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Photograph: Huot Bophana .....Back Cover



Heng Yong  
Security Guard

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Letter:

# THE 6TH CODE OF CONDUCT

**T**he "Twelve Codes of Conduct of the Combatants" is a series of disciplines that revolutionaries were to respect and implement without fail. It was believed that when revolutionaries were aware of the code, they would be able to carry out a shock assault to fulfill their revolutionary tasks, both large and small, for the sake of the nation, people, Party, and the poor. Issue 10 of *Revolutionary Youth* (October 1978), published by the Democratic Party of Kampuchea, set forth the Twelve Codes:

1. Always respect, love, and serve the people, workers and farmers.
2. Do your best to serve the people, wherever you are.
3. Do not do anything that affects people's interests (such as picking villagers' chilies without asking, taking a handful of rice from people, or speaking inappropriate words to them).
4. Gently apologize to people for all mistakes and compensate them for damage you did to their property.
5. Your manner of speaking, sleeping, sitting, eating and dressing must be the same as the people's.
6. **Do not abuse women (forcing a woman to have consensual sex or having sex with a woman who is not your wife).**
7. Do not eat, drink, or smoke in a way that is not in the manner of revolutionaries.
8. Do not gamble.
9. Do not keep revolutionary property or money for personal needs (even a cent, a can of rice, or a pill).
10. Always be gentle with the people, but hostile toward enemies.
11. Always express love and always devote your life to the people.
12. Struggle and fight bravely against enemies and be ready to make sacrifices. *Kalyan Sann*

**T**he Sixth Code of Conduct for Khmer Rouge cadres and combatants states that revolutionaries must not abuse women. The punishment for such a "moral offense" would be "smashing." I myself witnessed such an event, in which a couple was killed at a meeting held in Wat Preah Net Preah, Battambang Province, for having engaged in sexual intercourse without the permission of Angkar.

A significant number of documents suggests that there were at least 156 cases of rape by Khmer Rouge cadre working in the cooperatives and detention centers (many Khmer Rouge documents record acts of rape committed by Khmer Rouge cadre). However, the rapists were not punished. On the contrary, the women who were raped were accused of having served the CIA, KGB, or other enemies of Angkar and taken to be smashed. Many of the victims' relatives are still alive and were witnesses to these acts.

What is justice for these women victims? Examining the "moral offense" policy of the Democratic Kampuchea regime is vital, not only for the sake of searching for truth and justice but also for our respect for the souls of the women who suffered such barbarous acts, and who played a significant role in the reconstruction of Cambodia after the regime's collapse in 1979.

A real answer must be given to all Cambodian women.

*Youk Chhang*

# EVIDENCE OF SEXUAL ABUSE DURING THE RULE OF DEMOCRATIC KAMPUCHEA

*Kalyanee Mam*

When Democratic Kampuchea came to power in 1975, its aim was to achieve a communist revolution that would radically transform Cambodia into a society strictly devoted to increasing agricultural production. All efforts were dedicated toward this end and any structures or institutions that challenged DK authority were eliminated. Relationships between family members and those of the opposite sex posed one of the most serious threats to the regime. Laws were established prohibiting association between members of the opposite sex. DK believed these relationships distracted people from their work for the revolution and from their devotion to Angkar. Those who attempted to develop relationships with members of the opposite sex were considered immoral and severely punished. Although these laws deterred the common people from developing relationships with one another, they did not prevent DK officials from taking sexual advantage of women. This article will examine how laws meant to repress sexual activity and to establish a pure society devoted to agricultural production succeeded in making women even more vulnerable to sexual abuse.

For Democratic Kampuchea, being moral meant to act in accordance with the rules and objectives of the revolution. To be moral was to be diligent and dutiful, to work hard for the revolution, and to sacrifice personal pleasure and gain for the benefit of the community. In “The Twelve Codes of Conduct of the Combatants,” DK lists the rules combatants were expected to adhere to and abide by. Although these rules were meant for combatants, they also reveal what was expected of all citizens. Code numbers 1, 11, and 12 refer to the absolute devotion required of all workers:

1. Always respect, love and serve people, workers and farmers.

11. Always express love and always devote your life to the people.

12. Struggle and fight bravely against enemies and be ready to make sacrifices.

Loving, serving, and sacrificing for the people, meant to love, serve, and sacrifice for Angkar. Any action that betrayed this duty was considered immoral and counter to the purpose of the revolution. During the DK period, not only was it wrong for individuals to engage in pre-marital sex, it was equally morally offensive to laugh, smile, speak with, flirt, or even glance at members of the opposite sex. These actions were considered anti-revolutionary and immoral simply because they deflected individuals from “moral” activities such as working and producing for Angkar.

Once every week or ten days, each cooperative within the state held a meeting to educate the people about the revolution, to encourage people to work hard, and to warn them to remain loyal to the regime. These meetings advised people on how they could improve themselves and their work. Alongside messages praising the merits of work, the DK leaders usually advised people not to commit “moral offenses” and to focus on their duty and obligation to the state:

“When we met for the meetings, their policy stated that they did not want us to do this. They wanted us to be honest and to work hard. They did not want us to love each other. We must unite with each other and we must work. They did not let us love each other.”

DK warned people not to associate with each other and to unite their efforts toward public and

social work. They did not want people to engage in activities that were “contrary to the meaning of the higher Angkar,” says Y.P., who became a sub-district chief after DK fell from power.

DK feared that if people were allowed to love each other and to have sex, they would abandon their work and undermine the goal of the regime to produce and increase agricultural production:

“That was their policy. Their country did not allow people to love each other. You could not secretly love each other. No, they didn’t allow people to love each other. Now, we have it, but it’s normal. There’s no one to control. It’s our right. At that time, they did not allow us to have sex, because it would ruin their work.”

To guarantee that men and women did not associate with each other, DK punished severely those who dared to transgress the law DK quickly removed moral offenders, fearing they would stain the purity of the regime, influence others to commit moral offenses, and distract people from their work. DK hoped to instill fear and demonstrate that the regime was intolerant of inappropriate behavior. DK wanted its people to work hard and to labor for the revolution, not to spend their time loving each other and having sex.

In Prek Roka Sub-district, men and women were instantly electrocuted if they were suspected of talking or of being close to each other. According to M.S., the DK unit leaders did this because they were afraid that people would fall in love with each other. Moral offenders became enemies of the regime and were quickly disposed of before they were able to influence others. T.N., who worked as a medical assistant during the DK period, remembers that moral offenders were not allowed to work with patients. Moral offenders were removed and forced to endure harsh labor. They called this the reeducation process:

“If someone commits a moral offense, they take him or her to be “re-educated” in the fields or the gardens. They will not allow them to stay and serve the patients. They are afraid they will ruin what is

theirs (or their property). They don’t take them anywhere. If they can “re-educate” them and work them hard, then they keep them there.”

Moral offenders were usually punished or killed to serve as examples to others of the consequences one faced if one chose to challenge the regime. In most circumstances, both the man and woman involved were punished. When K.K. committed a moral offense, he as well as the woman he had a sexual relationship with, were sent to Koh Kor prison for nine months. When he returned from prison he was forced to stand before the entire village and vow that he would stop committing such acts. “Whenever something like this happens,” he says, “they will call people to a meeting so that everyone will hear and know. Later on if you do this again they will act accordingly.” Other couples were not as fortunate as K.K. “One couple was beaten into a grave one by one. They made the boy promise. Promise that he was willing to die with the girl and the girl was willing to die with the boy. They killed them because they loved each other.” K.K. believes that DK punished moral offenders in order to instill fear and deter others from committing moral offenses and from betraying their duties to the regime:

“They were harsh because if they are not the people will not be afraid of them. If the people continue to commit these kinds of acts everything will be ruined. Their society will be ruined. If people are busy acting naughty with each other they will not work hard. The Pol Pot regime forced people to work day and night.”

DK tried to instill fear so there was no temptation to stray from one’s work. “They kept people in order to use them,” says N.S., a former village chief, “If they did not use the threat of execution people will not obey the law.” DK was not interested in protecting their “property,” maintaining a pure regime because they were moral. DK was simply interested in keeping workers focused on their work. DK sought to control sexuality not for moral reasons, but for the sake of efficiency.

During the DK period moral offenders were

carefully kept in check and punished. The strict laws deterred the general population from developing relationships with one another while severe policies prevented many DK officials from sexually abusing their inferiors. Many of the women interviewed mentioned that although they were physically and mentally abused and tortured by DK leaders, militia, and guards, there were very few instances of sexual crimes and rape. Many of them did believe in upholding a pure and clean society and were aware of the punishment for sexual crimes:

“If you are talking about raping many women, according to my understanding of this region, it doesn’t seem like there were any serious problems. Because they also had their own laws and customs where they didn’t really want people to mix.”

Even in the prisons, DK maintained their prohibition against sexual crimes. P.P. said that because their policies were so strict, they did not dare rape her while she was imprisoned in Koh Kor prison: “No, in Koh Kor they didn’t have...no, never. Their policies were strict and they did not dare. They did not dare hurt us.. But if they beat us, they beat us as much as they wanted to.” It was also the same for S.P., who was detained in Sa-ang prison. S.P. only complained about the harsh labor and lack of food. The DK officials did not dare abuse her sexually:

“It doesn’t seem like they ever [did that]. During that time, I don’t really know about the house on the eastern side. I only know that with us, the married women, they did not dare. They didn’t dare rape us. They only used us to do heavy work and they did not let us eat enough. But as far as raping us, they did not dare because they respected their own rules.”

Women who were not as fortunate found themselves caught in a system that placed them in greater danger of sexual assault. It was precisely because the laws were so strict that DK officials were able to rape and sexually abuse women and conceal their crimes. The very nature of these laws, which punished both the violator as well as the violated, actually encouraged many DK official to take advantage of their position. Instead of deterring men

in positions of authority from committing sexual crimes, these laws protected violators from just retribution.

Rape victims feared that if they spoke out against their perpetrator they would be killed by their rapist or punished by DK for committing a moral offense. Violators understood that as long as they were able to conceal the evidence of the crimes, usually by murdering their victims, they would never be discovered and punished. The decentralized nature of the cooperatives and prisons during this period also aided in preventing top leaders from being held accountable for their actions. Such circumstances offered victims little protection against violations and sexual crimes. Women had no laws they could appeal to. Laws meant to protect women from sexual abuse actually turned women into victims of both their perpetrators as well as their government.

Although DK officials, unit leaders, and guards were warned, like other citizens, against committing moral offenses and sexual crimes, they continued to take advantage of women, simply because they knew they could get away with it. Although P.S. was never sexually abused while she was imprisoned in Koh Kor, many of the young women were lured by prison guards, raped, and then killed:

“They raped the young women and things like this. And afterwards they usually just pushed them into the water....They selected the young women who were pretty. They liked them and the young women themselves were not aware. They were honest, thinking the men felt sorry for them and truly loved them. So they just followed, unaware that this would happen. If they don’t kill [the woman] and they cannot destroy the evidence, they will be punished personally.”

According to C.S., committing a moral offense was a crime of betrayal to the regime and was therefore kept hidden from the Party. When C.S. was imprisoned in Munti #15, young female prisoners were raped until they were pregnant. Soon after, they were killed to destroy the evidence. C.S. says that top DK leaders never found out about what happened at the prison. The prison guards were able to keep the

activities very secret:

“Those people probably tried to prevent the top leaders from finding out, because [at Munti 15] there were 10 soldiers that guarded us, so it was easy for them to conceal what they were doing. There was no one coming in or out.”

D.O., who was placed in a widow’s unit after her husband was executed, also witnessed the suffering of women who were raped by their cooperative leader:

“So then at night the cooperative leader walked. He oppressed us because he saw that we were 17 April people... So then at night, he would walk and guard us. But he was also naughty. He looked for pretty women and raped them. At night we kept a knife and an ax near us. Everyone was afraid of him.”

Although DK officials were prohibited from abusing women sexually, D.O. believes that the cooperative leader persisted in his crimes simply because he knew he could get away with it.

