents from this period were systematically destroyed when the Khmer Rouge fled the invading forces in 1979, thousands survived. Together, they can help to prove the occurrence of specific crimes, demonstrate the knowledge and complicity of DK leaders, and clarify the chain of command within the Communist Party of Kampuchea (or CPK).

- One of the largest and most important bodies of surviving documents is ***confession transcripts***. Many of the confessions were taken at Tuol Sleng Prison, and include reports by interrogators. Some of them have notes written in the

margins by high-ranking officials. As part of this collection, DC-Cam maintains separate lists of the foreigners who were killed at Tuol Sleng, the confessions of members of the royal family, and lists of those who survived the prison.

- Another is *CPK correspondence*. They include reports from lower-ranking officials to their superiors, directives from superiors, and requests for information.
- *Committee minutes and reports* comprise the minutes are from meetings of the CPK Central Committee, its Standing Committee, zone and regional committees, and certain military bodies. In addition, we hold a limited number of public proclamations from DK leaders. Such documents help discern the authority of individuals in the CPK hierarchy and establishing the mental states of party leaders. Some of these documents were donated to DC-Cam by scholars; others may still be in their personal collections.
- Next are *biographies*. We hold several thousand written by prisoners as they entered detention facilities and nearly 20,000 biographies written by CPK members; many of them have photographs attached. They can be valuable in determining the identities of victims or perpetrators and in establishing chains of command.
- *The diaries and notebooks* of 520 CPK cadres, soldiers, and other officials in our possession sometimes narratives that record day-to-day experiences under the DK regime and, in some cases, offering accounts of criminal behavior.
- Our *media materials* include copies of DK periodicals that hold advice and exhortations from Party leaders, news reports of alleged CPK successes, and sometimes poetry. We also have 95 films and instructional videos produced by the regime and its allies. Many contain include visual evidence of widespread criminal activity in DK.
- *Foreign documents* are another source of potential evidence. They describe the CPK's commercial dealings and the foreign supply of civilian and military goods to DK. In addition, in 2006, Sweden's Lund University shipped the Center a unique collection of documents related to DK that may prove useful to the Tribunal.

DC-Cam also holds extensive **materials produced after January 1979**. They offer a great deal of information about the abuses suffered by survivors and the experiences of perpetrators during the Pol Pot era.

- *Survivor petitions*. After January 1979, officials of the Peoples Republic of Kampuchea collected over a million handwritten petitions from survivors; most of them are on file at DC-Cam. Many detail CPK atrocities and name victims, witnesses, and perpetrators. The petitions were not written under penalty of

perjury, and their evidentiary weight will hinge on an assessment of their reliability.

- *1979 trial documents* include witness statements, reports, press accounts and other materials from the 1979 Popular Revolutionary Tribunal. While many of these documents doubtlessly contain relevant factual material, an adjudicator may consider them less reliable due to concerns of bias (for example, no evidence was introduced on behalf of the defendants, who were not present at their trials).
- *Transcripts of interviews* by scholars, journalists, and DC-Cam staff are a powerful source of potential evidence. Adjudicators will need to assess the reliability of the over 1,500 interviews we hold by considering the likelihood that the interviewee's memory permitted an accurate account. Their weight will be even greater if interviewers and interviewees are willing to testify to their conversations and affirm the accuracy of interview transcripts.
- *Mapping reports* prepared by DC-Cam are the last important form of potential secondary evidence. These reports detail the locations and characteristics of over 19,700 mass burial pits throughout Cambodia. They also include information about countless skeletal remains and nearly 200 prisons or detention facilities apparently dating from the DK era, many of which contain the remnants of torture devices. In combination with photographs and transcripts from witness interviews, the mapping reports highlight the abundant physical evidence of the crimes of the CPK.

These documents will be invaluable in helping the victims of the regime find justice, not through the revenge that was exacted in the early 1980s, but through the legal process. They also serve two other equally important purposes. First, they help us form our memory of the "Pol Pot time," allowing us to piece together and understand what really happened to individuals and to our nation. Second, by giving us a memory for all to examine and debate, they may just help us achieve a final reconciliation with our past. By bringing them to the forefront during the trials and holding the leaders of Democratic Kampuchea to account for their actions, the Tribunal itself will help us achieve these goals of memory, justice, and reconciliation.

End.