The DK officials wielded tremendous power over the women they raped or sexually abused. They knew that women, threatened with punishment or execution, would never dare to reveal their crimes to top officials. S.H. remembers that while she was on Koh Khsach Tunlea there were women who tried to gain favors from DK unit leaders, hoping that by developing a relationship with them, their lives would be made easier. After they were raped, the women did not dare to inform higher officials, fearing that they too would be punished or killed:

“You see them and you want to win their favor. And one day if they want to rape you of your rights, you don’t dare say anything. If you dare say anything, won’t they take you to be killed? So you don’t dare say anything and you just follow them.”

The laws during the DK period were indiscriminate and punished all who committed a moral offense. Victims were aware that if they accused their rapist, they would only succeed in implicating themselves as well as risk getting killed by their perpetrators. U.T., who was part of a young

women’s unit, witnessed what happened to a friend who failed to keep quiet:

“She was walking to get her food and then he raped her. Afterwards the militia told her that if she informs Angkar she must die. People want to tell their friends. So he had to shoot her. If she didn’t inform she wouldn’t have died. He would have just raped her. If she remained silent she wouldn’t have died. But she informed on him and talked to her friends so she had to die.”

The militia killed U.T.’s friend in order to destroy incriminating evidence. The laws were established in such a way that women had nothing to gain from speaking out and DK officials had nothing to lose from killing their victims. If two people committed a moral offense, regardless of whether the act was voluntary or forced, both the man and woman would be killed. Yet, according to N.S., women were usually forced to remain quiet:

“Most of the time they rape them once or twice and pretend that nothing happened. We don’t dare do anything about it; there is no one to appeal to. If you appeal and you survive, then great. But if you complain, then both must be killed.”

During the DK period, laws that were meant to restrict sexual activity actually encouraged sexual violence. Unable to appeal to a higher law and unable to assert their rights, women found themselves caught between two great evils they could not escape. They could only choose to remain silent or risk being executed. Very few of the women I interviewed acknowledged the existence of sexual crimes during the DK period. Since pre-marital sex was forbidden and severely punished, many women assumed that such crimes did not exist. Careful study of the interviews, however, reveals that sexual crimes did exist. Since victims were usually killed after they were raped they did not survive to tell their stories. Nevertheless, surviving witnesses prove that although rape was not a systematic policy imposed by the state, the laws instituted by the regime made it possible for members of DK to commit and conceal their sexual crimes.

# A FORMER FISHING COMBATANT OF DEMOCRATIC KAMPUCHEA

*Vannak Huy*



**Tak Try**

With the manner and dress of a farmer in a remote area of Sa-ang District, Kandal Province, Tak Try, 42 gave an interview for over one hour on the duties of fishery combatants in Battalion 112, Regiment 267, Division 12 of Democratic Kampuchea. Try recalled:

“Now [2000] I am 42. I became an orphan when I was 12. After Lon Nol’s coup in 1970, my parents sent me to Sa-ang Sre Wat [school] in Sa-ang Phnom Subdistrict, Sa-ang District. Having entered the monastery for two years, I went to work for my mother. I was convinced that the propaganda of the former National United Front of Kampuchea was designed to liberate the territory and release the King (Samdech Ov). At the age of 15, I agreed to serve the Liberation Front Army in 1972. There was no troop mobilization yet. Serving the army came from my respect for the King under the guidance of my

brother, who was chief of Tuol Sala Village, Sa-ang Phnom Subdistrict. In 1973, I decided to serve as an economic combatant, Fishery Section of Battalion 12, Regiment 267, Division 12, under the chairmanship of group chief Mon.

“During 1970-1975, Cambodia suffered millions of tons of bombs in the war between the Khmer Republic and Khmer Rouge. One time in 1972, aircraft were dropping a number of bombs while I was helping carry injured fighters to Wat Trabek Hospital. At that time, the loud sounds of B-52 bombs made me deaf.

“After becoming handicapped, I only had a role as a Rear Economic Support Combatant. As a fishing combatant, my work was not carried out in a regular manner. Sometimes I went to Angkor Borey (Takeo Province), sometimes to Tonle Sap Lake as well as the sea. Apart from fishing, I was also responsible for cooking rice. The cooked rice was placed in boxes made of palm leaves for many 12 year old children to bring to combatants at the front.

“In 1976, Angkar sent me to Boeng Tonle Sap. At that time I was about to be jailed because I was accused of having a “trend” in the Lon Nol military, as my mother used to reside in Phnom Penh in 1968. Next, I was transformed by Angkar from a “fishing combatant” to “farming combatant.” At that moment, I clearly realized that transformation meant imprisonment. The prison was located at the airport at Kampong Chhnang. All combatants working in the paddy fields there were called “04” or “parasitic elements.” They were not armed combatants; rather, they were combatants waiting for the day of death.

“After I became a combatant, I was never taught about fighting theory. At that time, there were schools for technology at Wat Koh, Wat Khsach Punlea, Wat Kandal, and Kraing Yov. In general,

most fighters had received short-term war strategy training. Some were not trained, but after serving in the military for many months, they were sent directly to the battlefronts. As for the trainers, they were Cambodians. The military strategies covered included: military march, walk in a secret manner, and walk in an eavesdropping manner for spots for possible attack. Heng, chief of Battalion 112, was in charge of general work preparation and military equipment for departures to the battlefront.

“I was in a fishery unit for three years, beginning in 1975. My position was always changed by Angkar because of the connection with the tendency of my parents who used to live in Phnom Penh. I did not know what kind of plan Angkar had organized against me. However, I just knew that Angkar had tried to do everything without our advanced knowledge: transferring, imprisonment, or execution. It was a prison without walls, where we had to work in rice paddies for a full day without rest or enough food.

“Though I worked hard and became hungry, the everyday rice ration was two cans of rice for two meals. For clothing, we had no alternative color, but just black all the time. Such a uniform was designed for Khmer-Vietcong soldiers. Also [each combatant] could have a pair of rubber-sole sandals, a hammock, a red scarf, and a bale. Those clothes were sometimes badly torn and ragged, making it difficult to be [socially] acceptable. Other clothes were not allowed to be used. Certain combatants did not even have a scarf. Each of the combatants was equipped with an M-16 rifle, except for the 150 fishing combatants, who were not allowed to have even one, as they had no duty to fight on the battlefronts. I myself had never fought. I think Khmers at that time killed and thrust each other without caring. Though I was not a combatant, I never saw any high ranking cadres, including Tanat. If I had seen them, I would not dare to talk to them.

“Those cadres changed their names very often. They were always accompanied by messengers [bodyguards] with long rifles disproportionate to

their physical size. Their messengers were also changed frequently. Those to be considered as having qualifications for the position of messenger had to be clever, fast, brave, honest, and ready to sacrifice, even their lives, to save the senior cadres from physical impairment and death. My main duty was to forage for fish to support the soldiers. Every week there were always combatants riding boats to take the fish. Those soldiers were often changed; this made it difficult to remember who they were and what their positions were. However, I could only know that they were Economic Combatants from the Cook’s section, who were ordered one after another.”

In 1973, the Khmer Rouge managed to recruit a significant number of people to serve their army, under Angkar’s efficient rhetoric: “Join the revolution to liberate the territory for the King.” Besides the propaganda spread by the village or subdistrict chief, Angkar published several documents using enchanting words that illiterates, who were listening to their friends reading, would believe. In the same year, Division 12 had no real or stable address. There were only branch offices located next to Man’s house in Damrei Slap village, Sa-ang Phnom Subdistrict.”

Concerning the organization of forces in Division 12, Try’s memory was not clear. He estimated that: “Division 12 was divided into four regiments under the command of Ta Nat. They were Regiments 116, 112, 267, and a commando unit. The special unit, or intervention unit, was responsible for investigating and studying roads for attack.

“In 1973-1974 combatants had not yet been divided into an airforce or navy. There was only an infirmary unit, which included an economic unit and a special (intervention) unit. Special forces were entitled to choose any guns they liked.”

Try expressed his own feelings, stressing: “If I joined in the battlefront at that time, I would not have been able to return home and see my relatives again. I would have been killed because, obviously, all my colleagues had been killed, except my and brother Man who survived the terror.”



# WHAT DOES “PAYING RESPECT TO ORGANIZATIONAL DISCIPLINE” MEAN?

*(An excerpt from Revolutionary Youth Chronicle, Issue Number 8, August 1976)*

It means conforming to the political line, ideological line, party line, and organizational assignments of the party, but not obeying any individual or commission. This provision implies that we respect comrades who represent the organization or leading commissions, when they advise, educate, and lead us on the right party line, organizational assignments, and the stance of the party. If they lead us to the wrong ways or urge us to do wrong or act against the party line or organizational assignments, we must not obey them even though those people are the highest leading cadres — we reject all improper commands from anyone. Yet, we try to bring them back to the right way of the party, organizational assignment, and stance of the party. This is adherence to the rules of the party without conditions and with self-consciousness.

## **1- Unconditional Respect to Organizational Discipline**

To do so, our revolutionary youth must thoroughly understand the importance and necessity of organizational discipline in the revolutionary movement. In secretive political struggle and in the time of revolutionary war, the enemies had inflicted bloodshed against our comrades daily, just like the time of socialist revolution and reconstruction of socialism during today's peace. In particular, socialist revolution and rebuilding socialism at present require a stronger, more thorough, and correct organizational discipline. Our country is full of peace compared to the time of war and when the U.S. imperialists, feudalists, capitalists and other imperialists had been driven from our land, but our enemies keep on

sabotaging secretly and openly from both overseas and inside the country, in order to make our just, clean, and pure revolutionary leadership vanish from existence. The external enemies were relatively easy to identify and were smashed one after another. Thus, this is not a serious problem. The most formidable obstacle is the internal opponents hiding inside our revolutionary army. Little by little, they weaken our revolutionary attitudes by diverting our just party line to the capitalist line, according to their barbarous plans. Then, they will appoint people who are opportunistic and are their network elements to take positions. Eventually, they would change the ideology of our regime completely. Seeing these evil tricks, it is even more crucial now that we strengthen the organizational discipline of the party without condition, flirtation, or hesitation, but with determination. Otherwise, if our youths are lax in terms of organizational discipline and incline toward traits of freedom-ism or anarchy, they will certainly fall into the arch enemies' traps and gradually relinquish their party using the tricks of the enemies. This means that we open the door to the enemies to destroy our country's revolutionary party and our people intentionally. Therefore, without knowing what we are doing, we, like it or not, will become citizens who serve the enemies in their process to destroy our country. There are enormous consequences from negligence in terms of organizational discipline or disrespecting the organizational discipline.

## **2- Obeying Organizational Discipline with Self-consciousness**

To obey the organizational discipline with self-consciousness, our male and female revolutionary youth must grasp extensively the political and

ideological lines of the party and understand all assignments of the party. Hence, our male and female youth must to learn to experience, to know, and to comprehend what the political and ideological lines of the party are and what the organizational assignments are all about. When our male and female revolutionary youth realize the political line, ideological line, and organizational assignments completely, they can respect the organizational discipline of the party well and by themselves. Only with self-consciousness will the youth be able to think, analyze and judge when they meet any individuals who lead or practice outside the lines and goals of the given assignments of any positions. In this case, those youth have the right to disrespect, because we all cannot obey blindly. Moreover, we will be able to distinguish between the real and the false revolutionists and be capable of recognizing who the traitorous enemies are.

By doing so, our male and female youth can strengthen their attitude of obeying organizational discipline without condition and with consciousness, to participate in the process of making our revolution purer and stronger so that socialist revolution and the

construction of socialism in Kampuchea would obtain a true and complete victory.

Male and female youth! You are the next generation, who will be responsible for practicing and achieving socialist revolution in Kampuchea to gain victory.

Therefore, the future of the CPK and the future of the Kampuchea Revolutionary Movement, as well as the future of our country and our citizens are in your hands! Of course, you will not be the ones who only wait to be directed without condition, consideration, and without knowing what the political line, ideological line, and organizational assignments are.

You do not only actively fight, but you must also constantly learn the political line, ideological line, and organizational assignments to understand even further and at the same time, respect the organizational discipline unconditionally and consciously. These enable you to succeed to the position of leading the socialist and communist revolutions with no fear of the outbreak of liberalism and capitalism.

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## A DISCOVERY OF A GENOCIDE GRAVEYARD IN KAMPONG CHAM PROVINCE

*Rasy Pheng Pong*

Kampong Cham covers 979,860 square kilometers. During the Democratic Kampuchea Regime, it was located in the Northern and Southern regions. The province is bordered by Vietnam to the east, Kampong Chhnang to the west, Kratie and Kampong Thom to the north, and Prey Veng to the south. This province comprised 16 districts and 173 communes.

On 6 July 1998 the mapping team of the Documentation Center of Cambodia conducted

research at a genocide site at Prey Chhar district.

The Prey Chhor district of Kampong Cham was located in Region 42 of the Northern Zone during the Khmer Rouge regime. The district office was located 24 km north of the Kampong Cham provincial governor's office along National Road 7A. It housed 15 communes and 176 villages, and was surrounded by Kampong Siem, Cheung Prey, Kang Meas, and Baray districts (Kampong Thom) to the east, west, south, and north, respectively. In

1998, it had a population of 127,000. Farming and palm sugar production are the main occupations of its residents.

According to the report from Prey Chhor's district offices, the district held a killing site and a security office during the Pol Pot regime.

**1) Killing Site at Toul Trapeang Lvea (Geographical code number: 031302)**



**Chhean Hieng**

Tuol Trapeang Lvea is situated at a longitude of 105°15'33:97" east and a latitude of 12°04'10:40" north. This killing site was at Tuol Trapeang Lvea in Daun Chy village, Chrey Vien subdistrict, Prey Char district, Kompong Cham province. The site is identifiable by a series of large hills and holes. The

head of Daun Chy village, Chhean Hieng, stated that these holes are graveyards from the Pol Pot regime. In 1982 the residents, led by the head of the village, excavated the graves to collect the bones for preservation. The village head stated that Tuol Trapeang Lvea covered 5 hectares of land that held 150 holes and about 500 victims. He also related that the larger graves were located on the hill and smaller holes were found on the surrounding ground. Most victims were brought from Thma Poun and Chrey Viev villages, and were tricked by the Khmer Rouge into believing that they were to attend meetings for appointments to handle new missions.

A 67 year-old man called Tep Mao who lives in the village, said, "I saw right in front of my eyes, the procession of the victims to be slaughtered. It was about 1 to 2 p.m. and happened almost everyday." He saw this tragic scene when he was



**Former Wat Ta Meak Prison**

**Tep Mao**

herding his cows. He expressed that the Khmer Rouge did not allow anyone to walk past the area or to grow crops around this hill. There were all kinds of victims including ordinary people, Khmer Rouge cadres, and soliders, who Tep Mao

could recognize by their uniforms. Those prisoners were convicted of crimes as minor as having stolen potatoes or bananas, or having fallen into “immoral behaviors.” The first killings at the hill took place in 1976. At that time Tep Mao was moved to Tuol Chambak village, Baray subdistrict, Prey Chhor district, which was not far from his home, and then to Tuol Trapeang Lvea.

## **2) Security Office of Region 42 or Wat Ta Meak Prison (Geographical code number: 031301)**

Talking about this pagoda, which served as a prison, local residents stated that it was the largest prison in the region. They still shook with fear when recalling the history of this prison. This security office is located at a latitude of 12°03'41":31" north and a longitude of 105° 14'51: 60" east, in Sleng village, Chrey Vien subdistrict, Prey Char district. The Chuntanaram pagoda, also called Ta Meak, was used as a security office of Region 42 from 1978 to 1979. From 1973 to 1978, the office imprisoned people from four districts in Kampong Cham province: Kang Meas, Prey Chhor, Kampong Siem, and Cheung Prey.

**Chun Chamraen**

A 61 year-old man named Chun Chamraen, who is currently a member of the pagoda's Priest Commission, informed us that this prison housed inmates during two different time periods. From 1973 to 1975, most prisoners were police,

soldiers, government employees, subdistrict chiefs and deputy chiefs of the Lon Nol regime. From 1975 to 1978, the prisoners were mainly people transported from Phnom Penh, regardless of age or sex, and included mobile units and Khmer Rouge cadre who were accused of having been disloyal to Angkar. “No prisoner could escape death,” the old man exclaimed. Every monk's residence was always filled with victims. The monks' dining room was used to house Khmer Rouge soldiers, while other rooms were used to store property collected from the evacuees. Chun Chamraen stated that the Khmer Rouge interrogated the prisoners while they were

**Ket Moch**

hung upside down. After interrogation, the prisoners were loaded onto trucks and sent off to be “educated,” which was a euphemism for execution. Another Ta Meak pagoda priest called Ket Moch added that during the interrogations, the Khmer

Rouge always asked: “How many members are left in your group?” He added that they “addressed men like wild animals and the women as bitches.” Whether the prisoners gave answers or not, they all died. He said, “No one could even get close to this office, but I witnessed these activities when I was feeding my livestock on a field about 100 or 200 meters from the fence of this department.” What he saw was the punishment of a prisoner who was labeled a “serious offender.” Prisoners who were considered to be “minor offenders” were forced to work in the fields and starved.

He did not know where exactly those prisoners were killed. After the liberation day in 1979, he saw many pieces of evidence left at the pagoda. These included holes in the walls' base, metal bars, and handcuffs which he later threw away because he believed those tools to be a symbol of anger, misery, and cruelty that disrupted the peaceful lives of the people in the village.

# THE CASE OF MAN MATH ALIAS MAN

*Osman Ysa*

**Man Math**



After a committed and strenuous struggle for the Khmer Rouge Communist Party for five years, Man Math alias Man lost an eye and a leg in a fight to help the Khmer Rouge take power from the Lon Nol government in the battle of Praset mountain in early 1975. In October 1975 he was arrested and sent to Office S-21, commonly known as Toul Sleng prison. Man Halimah, Man's mother, related what had happened to her only son, stating that he was forced to become a soldier by the party. She has been looking for him since 1979, but has never seen him. She said, "Some said he lived here and there. I

don't know whether he's alive or dead. He should have come home if he were still alive." Man Sim, who was Man's uncle, expressed his disappointment, "I only see other people come, except him. Perhaps he is dead."

Before he was killed, Man left a 154-page confession. This document has been preserved so that the survivors and the next generation of Cambodians can be informed about the tragedy in Toul Sleng prison. Evidence of his struggle and devotion in fighting for the Khmer Rouge imply that Man was arrested unjustly.

Man lived in Prek Bak village, Prek Bak subdistrict, Stung Trang district, Kampong Cham province. Because of his family's poverty (his father died when he was four years old), Man was not able to attend school. In order to get a little money to buy rice, he fished with hook, line and net in the swamp at the rear of the village. In 1969, Man earned his living carrying beans on his bicycle from Andaung Svay village, Moulthan Russei Ka subdistrict, Stung Trang district to sell at the Vietnamese border.

Man joined the Khmer Rouge revolution in 1970 at his village. In 1973, he was promoted to become deputy commander of Battalion 401 in Region 31. In mid-1974, he worked as a third commissioner of the Small Cell, Company 3, Unit 936 in Division 2 of the Northern Zone. After becoming an amputee in the battle of Praset Mountain in 1975, the organization assigned him to work in the Department of State Commerce in



**Man Halimah, mother of Man**

Phnom Penh. While there, he was promoted again to become chief of Group 3 in Platoon 1.

After that, Man confessed, he had joined the CIA through men named Heng and Pruonh with whom he had worked, and had received a 6,000 riel monthly salary from the CIA when he first joined. In 1970 his salary was 15,000 riels, and by 1974 his salary had risen to 65,000 riels.

When asked how her son communicated with Vietnamese, Halimah said “My son did not know how to speak Khmer, he was helped by those bean sellers. In fact my son was ignorant and could not even speak Khmer.” She added, “Other than making a living selling beans, he didn’t do anything, only fished a little with hook or net to feed himself; he did no other trading.” The statements of Halimah did not imply that he was ever politically active, a member of the CIA, or had received a salary from the CIA, as his confessions state.

In his confessions, Man stated that he became a member of the Khmer Rouge militia on 20

October 1970, through Sar, the subdistrict chief. Man’s mother stated that, “In the very beginning it was nothing, but as time went on they called him here and there and after five or six months they called him to into the militia. At first I protested but he [Man] was determined, and I only cried and screamed. I said he was my only child, I would not let him go. But I could not stop him.” Halimah said that later comrade “Sar” asked to take her son to Kampong Cham. “When he [Sar] came to tell me he had gone [to Kampong Cham] I said no, I would not let him go. He said how was it that I would not let him go when he had already gone. He had been determined to go.”

Sa Ibrahim was a Khmer Rouge soldier from 1973 until 1980 and one of Man’s subordinates during 1973-75. He recalled that Man was very brave in battle against the enemy and rose to platoon leader over about 200 soldiers. Ibrahim said, “He was wounded with me. It was in the attack at Thom village east of Prasith mountain [in Ponhea Leu district, Kandal province] that he lost a leg and an eye... In June 1975 we separated, he was crippled but not in a unit for the handicapped ...He was wounded at Thom village two months before [the Khmer Rouge entered] Phnom Penh.”

Man talked of being crippled in his confession: “In 1975 Angkar laid plans to smash the enemy, and sent me to smash the enemy at Eteureus mountain. The regimental political officer was wounded and the political officer had me replace him until later when I was wounded. On 17 April [1975] when I returned from medical treatment, Angkar put me back as platoon leader like before. I was crippled in my legs, lungs, and eye, and Angkar moved me to the crippled veterans side in the Ministry of Commerce.”

Man’s confession does not show the

Sa Ibrahim



interrogator's name or the dates of Man's confessions, and only some pages show "Office (Munti) S-21 number ..." on the first line of each of these pages. Some pages are typewritten and others are written in four different types of ballpoint pen, indicating that perhaps four people wrote Man's documents. On the page dealing with rebel contacts there are many notes made by a document examiner. On the first page concerning Man's contacts with traitors, an examiner wrote "Comrade Hor, I asked once about all his connections so it would be easy to ask further about them. In my experience, he has not yet fully answered, and has only partially confessed. Comrade Peng send to Comrade Hor 143." On another, the examiner noted next to the contacts' names: "From now on it is forbidden to write just [first] names, there must be family names, former names, and revolutionary names." A sentence at the end of the names of the rebel contacts states: "Ask

more clearly about each person's activities, it looks like this one is concealing many matters and activities."

Man confessed to six points regarding his arrest and detention at S-21. First, "I met with traitors and I did not report this to Angkar." Second, "I captured weapons and gave them to Pin, and Pin did not report this to Angkar. He hid them himself." Third, "I let Pruonh sleep at my place, Pin had sent him there for one night." Fourth, "Pin and Pruonh sent Pruonh's messenger to my place for four days. I was sick then, and I received him. Angkar was concerned about me." Fifth, "The problem about my stay for medical care. Pin had Pruonh take me to the hospital for care, and Pruonh stayed with me one night. Angkar arrested Pruonh and later became concerned with me as I had been at the hospital with Pruonh. [Angkar] was very concerned about me." Sixth, "The matter of me declaring in my personal history, before I wrote platoon political officer, and later I wrote deputy regimental political officer." Man continued, "As for all my deficiencies, I have been loyal and so I have confessed all. As for all the above shortcomings and other matters such as incitement and major treason, I have nothing [to confess]. I respectfully show my loyalty. I have not [done these things], this is all."

Ibrahim knew about Man's arrest. "He [Man] came to visit me while I was at Keto Mealea Hospital. When I returned they told me that Man had been arrested ... they arrested him and sent him to Tuol Sleng (S-21)." However, Ibrahim stated that he never saw Man do anything wrong. On the contrary, Ibrahim only saw Man's clear and strong stances and his bravery in combat on the battlefield.

Man's mother is now a very old woman. When she was interviewed, she insisted that a court of law help seek justice for her only son.

**(Continued from the February 2001 issue)**

The purges also foreshadowed the campaign against intellectuals (*neak cheh dung*) inside the Party that gathered steam in the first half of 1977. In February, two prominent Party intellectuals, Koy Thuon and Tauch Phoeun, were brought into S-21. Both members of the CPK's Center committee, they were the first cadres at this level to be purged. Santebal's targets soon included military and civil cadres in the Northern Zone, where Koy Thuon had served as secretary until early 1976, and other intellectuals in the CPK who were associated with both prisoners. In the words of the "Last Plan," these were people "who pretended to be progressive and infiltrated the revolution to gain information." Koy Thuon was born in 1933 and entered the Lycee Sisowath in 1949. After graduation he embarked on a teaching career. In 1959 or 1960, inspired by Tiv Ol, a fellow teacher who was "like a brother" to him, Koy Thuon was drawn toward revolutionary ideas. Sponsored by another teacher, Son Sen, he joined the CPK. In 1960 he worked with Khieu Samphan on Samphan's short-lived weekly, *L'Observateur*. After a stint of teaching in Kompong Cham, where he recruited Sua Va Si (alias Doeun) and others into the Party, Koy Thuon fled to the *maquis*. During the civil war, he was active in the Northern Zone, where he earned a reputation as a womanizer and bon vivant. In the words of the "Last Plan," "the group [around] Koy Thuon....created an atmosphere of pacifism, luxury and excitement entertained by arts, girls, receptions and festivities....stimulated prestige, ranks and relations with the enemy."

Koy Thuon's copious, neatly written

confession implicated over a hundred people. These include senior Party figures, civil and military cadres who had worked with him in the North, and his subordinates on the Commerce Committee. His confession also implicated a cohort of former school-teachers, including the minister of information, Hu Nim; the director of Office 870, Suas Va Si; his assistant, Phok Chhay; the ex-minister of the interior, Hou Youn (purged in 1977); and Koy Thuon's former mentor, Tiv Ol, who was working in 1977 with Hu Nim. Koy Thuon also implicated Tiv Ol's wife, Leng

Sim Hak, but she was not arrested for another six months. In closing, his confession listed "networks of traitors" in the northeast, the northwest, the port of Kompong Som, and Phnom Penh.

In his confession Koy Thuon was forced to devalue his career and to blacken the reputations of everyone he had worked with except those in the Party Center. His numerous intellectual acquaintances constituted a new category of targets. The purge against them began soon after his arrest. Following Laura Summers's

suggestion, Steve Heder has referred to these men and women as "democracy activists" and has characterized them as "ex-petit bourgeois associated with Son Sen either directly or via Koy Thuon." Heder locates the most sustained, coherent opposition to Pol Pot's policies in the DK era, within this group.

Koy Thuon's confinement coincided with a serious uprising against the regime that had broken out in Chikreng, near Siem Reap, in March. Refugees escaping to Thailand later reported widespread unrest in the Northern Zone and the replacement of local



**VOICES FROM S-21**  
**Chapter Three: Choosing the Enemies**  
**David Chandler**



cadres there by cadres from the Southwest. Suspects from the Northern Zone and the military forces associated with it (Divisions 310 and 450) were heavily purged. The S-21 archive contains over three hundred confessions from people associated with these units, and an 1178-page dossier amalgamates references to soldiers in Division 310 mentioned in all the confessions. In March 1977 alone, some 1,059 people arrived at S-21, straining its capacity. An overwhelming number of them had Northern Zone connections.

In questioning Koy Thuon, interrogators sought out or created multiple connections with people already purged. The prisoner also confessed to meeting with two American CIA agents whom he identified as “Furkley” and “Cerutti,” with a Vietnamese “agent,” and with non-Communist Cambodian colleagues from the 1960s during the civil war.

Koy Thuon brought out the worst in his interrogators. On 2 March Duch wrote him an ominously deferential letter which closed by asking why his faith was so strong, given that “the CIA, Vietnam and the Khmer Serei all have stinking reputations and given that their concrete forces have disintegrated under attack to an extent you had not imagined? On this question you have not yet reported correctly. This is the question you are avoiding.”

Two days later, Koy Thuon wrote an abject response to these demands. For another month, before he was killed, he doled out hundreds of names and detailed narratives of his own and other people’s treasonous behavior.

His confession was a mirror image of the Party’s triumphal narrative. At every turn, his feckless “plans” to assassinate Pol Pot, to “gather forces,” to form rival parties, to assemble Thai, American, and Vietnamese patronage and support, to demoralize his own troops, and to “produce confusion” by reinstituting private property, came to nothing. His “treasonous activities,” which should have been sufficient to unnerve or smash any incumbent regime, had no effect on DK. Instead, his

powerlessness and his abject confession provided further evidence of the Party’s clairvoyance.

Echoing the passage in the *Tung Padevat* article, study sessions at S-21 at this time concluded that Koy Tuon’s arrest and the data in his confession had dramatically reduced tensions in the country. The senior interrogator Tuy wrote in his study notebook:

“In the old Northern Zone, before the problem of Khuon’s strings or networks was solved, there were problems of defense and construction and problems affecting people’s livelihood. After the contemptible Khuon’s strings were clear, the movement was able to leap along in every aspect.”

Two weeks after Koy Thuon’s arrest, Doeun was brought into S-21. Doeun had worked closely with Thuon in the civil war and had replaced him briefly as commerce secretary. In 1975 he became the administrative officer of Office 870, the CPK’s Central Committee. He visited Koy Thuon often in 1976 and 1977 to discuss commerce ministry affairs. The visits had certainly been approved by higher-ups beforehand, but by the time of Doeun’s arrest, they



Koy Thuon

had become occasions for conspiratorial talk. While the “offenses” of both men may have been woven together from the suspicions of the Party Center, the possibility of a genuine conspiracy between these two old friends, one close to the Party Center and the other maintaining extensive “strings” of loyal people in the countryside, cannot be discounted.

Rummaging in his memory for offenses, Doeun claimed that he had shirked combat in the civil war, encouraged subordinates to “lose faith in the revolution,” and planted fruit trees without permission. He also confessed to extensive dealings with Vietnamese cadres (normal practice at that stage of the civil war) and to plotting outright against DK.

Of the prisoners arrested so far, with the possible exception of Ney Saran, Doeun was the closest to the Party Center, and the importance of his position in Office 870 is confirmed by the fact that he was replaced by Khieu Samphan, DK’s ostensible chief of state. It is possible, as Heder has argued, that Khieu Samphan played a key role in Doeun’s downfall. He was certainly the major beneficiary.

Koy Thuon’s confession also implicated Hu Nim (alias Phoas), DK’s minister of information and propaganda and a longtime associate of Khieu Samphan, who was arrested in April 1977. Born into a poor peasant family in Kompong Cham in 1930, Hu Nim had overlapped with Khieu Samphan (and missed overlapping with Saloth Sar) at school in Kompong Cham. He studied in France from 1955 to 1957, while Khieu Samphan was there, before taking up a government position in Phnom Penh. Along with Samphan and Hou Toun, Hu Nim had served in Sihanouk’s National Assembly until he had attracted the prince’s wrath for his outspoken pro-Chinese views. Threatened with arrest in 1967, Hu Nim fled the capital. Hou Youn and Khieu Samphan had preceded him. For several years, nothing was heard of the three men. Their supporters assumed that they were dead, and they came to be known as the “three ghosts.”

Soon after the March 1970 coup d’état, the ghosts reappeared via a radio broadcast recruiting

people into the resistance. During the civil war, they occupied “cabinet” positions in the United Front government, forming a façade that concealed those who held genuine power in the Party Center.

Hu Nim was a dedicated revolutionary. Even at S-21, it seems, he was still prepared to accept the rulings of the Party. In his own handwriting he spelled out a lifetime of counterrevolutionary activity, but because his revolutionary career was so well known, much of the treason that he was made to adduce had to be subjective and related to unspoken “bourgeois” attitudes.

As the Duch scholar R.A. Burgler has suggested, there are hints in Hu Nim’s confession that he had some genuine objections to CPK policy and had heard objections from others. According to Kiernan, Hu Nim said that Nhem Ros, the secretary of the Northwestern Zone, had criticized the Party Center’s policy of “self reliance, using the labor force as the basis and using very little machinery.” Hu Nim stated that Sao Phim shared similarly subversive



**Tauch Phoeun**

views. Nhem Ros had also complained, accurately enough, that armed struggle in the northwest in the 1960s, beginning with the quasi-spontaneous Samlaut uprising of 1967, which had been savagely repressed, had been ignored in the Party history. Hu Nim promised to produce sympathetic propaganda materials about the northwest that would defy the Party Center's reading of history.

Hu Nim's confession foreshadowed the arrest that soon swept through the Northwestern Zone. The purges in fact responded to the food crisis affecting the zone, where thousands of "new people" evacuated from the cities had already died of malnutrition and overwork, and where unrealistic grain quotas set by the Party and enshrined in the Four-Year Plan had not been met, resulting in famine. The purges constituted a classic case of scapegoating by the Party Center, whose programs could fail only if they had been betrayed. As Nhem Ros put it, quoted in Hu Nim's confession:

"Now for the year 1976, the Party has assigned us the task of achieving three tons [of paddy] per hectare. As for the northwest....the Party has assigned

us four tons per hectare....How can we [fulfill the Plan] if there is no solution to the problem of machinery? We cannot. This is not my fault, it's the fault of the Standing Committee."

For Hu Nim to write the last sentence in this passage, even placing it in the mouth of someone else, took extraordinary courage. On 28 May 1977, he wrote in his last confession that:

"Over the twenty-five years that have passed [1952-1977] I gave myself over very cheaply into the service of the enemy's activities. Strong private property habits, imposed on me by the feudal and capitalist classes and the imperialists, suppressed me and made me become an enemy agent. I served the.... CIA and the American imperialists who have now been shamefully defeated, and I have received my present fate. Over the past month and a half I have received a lot of education from the Party. I have nothing to depend on, only the Communist Party of Kampuchea. Would the Party please show clemency toward me. My life is completely dependent on the Party."

**(Continued in the April 2001 issue)**



# VICTIMS AND PERPETRATORS

## THE TESTIMONY OF YOUNG COMRADES AT S-21



not only the prisoners of concentration camps and victims of torture, but also the perpetrators, who in a sense thereby also become victims. Moreover, these ill effects may be particularly severe when the victims are children.

We are then left to consider how common it was for the Khmer Rouge to use children in situations that were likely to produce trauma. Historians and other scholars studying the Khmer Rouge have written extensively about the use and abuse of children to serve the revolution. Henri Locard summarized the Khmer Rouge approach to the use of children by quoting Khmer Rouge leader Pol Pot: “To establish a new society we need new people.”

As Ben Kiernan notes, “Children were employed as militia, to spy on their families, and as soldiers and executioners. The Khmer Rouge hoped to use children as the basis of a new society without memory.” To create this new society, Kiernan explains, the Khmer

Rouge took over the role of the family in raising children: “Most families in Cambodia saw their children taken away and sent to live in barracks or at distant work sites.”

Elizabeth Becker described Lon Nol’s military interrogators as having been shocked by the defiance of young female Khmer Rouge combatants captured during battle in 1973: “These were the soldiers who left their families and villages when they were as young as twelve years old and never

*Meng Try Ea and Sorya Sim*

(Continued from the February 2001 issue)

Thus, mental health professionals seem to agree that the trauma of captivity in concentration camp-like institutions induces psychological illness, that the ill effects of such trauma can be long-lasting, and that this type of trauma is resistant to standard methods of psychiatric treatment, perhaps especially in Asia in general and Cambodia in particular. Some of the few studies done on the matter also show that these traumatic effects impact

returned. They were raised and indoctrinated by the party.” After the Khmer Rouge came to power, some of these young soldiers were put in charge of raising the nation’s youth.

“The result was tragic. There was no play, no grooming, no growing up for children from six years of age who boarded in the dormitories. Their lives were Dickensian, political orphans with no proper care or teachers. Some saw and partook in unspeakable cruelty. All were denied affection.”

Craig Etcheson explained why the Khmer Rouge preferred to use children as the basis for their revolution:

“Indeed, the party did favor the young, finding in them a very useful tool. With marginally integrated cognitive belief systems and immature development of normative values, the young are ideal instruments of revolution. Mature persons, more set in their ways and more resistant to the internalization of the new revolutionary values, are more problematic. The communists took advantage of this natural fact from the beginning of the early revolutionary period by organizing an intensive program of youth indoctrination and recruitment.”

May Ebiara reached the same conclusion, arguing that the Khmer Rouge used children to serve the revolution because they were particularly vulnerable to being shaped. “Children past the age of about seven were separated from their families, housed separately in dormitory-like arrangements, and mobilized into youth labor teams working in the community or, in the case of teenagers, often sent elsewhere.” In our interviews with Khmer Rouge child cadres below, we saw exactly this process. Ebiara goes on to describe the reasons behind this process:

“Youth were a special target for indoctrination into the revolutionary ideology; they would be, of course, more amenable to socialization (or re-socialization) into new forms of thought and behavior. Such indoctrination, combined with actual organization into distinct work teams and youth associations, as well as physical separation

from home, would produce alienation from family ties and development of primary loyalties to other groups such as the association, the army, the party and the revolutionary state in general. As a corollary, children past a certain age were no longer under the authority of their families but rather of various representatives of the government and party...”

As a result, Cambodian children could be trained to carry out Khmer Rouge orders, no matter how brutal and cruel. Even Cambodian Prime Minister Hun Sen, himself once a young Khmer Rouge cadre, understood the consequences of this process. In an essay titled “The Origin of the Khmer Rouge Regime,” Hun Sen argues that those who served in the Khmer Rouge revolutionary process were both brutal executioners and victims of the

#### **S-21 youths practicing the arts of defense**



terrorist regime.

Thus, as mental health professionals and other specialists on children have argued, children are innocent and easily trained. The Khmer Rouge knew this, and used it in their attempt to build a new society. Historians have documented this fact. These observations lead toward the conclusion that children became victims of the revolution.

The sections below examine a group of children who became victims of the Khmer Rouge regime. It describes how these children were recruited from Region 31, and how they ended up working at S-21.

### DRAFTING FOR THE REVOLUTION

Some children, expecting rewards, were initially

willing to join the revolution but soon were trapped; other were forced to join. Joining the militia, Kung and Soeu expected to have pistols or rifles, and thereby gain the respect of other children and adult villagers. They took great pride in being able to show off their guns. Villagers always paid them respect, and indeed, were afraid of them. When they became soldiers or cadres, they would not have to work in the fields or on dam projects like other village boys. The rations for soldiers were also much better than those of ordinary village children. However, when the militia or district chief told child cadres to leave the village to work for the party in other places, these children hesitated to go because they did not want to leave their homes and their parents. But in the end, these child cadres were persuaded to cooperate because they were told about

how good life would be there, and the benefits they would gain from serving the Khmer Rouge. Soeu recounted the way he was convinced:

“When a district chief, Ta Khchao, asked me to leave the village and work elsewhere I did not want to go. But when Ta Khchao told me that other boys also had to leave, then I agreed to leave the village. On the way to the Center, cadres in the truck sang and laughed happily. I also felt happy because I could work with my friends from the same village. What is more, we were glad to leave our villages to work in the Center, where we had never been before.”

**(Continued in the April  
2001 issue)**



# A PHOTOGRAPH OF MIN RIN

*Sophearith Chuong*



ឧបនាយករដ្ឋមន្ត្រី



Hundreds of photographs were left by the Pol Pot regime. However, no photographs were attached to the documents of most of the people who were interrogated and killed at the regime's security offices. In addition, few of the photographs that do exist show the victim's name, age, date of arrest, or date of execution.

Photograph number 01684 was found at the infamous Tuol Sleng prison in Phnom Penh, along with the confession of Min Rin alias Yet, who was interrogated by Veng Wey. The document was written on 6 December 1977 (Tuol Sleng archive document number M256).

### **Brief Biography of Min Rin**

Min Rin, 25, was a Khmer born in 1952 at Chroy Thma village, Chambak subdistrict, Prek Prasap district, Kratie province. His father's name was Keo Min, age 60 (dead) and his mother was Chuo Pang age 54 (alive). He had three brothers and four sisters. Min Rin and two of his siblings joined the revolution and the rest worked in cooperative(s). Min Rin joined the revolution on 2 December 1970. In 1975, he worked as a deputy group chief in Division 310 or 406 of Region 42. In 1977, Min Rin was a combatant of Brigade 2, Division 2 of Battalion 17. He confessed that he had joined the CIA on 4 April 1974. Min Rin was detained in Division 310 on 7 December 1977.

### **Reasons for Working against the Revolution**

Min Rin confessed that, "I lived with my parents until I was 16 when my parents sent me to live with my aunt in Krova village, Dang Kdar subdistrict, Stung Trang district, Kampong Cham province. I lived in the care of my aunt for about three years, and in 1963, I asked to live with my parents at my hometown. After about a year, I worked in a fish-rearing farm for a Chinese owner for six months. On 2 December 1970, I asked for permission from my mother to join the revolution."

Min Rin had contacted Chet, who was a chief of Chroy Thma subdistrict, and worked there for four months. Then Chet sent him to a unit in Prek Prek Prasap district, under the command of Chan, Thy, and Khem. In February 1973, he was assigned to Battalion 406 of Region 42, under the command of Nan, Sem, and Phai, who were members of the Committee of Battalion 406.

This confession brings to light Min Rin's first reason for revolting: "Comrade, you've worked for a long time. Don't you see you're still a youth who's never been promoted? If you listened to me you would be a rich guy," Nan advised Min Rin in March 1974. It was this advice that caused Min Rin to join the CIA against the revolution.

### **Min Rin's Fight against the Revolution**

After having worked for the CIA, Min Rin tried very hard to strengthen his plot to take over the revolution at all costs. He attempted to provoke a chaotic situation within the Khmer Rouge's internal unit and made more relationships with other soldiers to create similar situations. For instance, in the battle of Kampong Cham, he told his comrade-in-arms that "This mission is impossible to accomplish, for we are out-numbered. If the enemies attack vigorously, we have to retreat for our own survival." In the battle of Me May, he had been appointed as the food supplier, but he intentionally caused the food to be under-cooked and packaged improperly, and destroyed some crockery.

In April 1975, Min Rin was moved to Battalion 406 under Nan, Sem, and Phai. In this military unit, Min Rin carried out traitorous activities. He paid less attention to work. He gambled, became intoxicated, dressed in free style, and ate freely, all without adhering to Angkar's instructions. (Battalion 406 was changed to Battalion 113 in May 1975.) After that Min Rin's unit was assigned to do farming at Prey Chhor district, Kampong Cham province. Min Rin then tried to destroy the farm, causing it to yield less. In June, he was sent to a special unit of a Battalion in Regiment 11 under the command of Korn and Sam,



where he continued to carry out his plot. He patrolled carelessly and stole coconuts frequently. Later, he was allowed to undergo technical training. Again, he stole rice to cook for private consumption, stole the Division's equipment, was lazy about studying, and pretended to be sick. In November 1975, the organization sent him to maintain the rice crop at Chhmuonh and he routinely committed his traitorous activities.

In January 1976, the organization appointed Min Rin to dig a water channel at O Kong. There, he destroyed some digging tools and made contact freely with the local villagers. In a speech, he said that "Nowadays we are working extremely hard, but we are only given poor food mixed with morning glories to eat. We are being treated like pigs." His activities were reported to the cadres and he was chained for half a month. But he was released in March 1976. In June his unit was changed to do farming at Kop Srov. Still, he continued to interrupt the farming.

In July, Min Rin's unit was sent to build an airport at Kampong Chhnang and to construct buildings at Chrang Chamres. There, he destroyed the construction.

In August 1976, he was moved again to build a bridge at Prek Phneou. In October 1976, he was sent back to do farming and growing vegetables at Chrang Chamres. In November 1976, he was appointed to fish at Ta Mok Lake and he tried as many methods as he could to create chaos among other fishermen by saying that, "The job is extremely difficult uncles. We work without rest, but we only have boiled rice to eat. Look, everyone is getting thinner and thinner." This rhetoric was aimed at spreading contaminating policies among the people and army.

In 1977, Min Rin was moved to grow vegetables at Chrang Chamres, where he conducted as many traitorous acts as he could. In March his unit was moved to transplant rice at Toul Sangke, where he continued to destroy agriculture. In addition, he created chaos among soldiers in the

battlefield by saying that "In this revolution we work all day and night, but we don't have enough food to eat. It's better to go home." This speech was intended to cause the army to run away from the battlefield and counter attack against the revolution. Moreover, when the organization arrested a traitor who was a leader, he terrified other soldiers by saying, "You see! A high ranking comrade working in the Battalion is still to be arrested, what about us who are just ordinary soldiers?"

In May 1977, most of his traitorous co-workers were arrested and Min Rin was suspended from his mission. In June 1977, the organization sent Min Rin's unit to take a political training course at Wat Phnom for three days. After this session, he was assigned to work in Battalion 112 under the command of Phal and Srun. Later, his unit was transferred to farm at Tuol Sangke, but he did not do anything, since he didn't yet know all the new cadres. In July 1977, he started his traitorous activities again, but then he was captured and sent to a Mr. Phal. Phal kept Min Rin to make fertilizer. He then had to stop his activities because the organization was investigating his case.

In October 1977, he was sent to Battalion 317 under the leadership of Heang, Sok, and Phal. Min Rin bravely committed his traitorous activities until November 1977 when he was moved to Office S-21.

In short, every answer in his confession about fighting against the Khmer Rouge revolution was the result of despair, lost confidence, and discontent in working for the Khmer Rouge. The organization ordered him to work ceaselessly, day and night, but the reward was food with no nutrition.

For instance, Min Rin repeated that "In this revolution we work day and night, but we don't have enough food to eat. It's better to go home." Using this logic, Min Rin and his team were able to persuade 32 additional traitors.

Most of them were arrested and sent to Office S-21, where they were imprisoned and killed; only a few were lucky enough to survive that bloody prison.

# “THE NUMBER”—QUANTIFYING CRIMES AGAINST HUMANITY IN CAMBODIA

*Craig Etcheson*

To survive terrible times, some of them may have had to do terrible things. As Judith Herman has noted regarding victims of political terror, “If, under duress, she has betrayed her own principles or has sacrificed other people, she now has to live with the image of herself as an accomplice of the perpetrator, a ‘broken’ person. The result, for most victims, is a contaminated identity.”

On the other hand, it may be that so radical was the break between their lives before and after being thrust into Khmer Rouge security centers, that these survivors simply have no vocabulary in which to articulate what happened to them there. But broken or not, voiceless or not, these victims did survive, in a time when many, many Cambodians did not survive. Exactly how many Cambodians did not survive the Khmer Rouge regime is a question to which we will now turn.

## **A Look at Five Years of Cumulative Data**

Many Cambodians believe, almost as an article of faith, that the Khmer Rouge killed more than three million people during the Democratic Kampuchea regime. When this estimate of the Khmer Rouge death toll was first publicized in the early 1980s, commentators in the West almost universally dismissed it as a product of “Vietnamese propaganda,” an invented figure designed strictly for political purposes. In later years, more sober analysts examining this three million figure also discounted it, basing their much lower estimates of the death toll on interview data, demographic analyses and other statistical methodologies.

Yet, the three million figure was not a complete invention. In the early 1980s, the authorities of the People’s Republic of Kampuchea carried out what amounted to a national household survey, aiming to interview every head of household in the entire country about what had happened to their families during the Pol Pot regime. On July 25, 1983, the “Research Committee on Pol Pot’s Genocidal Regime” issued its final report, including detailed province-by-province data. Among other things, their data showed that 3,314,768 people lost their lives in the “Pol Pot time.” But that report was quickly forgotten inside Cambodia, and it never became known outside of Cambodia—until 1995.

More than a decade after the PRK report was



published, researchers at the Documentation Center of Cambodia discovered many of the records from this remarkable research project. Those records allowed DC-Cam researchers to reconstruct the methodology employed by the PRK Research Committee, and some flaws were detected in the research design, flaws that would tend to lead to an overestimation of the total casualty figure. The Research Committee interviewers of the early 1980's had gone from house to house, and from village to village, collecting information regarding death during the Khmer Rouge regime. It appears, however, that they did not adequately account for the fact that extended families are usually spread out across more than one household or village, and therefore double counting of some victims could occur based on reports from different households belonging to the same extended family.

There were other flaws in the research design, as well. For example, in addition to the household survey, Research Committee investigators also devoted a significant amount of effort to examining mass graves from the Khmer Rouge era. In many cases, the committee sponsored the exhumation of mass graves, which had been discovered in various locations, providing a hard count of bodies interred in those pits and other types of graves. These numbers were added to the count derived from the interviews to yield the 3.3 million number. However, it would have been difficult, if not impossible, to identify all of those cases where an individual reported as having been killed by family members was the same individual whose body was tallied from the mass grave exhumations.

The Documentation Center subsequently concluded that the 3.3 million figure reported by the PRK Research Committee might have been overestimated by a factor of perhaps fifty percent, putting the actual death toll somewhere nearer to 1.7 million. Despite apparent flaws in their methodology, however, the work carried out by these earlier researchers provided many helpful leads to later investigators. For example, the interviews carried out

by the Research Committee during their surveys garnered many details regarding specific events in various parts of the country, as well as identities for some lower-level officers in the Khmer Rouge command structure. Another interesting aspect of the work by the PRK Research Committee was the collection of petitions addressed to the United Nations from “the people,” demanding that the leadership of the Khmer Rouge regime be brought to justice for their crimes. More than a million signatures (or thumb-prints) were gathered from around the country on such petitions, and although many of the petitions were formulaic screeds produced by functionaries of the new regime, this archive of materials also includes many detailed accounts of atrocities committed against the people across the nation. This material, or what remains of it, is now in the possession of the Documentation Center.

### **A New Approach**

Since 1995, researchers at the Documentation Center of Cambodia have continued to quietly and systematically study this elusive question of “The Number.” This effort has employed a new methodological approach: mass grave survey research. The Documentation Center is in the process of attempting to locate and map each and every mass grave in Cambodia. The methodology employed in the mass grave mapping project is a combination of high technology—global satellite position mapping—and old fashioned human fieldwork—investigators trudging across the Cambodian countryside, village to village, searching for the killing fields. With the help of local informants, Documentation Center mapping teams have located mass gravesites in virtually every district visited yet by the field researchers.

At most sites, the mapping teams have identified and interviewed local eyewitnesses who claimed to remember the types of victims in each mass grave. Once the researchers reach the location of a Khmer Rouge prison or mass gravesite, they employ Global Positioning System (GPS) technology

to identify the location of the site. The GPS equipment utilized by the Documentation Center, when differentially corrected for magnetic distortion, can locate specific places to an accuracy of within a few meters. This information is then fed into a computerized Geographic Information System (GIS), allowing very precise maps of the killing fields to be generated.

Although this work is not yet complete, the results to date are quite startling. So far, 20,492 mass graves dating from the Khmer Rouge regime, spread all across Cambodia, have been precisely surveyed. According to the data, these mass graves contain the remains of 1,112,829 victims of execution.

Let's look a little more closely at these numbers. Between 1995 and the end of 1999, Documentation Center mass grave mapping teams had visited twenty out of Cambodia's twenty-one provinces. Of Cambodia's 170 districts, the teams had made at least one visit to 150 of the districts. In the process, they have managed to survey somewhat more than two-thirds of Cambodia's sub-districts. Many sub-districts in the northern and northwestern regions of the country have not yet been carefully surveyed at all. Some Khmer Rouge remained in armed opposition to the government in these regions until the beginning of 1999, and though the armed insurgency has since ceased, these same people still live there, and they remain heavily armed.

Because anecdotal evidence leads to the suspicion that northwestern provinces such as Battambang and Banteay Meanchey had very high rates of execution during the Khmer Rouge regime, it is expected that the estimated number of victims in the mass graves will rise significantly when the mapping surveys are finally completed. Therefore, the total number of victims identified in mass graves could eventually reach substantially higher, perhaps as high as 1.5 million.

The more than twenty thousand mass graves mapped so far are virtually all located at, or near, Khmer Rouge security centers. Eyewitnesses at most of these mass grave sites have testified that the graves

contain victims brought there by Khmer Rouge security forces, and that the victims were murdered either in the adjacent prisons or at the mass grave sites themselves. Thus one may conclude that virtually all of the mass graves contain victims whose cause of death was execution by the Khmer Rouge.

The mapping teams have examined a total of 432 different "genocide sites," as the locations of prisons, mass graves and memorials are known to Documentation Center team members. There are many types and sizes of mass graves at these sites. These include the most common type of mass grave, the simple earthen pit, as well as more unusual types, such as wells, caves, kilns and open paddy land.

There is an average of one hundred sixty-nine victims per mass grave, though if we remove the anomalous province of Kratie from the calculation, this figure would be reduced to an average of about fifty-seven. But even that statistic is still misleading, because it appears that there were several different "modes" of mass grave creation. There are very large numbers of small mass graves, each containing perhaps five victims or so, in many cases apparently members of the same nuclear family: husband, wife and a few children. Mapping teams have also found a large number of medium-sized mass graves, containing perhaps from one hundred to several hundred victims. Witness testimony suggests that this type of mass grave was most often created when the inmate population of a particular security center was flushed out to make room for a new batch of prisoners.

Then, there are the big ones: mass graves containing thousands of victims. These seem to be more common in certain provinces such as Kampong Chhnang, Kampong Thom and Kampong Cham, though they do occur in various places across the country. It appears that this largest type of mass grave is associated with large-scale, indiscriminate population purges, such as when it was determined that the population of an entire district was to be liquidated.

**(Continued in the April 2001 issue)**

# A DOCUMENTARY EVIDENCE LINKING SURVIVING LEADERS OF THE COMMUNIST PARTY OF KAMPUCHEA TO CRIMES AGAINST HUMANITY IN CAMBODIA, 1975-1979: AN ADDITIONAL PRELIMINARY SAMPLING FROM THE HOLDINGS OF THE DOCUMENTATION CENTER OF CAMBODIA

*Steve Heder*

**(Continued from the February 2001 issue)**

Both Nuon and Van were also copied in on a 14 April 1978 message from Central Committee Division 260 proposing that “the Party” agree to “take measures” against district and sector committee members in the East Zone who had refused to obey instructions to remove farm animals to the rear, as a result of which these resources had been captured by the Vietnamese. A week later, Northeast Zone Secretary Vi reported that “with regard to the fashioning of forces” there, “they have been purged,” and that instructions given in the Zone had “silenced a number of elements, some of whom have been flushed out, isolated and cleaned up.” A telegram two days later from the West Zone reported in connection with “the problem of elements inside the Party” that a certain “Comrade Sot, the Chairman of the Repairs Factory,” had been arrested after committing a morals violation with a woman and after being “implicated in the responses of the contemptible traitor Chuon.” The telegram ended, “please help with an opinion as regards this matter: whether to what level he must be held, or should he be sent on.”

After the armed conflict along the Cambodia-Vietnam border intensified in 1977, Nuon and Van were copied in on an increasing number of battlefield reports, which touched on the disposition of Vietnamese civilians and combatants taken prisoner, and also discussed attacks on Vietnamese civilian targets. A 29 October 1977 telegram from the East Zone, addressed to Office 870, requested “the view of Mo-870 with regard to the problem of those Yuon we

were able to capture in the homes of ordinary people in Ta Dev village.” It offered that “if Mo-870 so requires, we will send them to you,” adding that “we are currently holding them and extracting responses from them.” Another telegram from the East Zone, dated 18 November, reported an attack on Treuang, a Vietnamese garrison and a market town in Vietnamese territory, during which the attacking Democratic Kampuchea forces “burned down 94 enemy houses and campsites” and “swept the enemy cleanly out of the market and out from north of the market,” although the message said “the results in terms of those killed and war booty seized have not yet been obtained.” A telegram of 20 March 1978, apparently from Son Sen, reported the capture of “three head” of Vietnamese, two of whom had been “shot and disposed of upon attempting to escape, “and one of whom had been “presented to 21,” that is, presumably, Sa-21. A summary report from Division 164 Secretary Chief Mut on 1 April 1978 noted that “the number of Yuon” his unit had “captured and shot to death from 27 March 1978 through 30 March 1978 is 120 head.”

Nuon and Van were also copied in on some reports of the capture of Thai from fishing and other boats seized in the Gulf of Siam. For example, on 31 March, the Secretary of the West Zone Division, Seuang (later purged and executed), reported the capture of one such Thai.

Moreover, since the middle of 1977 Nuon and Van had been copied in on telegrams from the Democratic Kampuchea Ambassador in Viet Nam, Sok Chhean (later purged and executed), reporting

still-private Vietnamese protests about alleged Democratic Kampuchea atrocities along the Cambodia-Viet Nam border. On 15 June 1977, Chhean recounted a visit from a Vietnamese official who had lodged a complaint about an attack by Democratic Kampuchea forces on 14 June that the official said had involved “slaughtering” Vietnamese and “torching” their homes and had thus brought “about enormous casualties.” The official added that “the fact that the Kampuchean army committed such transgressions, slaughtering, burning and smashing is not something the Vietnamese side was “raising according to reports, but something for which there can be clear and irrefutable evidence,” and he offered to make photographic evidence available. In a message dated 20 July, Chhean said the same Vietnamese official had complained in a letter that during three days of shelling earlier in the month, the Kampuchean army had hit “areas heavily populated by ordinary people, with major casualties, including at least 30 dead and 50 wounded, and with many homes....burned down.” On 4 August, Chin reported allegations circulating in Hanoi to the effect that “the

Kampuchean army had committed mass killings of 1,000 ordinary Vietnamese people at Ha Tien in Kien Giang province.” At the end of the month, he described the report of another Vietnamese official, which alleged ten more “ordinary people” had been killed in further attacks.

By March 1978, senior officials of the Lao People’s Democratic Republic were beginning privately to protest death threats against ordinary Lao people along their country’s border with Cambodia, and this was also duly reported to Phnom Penh. Thus, a telegram from Democratic Kampuchea Ambassador San Sam alias Roat addressed to “Respected and Beloved Brother” and copied to Nuon and Van, reported the complaint of a senior Lao official that the Democratic Kampuchea army had “proclaimed a prohibition against ordinary people using the water of the Au Lamphav, and that if they dared to come down to draw water from this stream along the border between the two countries, they would simply be shot.”

Meanwhile, by late January 1978, messages from the East Zone copied to Nuon and Van reported both on border fighting and internal purges. These internal CPK messengers appeared to corroborate the broad outlines of official Vietnamese allegations, which by now had been made public. For example, a telegram of 19 January said that during attacks 2 kilometers deep into Vietnamese territory, forces operating out of the Zone’s Sector 24 had not only “smashed 30 enemy military homes,” but also “burned down a number of homes of ordinary people.” In addition, they had “smashed two enemy motor boats in which everybody was ordinary enemy people, on account of which the ordinary



Khieu Samphan

Ieng Sary

Nuon Chea



people in these boats were all smashed to smithereens.” Thus, “in sum, we smashed 30 head of enemy this 18 January.” There were also unknown casualties from the “continued shooting” of 107 mm rockets into the Vietnamese market town of Hok Ngeu, which had thus been set on fire. On the home front, ordinary Cambodian people who had purportedly been herded off by attacking Vietnamese forces but were now “gathered back up by us” were “being re-educated, differentiated and purged.” A follow-up message from the East explained that “ordinary people who were living near the border have all been made to withdraw and stay at the rear, and they are constantly in re-education meetings. Moreover, Yuon enemy link elements are being purged so that they are not chaotically in amongst the good ordinary people, and they are being kept under separate surveillance and being re-educated separately.”

Another message, dated 20 March, reported that Vietnamese attacks seemed to be concentrated on

certain East Zone sector forces whose “contemptible” leading cadre had purportedly been providing intelligence to the Vietnamese, and that “measures” were being “taken with initiative against anyone who is no good” among these sector forces.

A few messages were copied only to Nuon and not to Van. One example is a telegram of 14 February 1978, apparently from Son Sen, reporting the capture by Central Committee Division 180 of two Vietnamese. The Division Secretary, Sam Huoy alias Meah Tal (later purged and executed), had been instructed to send the prisoners to Sa-21. Another is a 29 March 1978 message from Central Zone Secretary Pok reporting the arrest by the Zone’s Sector 41 military of two men who claimed to be combatants of Central Committee Division 502. In this message, addressed to “Committee 870,” Pok asked the Organization to check the prisoners’ story with Division 502 Secretary Met and to get back to him.

A few other documents were copied to Ieng Sary but not Nuon. For example, an 8 April 1978 telegram, apparently from Son Sen, reported that Central Committee Division 703 Secretary Pin (later purged and executed) had been wounded when his vehicle hit an anti-tank mine, an incident that was blamed on “internal enemies.”

As a result, efforts were being made to “assess and research to find internal enemies in order to take timely measures” against them. Another message the same day reported that Democratic Kampuchea forces had fought their way “into the Dong Thap population centre and the market south of Trapeang Pream and Toeng Chouv,” all on Vietnamese soil, and brought “about the death and injury of many head while burning down hundreds of homes.”

It also reported that Democratic Kampuchea forces were “continuing to fire into Toeng Chouv with 107s and DK75s” (rockets and recoilless rifles, respectively). This message copied to Van added that “the situation in the grassroots” in Cambodia itself “is that we are continuing with further purges one after the other.”

**(Continued in the April 2001 issue)**

# DISCRIMINATION AGAINST ETHNIC MINORITIES AND RELIGIOUS PERSECUTION

*Elizabeth van Schaak*

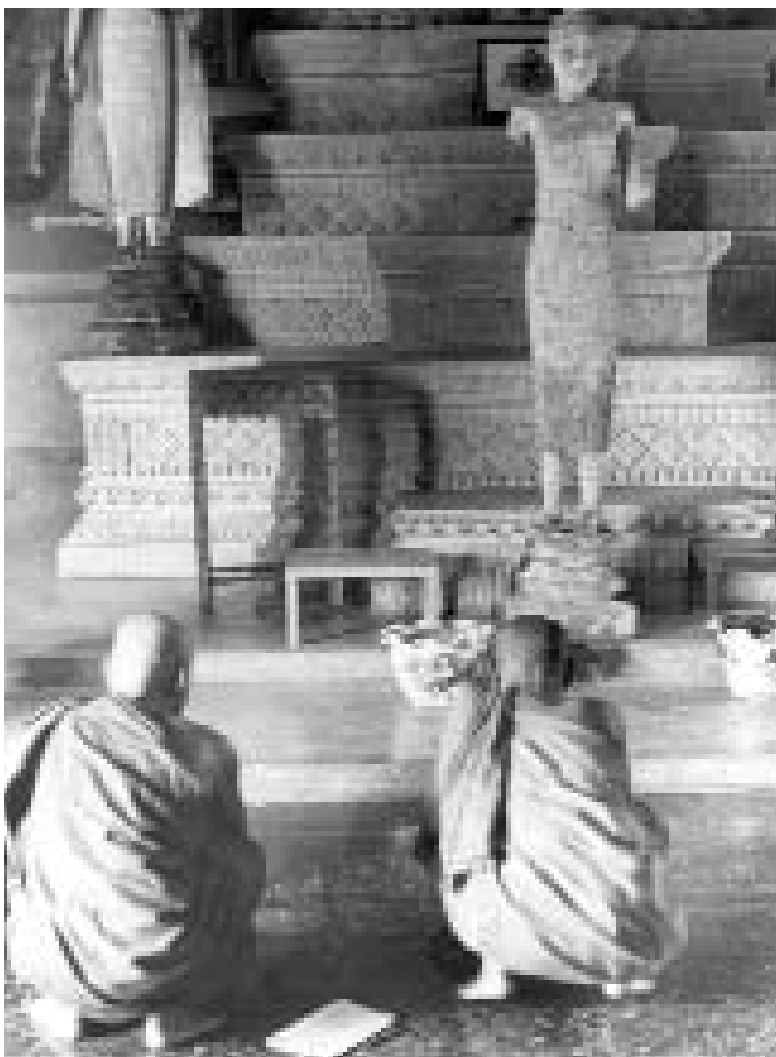
## a. Discrimination

The rights embodied in the Universal Declaration of Human Rights - chief among them the right to life, the protections against slavery, torture, and CIDT, and the right to equality before the law - cannot be infringed on the basis of ethnicity or religion. Article 1 of the Universal Declaration of Human Rights states “All human beings are born free and equal in dignity and rights.” Article 2 states, “Everyone is entitled to all the rights and freedoms set forth in the Declaration, without any distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (1966) (Convention on Discrimination) bars racial discrimination, which it defines as “any distinction, execution, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” This definition can be similarly applied to other forms of discrimination. The convention imposes upon state parties an affirmative obligation to eliminate racial discrimination by both public and private actors. It also requires state parties to prohibit public authorities or institutions from promoting or inciting racial discrimination. The convention does draw a distinction on grounds of citizenship, however, and does allow states

to distinguish and discriminate against non-citizens. Cambodia signed the Convention on Discrimination in 1966 and deposited evidence of its formal ratification in 1983.

The International Covenant on Civil and Political Rights addresses both ethnic and religious discrimination. Article 18 dictates a non-derogable right to freedom of thought, conscience and religion. Article 20 specifies that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited





by law.” Article 26 states, “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, religion, political or other opinion, national or social origin, property, birth or status.” Article 27 states that “in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

Prohibitions against racial, religious and culture discrimination, and discrimination against women have been further strengthened and codified by, inter alia, the Declaration on the Elimination of all forms of Intolerance and of Discrimination based on Religion or Belief, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. See also the following instruments:

- ◆ The Universal Declaration of Human Rights, articles 7 and 18.

- ◆ The International Covenant on Economic, Social and Cultural Rights articles, 2.2, 3, 15.1, 15.2.

Together these instruments set forth:

- 1) a prohibition against discrimination;
- 2) an affirmative right to retain and practice one’s culture, beliefs and religion.
- 3) a duty of state signatories to ensure that these rights are not violated, and that effective remedies are provided when violations occur.

Discrimination, in itself, does not constitute a crime for which individuals can be held accountable. However, discrimination may be evidence of the act of persecution that is encompassed under crimes against humanity (see below). Discrimination may also be evidence of an intent or attempt to commit genocide.

## **b. Persecution**

Persecution is an aggravated form of discrimination. As such, persecution violates clauses of international

human rights treaties that prohibit discrimination. Persecution is not explicitly prohibited under Common Article 3 of the Geneva Conventions. “Persecutions on political, racial, and religious grounds” are prohibited under all four definitions of crimes against humanity (i.e., Article 6 (c) of the International Military Tribunal at Nuremberg, Control Council Law No. 10, Article 5 of the Yugoslav Tribunal Statute, and Article 3 of the Rwanda Tribunal). However, there is no authoritative definition for the term “persecution” as encompassed in any of the above definitions of crimes against humanity.

At a minimum, the act of persecution as a crime against humanity includes acts clearly detrimental to a person’s core humanity, such as the removal of children from school, the forced wearing of distinctive garb, prohibitions against wearing distinctive garb (e.g., the forced disrobing of monks), the closure of religious institutions and the banning of religious leaders. In many cases, torture, murder, deportations and the other acts which comprise crimes against humanity, may be carried out in a persecutory manner against racial, religious, or political groups. However, such acts must be committed in a “widespread or systematic” way in order to constitute a crime against humanity.

Crimes against property may constitute “persecutions” or “inhuman” or “inhumane” acts set forth in the various definitions of crimes against humanity. For example, in three different cases Nazi leaders were convicted of crimes against humanity for the transfer of personal property of Jews, confiscations that affected the “life and liberty” of the Jews, and massive fines and confiscations of inmates’ property. In the trial of Eichman, the Israeli District Court determined that the seizure of property constitutes an inhumane act, if committed by pressure of mass terror against a civilian population or if linked to any other acts of violence defined by law as a crime against humanity or as a result of these acts (e.g., murder, extortion, starvation, deportation).

Persecution, if directed at a protected group with the intent to destroy it, may constitute one or more of the prohibited acts under Article II of the Geneva Convention.



## CORRESPONDENCE WITH KHIEU SAMPHAN

*Marie Martin*

The excerpts below are taken from the author's correspondence with Khieu Samphan on 26 August 1986 and his responses on 24 October 1986.

**Q (Question):** Khmer Rouge leaders have never been willing to admit the massacres committed from 1975 to 1979. In 1979, they merely acknowledged committing several errors, something that they tend to deny today; there is thus a reversal. This attitude is not likely to reassure the Khmers, or for that

matter to reassure international opinion either...

Consequently, are you prepared to reconsider the past and admit the excessive character of your revolution? If you persist in denial, how can you explain, among other things, the existence of Tuol Sleng, which was linked directly to the foreign ministry?

**A (Answer) [Khieu Samphan]:** First of all, let me remind [you] that we, the party of Democratic

Kampuchea, consider it our duty not to focus on the past during the entire duration of our present resistance struggle against the latest aggressors, the Vietnamese aggressors. The reason for this is, as you know, that the past constitutes a very controversial question at the moment, thus extremely delicate, and any diagnosis on this subject greatly risks provoking sterile debates within the Kampuchean nation as well as within the international community, which would be harmful to the national and international support that we need so much in our struggle. I thus believe that, in the interest of our struggle, which is, so to speak, a common struggle of all those in the world who are on the side of peace, fairness, and respect for international law in the relations between states, we should rather concentrate all our attention, all our energy, on the present and the future. As for the past, history will take it upon itself to illuminate it, for only with the perspective of time will each event assume its true context and consequently, its real importance.

### P.329

**A[KS]:** Concerning the questions that you ask regarding the present and the future of my country, I would prefer to give you a global response intended to clarify several important points that can help you to grasp more firmly the nature, the context, and the scope of our national struggles all at once... I would first like to emphasize that the positive and negative sides of any human action are like two sides of the same coin, and that as the saying goes, “to err is human.” The important thing is to see if the errors were committed deliberately or if they were the unexpected result of an effort born of good faith.

In brief, we have always been faithful to our people and to our country. We have always fought for our national dignity. We were able to spare our Kampuchea the sad fate of Laos, which has already

become a territorial dependency of Vietnam. But our people on the whole know that we are patriots devoted heart and soul to Kampuchea... Such is my point of view on the situation in Kampuchea and the fundamental considerations that inspire our policy of great national union in the present and in the future. The principle having been propounded, each question will be settled in its time based on this principle and in conformity with the concrete situation.

From Karl Jackson, “Ideology of Total Revolution,” in *Cambodia 1975-1978: Rendezvous with Death*. Princeton: Princeton University Press, 1989.

**P.74:** In a speech on April 15, 1977, Khieu Samphan stated: “Have these achievements been made possible by machines? No, we have no machines. We do everything by mainly relying on the strength of our people. We work completely self-reliantly. This shows the overwhelming heroism of our people. This also shows the great force of our people. Though barehanded, they can do everything.”

**P. 74:** April 18, 1977: “In the old regime, did the school children, college students, and university graduates know anything about the true natural sciences? Could they tell the difference between an early rice crop and a six-month rice crop? Did they know when and where rice was to be sown and transplanted? No, they did not. Therefore we can say that they were separated from reality. Consequently, they could do nothing truly substantial.

“They relied completely on foreigners, expecting foreign equipment and even foreign experts to do the job for them. Everything was done according to foreign books and foreign standards. Therefore, it was useless and could not serve the needs of our people, nor could it be of any help in building our nation.”

**THIS LAW WAS ADOPTED BY THE NATIONAL ASSEMBLY OF THE  
KINGDOM OF CAMBODIA ON 2 JANUARY 2001, DURING THE 5TH  
ORDINARY SESSION OF ITS 2ND LEGISLATURE**

**PHNOM PENH, ON DECEMBER 29, 2000  
THE PRESIDENT OF THE NATIONAL ASSEMBLY**

**MINUTES ON THE SESSION OF  
THE NATIONAL ASSEMBLY OF THE KINGDOM OF CAMBODIA  
  
A DRAFT LAW ON THE ESTABLISHMENT OF EXTRA-  
ORDINARY CHAMBERS IN THE COURTS OF CAMBODIA  
FOR PROSECUTING CRIMES COMMITTED DURING THE  
PERIOD OF DEMOCRATIC KAMPUCHEA**

**(Continued from the February 2001 issue)**

**Article 5:**

The Extra-Ordinary Chambers shall have the power to bring to trial all Suspects who committed crimes against humanity during the period 17 April 1975 to 6 January 1979.

Crimes against humanity, which have no statute of limitationS, are any acts committed as part of a widespread, systematic attack against any civilian population, on national, political, ethnic, racial or religious grounds, such as:

- murder;
- extermination;
- enslavement;
- deportation;
- imprisonment;
- torture;
- rape;
- persecution of political, racial, and religious groups;
- other inhumane acts.

**Article 6:**

The Extra-Ordinary Chambers shall have the power to bring to trial all Suspects who committed or ordered the commission of grave breaches of the Geneva Convention of 12 August 1949, such as the following

acts against persons or property protected under provisions of this Convention, and which were committed during the period 17 April 1975 to 6 January 1979:

- willful killing;
- torture or inhumane treatment;
- willfully causing great suffering or serious injury to body or health;
- destruction and serious damage to property, not justified by military necessity and carried out unlawfully and wantonly;
- compelling a prisoner of war or a civilian to serve in the forces of a hostile power;
- willfully depriving a prisoner of war or civilian the rights to a fair and regular trial;
- unlawful deportation or transfer or unlawful confinement of a civilian;
- taking civilians as hostages.

#### **Article 7:**

The Extra-Ordinary Chambers shall have the power to bring to trial all Suspects responsible for the destruction of cultural property during armed conflict pursuant to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and which were committed during the period from 17 April 1975 to 6 January 1979.

#### **Article 8:**

The Extra-Ordinary Chambers shall have the power to bring to trial all Suspects responsible for crimes against internationally protected persons pursuant to the Vienna Convention of 1961 on Diplomatic Relations, and which were committed during the period from 17 April 1975 to 6 January 1979.

The second chapter talks about competence. I would like to summarize the major contents of the second chapter. This chapter tells [us] that the law covers the 1956 Penal Code, Cambodian Penal Code and Conventions or any Agreement organized by Cambodia including the Vienna Convention on Diplomatic Relations. The second chapter says is wide open on charges. If the acts are the same as normal crimes, we will use our Penal Code, but if the crimes are crimes of genocide or murder, war crimes, we will use international Conventions and Agreements organized by Cambodia. So it has two types of content. I would like to raise the second chapter to the Floor to examine and approve. Thank you.

#### **Samdech Heng Samrin:**

Your Excellency Cheam Yiep.

#### **His Excellency Mr. Cheam Yiep:**

I would like to pay my respects to Samdech Acting President of the National Assembly, Your Excellency Vice President and the National Assembly. I would like to participate in the debate on the contents of the second chapter on the competence of the Extra-Ordinary Chambers in the courts of Cambodia as follows:

In general, I would like to agree on the contents of Chapter II of the draft law. At the same time, today, as a parliamentarian, I would like to request... I would like to express my greetings to His Excellency Senior Minister, who is here to defend the law, together with Her Excellency who is in charge of an appeals court as well as His Excellency Minister of Justice and Secretary of State of the Ministry of Justice - they are fully competent and prestigious lawyers. Therefore, in order to make the National Assembly as well as our citizens understand better and witness the coming trial (Cambodian and international judges as well as investigating judges), I would like to raise two points for clarification. First, this law's scope is not yet stated clearly; all

laws needs to do this. If it is a simple law, its scope needs to be simple; and if the law is Extra-Ordinary, its scope need to be extra-ordinary. This is the first problem - what is simple law? A simple law needs to be effective until a new law comes to replace it. Then this law is considered proper. In respect to the Extra-Ordinary law, is this law to prosecute crimes committed in one period of time only? This is what I would like lawyers to clarify so the National Assembly can bear witness. The Second Legislature of the National Assembly will be a witness during the forthcoming trial. I would like to request His Excellency Senior Minister to clarify because so far all laws and all norms are jurisdictional, in use and in force. To date, we have never called a trial court [before] as written at the end of the first line of the second article. We always call a provincial or municipal court, so let us please understand the meaning of the word “trial court.” What is a trial court? Normally, the levels of courts, which are practiced in law, are divided into three; a provincial/municipal court, an appeals court and a Supreme Court. I know that the Royal Government is making a draft law on court structure which includes a trial court, but now we have not used [a trial court] yet, so please verify clearly now. This is the first problem.

The second problem is determining the purpose of the contents of the draft law. The third article talks about the law that is still in use - its legal value is valid, and this has already been raised by His Excellency in charge of the Legislative Commission. The laws which are still effective are: 1) the 1956 Penal Code of Royal Cambodia; 2) the 1981 law 02 of the Peoples Republic of Cambodia; 3) the 1982 criminal law of Cambodia; and 4) transitional criminal law in the period of the United Nations Transitional Authority in Cambodia. In the third article, I would like to inform those present that the contents of the draft law point out all criminal acts written in the 1956 Penal Code, which contains a lot of articles. I would like to reiterate that the 1956 Penal Code, article 209, is on crimes committed against a religious group. At that time, the Penal Code had three levels.

The first level was minor offenses, which were divided into light, medium and serious offenses. The second was misdemeanors, which were divided into misdemeanors 1, 2 and 3. The third level was crimes, which consisted of crimes 1, 2 and 3. I would like to raise the word “crimes.” Regarding the crimes, the 1956 Penal Code clearly states that the punishment for a first-level crime is imprisonment and forced labor, .... for a second-level crime it is life imprisonment at forced labor, ..... and for a third-level crime it is the death penalty. These three types of crime conflict with the 1993 constitution whose Chapter III, article 32 says “there is no death penalty,” so I wonder. If I can have an explanation, then I will concur. These old laws are still in effect, so I request justification from the National Assembly. I wonder whether the laws relevant to articles 500, 501, 503, 504, 505, 506, 506, 507, 508, 209 and 210, which were set forth in the 1956 Penal Code, can affect our constitution when the trial is conducted after being signed by the King.

But I think that it depends on the courts - the courts are the judges. Judges base their judgment on two aspects: the first is based on laws and the second on facts. This means that investigating judges are required to investigate facts and then laws are chosen to use for a trial. That is what I am afraid might be affected. Therefore, I would like to inform the National Assembly so that it can bear witness during the forthcoming trial to the fact while the 1993 constitution, Chapter III, Article 32 doesn't have the death penalty, the old Penal Code did. Penal Code articles 209, 500, 506 and 507 contain third-level crimes, which mean the death penalty. This is where I want to express doubt. In general, I completely agree on the contents of the second chapter. I would like to come to an end. Thank you, the National Assembly and president.

**Samdech Heng Samrin:**

Your Excellency Sun Kimhun, please.

**His Excellency Mr. Sun Kim Hun:**

First of all, I would like to pay my respects to Samdech Acting President, Your Excellency Second Vice President, the Floor and especially the Royal Government's representatives; Your Excellency Senior Minister, Your Excellency Minister of Justice. Today, I come to completely support the second chapter on competence. I have no dissent at all, but I would like to add one word in Article 2 in order to make it parallel to the law on an independent judiciary, so I would like to add the word "independent" to Article 2 - Extra-Ordinary and Independent Chambers must be established. I only want to add that word "independent" to Article 2, and then I have not dissent. In respect to the third article, Chapter II, I have no words to add, but I want Your Excellency Minister of Justice to clarify paragraph 2, which reads "The statute of limitations set forth in the 1956 Penal Code shall be extended for an additional 20 years for the crimes enumerated above, which are within the jurisdiction of the Extra-Ordinary Chambers."

Regarding paragraph 2 of Article 3, please Your Excellency Minister of Justice clarify it for the Floor and me as well. I would like Your Excellency to clarify whether the above paragraph can affect the principle of retroactivity of criminal law and procedure. Excuse me, in English we say "principle of retroactivity of the criminal law and procedures." Please clarify whether the above paragraph can affect the principle of retroactivity of the criminal procedural law, which we call the "statute of limitations," and this statute of limitations is prolonged 20 years more. This is my comment; otherwise, I support it one hundred percent. Thank you.

**Samdech Heng Samrin:**

Senior Minister, the Royal Government's representative, please clarify.

**His Excellency Mr. Sok An:**

I would like to pay my respects to Samdech President, Your Excellency Second Vice President and the Floor. First of all, I would like to thank Your Excellencies speakers who raised these important questions. I would like to answer five questions: His Excellency Cheam Yiep raised three questions, and His Excellency Ke Kimhuot raised two questions; my colleagues can add more.

First question: The first point is the scope of the draft law. The scope of the draft law, which we are interested in, is set forth in Articles 1 and 2, and is a special point of law. Normally, laws are applied in general - the supremacy of laws, but for this important law, we impose the clear competence and activities I mentioned previously. In Article 1, we cover what is called the competence of individuals. Normal laws are laws which can be applied for general people, but this draft law is made to judge only those who are the target of it. The first point clarifies the scope of competence of individuals. The second is about crimes, which are determined clearly in Article 1 and are defined earlier. Chapter II provides the details of the circle of competence. The third point, the third competence which is called *competence temporelle*, is written clearly in many articles of Chapters I and II. We state that "from April 17, 1975 to January 6, 1979." That is why it is extra-ordinary, as mentioned by His Excellency Cheam Yiep. It determines the circle of competence clearly. Moreover, if we talk about the scope, Article 47 states that the Extra-Ordinary Chambers in the Court of Cambodia must be dissolved automatically after the trial is completed. This is another important extra-ordinary law. I would like to recapitulate that this is a clear extra-ordinary law, and determines the scope of competence as I have

clarified.

The second question is about a trial court. The term “trial court” in Article 2 can reflect legal concepts. In Cambodia, there are three levels of courts: the first, second, and third levels. The third level is a Supreme Court, the second is an appeals court and the first we call the “trial court” or a provincial/municipal court. These legal concepts cannot be confused because we already stated that the courts are the existing courts. In this law, “existing courts” is written, as mentioned previously by His Excellency Keat Chhon. This is not an institution, but a mechanism. We use the term “Extra-Ordinary Chambers,” which needs to be used correctly - the Extra-Ordinary Chambers is a mechanism of the existing court structure. The Extra-Ordinary Chambers are in our first-level court, second-level court and third-level court - it means the same to all. These are all the meanings of a trial court, which is always used to refer to a first-level court in the legal terms of simple law.

The third question, which is about criminal law, was raised by His Excellency Cheam Yiep. Due to the 1956 Penal Code, there is a death penalty. This point doesn’t match our 1993 constitution, which says “There is no death penalty in Royal Cambodia.” We raised some articles extracted from the 1956 Penal Code to discuss with many high-level lawyers and determine if these articles contradict the concepts of our constitution. After discussions, a conclusion was reached. The conclusion is that the judges will not apply the death penalty. Relating the general contents, the draft law is important and useable, and judges will not apply the death penalty.

Article 38 of Chapter XI clearly states the provisions on criminal acts. Chapter XI determines the provisions of criminal acts. Article 38 reads “All penalties shall be limited to imprisonment.” So penalties can be 10 years, 20 years, 30 years and life imprisonment, but not capital punishment.

The fourth question is about adding the word “independent” to the Extra-Ordinary Chambers. In respect to this point, I think that the concepts of independent courts are clearly written in our constitution - Legislative Body, Executive Body and Judicial Body. The concepts of existing courts are the concepts of a clear division of power. In addition, the Extra-Ordinary Chambers are in the court structure that we have chosen, so I think that we don’t have to add the word “independent” as it is independent enough due to the constitution. The word that we are using now means independent courts. We should understand that the Extra-Ordinary Chambers are a mechanism that doesn’t violate the existing courts of Cambodia; such as the structure of the first-level court, which can be called a provincial/municipal court or a trial court; the structure of the second-level court, which is called an appeals court; and the structure of the third-level court, which is called a supreme court.

The fifth question is about the statute of limitations, which has been extended for an additional 20 years for the crimes. Based on the 10-year statute of limitations in the original 1956 Penal Code, we now want to add 20 years more so that it becomes 30 years. I will explain how it works. We will start from the date that crimes were committed (between 1975 and 1979). We start counting from the year 1975 by adding 10 years and 20 years, and then it becomes 30 years. As a result, the statute of limitations can be extended to 2005, which is a period in which we can work because now is year 2001 - 2001, 2002, 2003, 2004 and 2005. One may ask whether applying the retroactive principle is inconsistent with the principle of criminal punishment, which cannot be retroactive. The lawyers discussed this point and concluded that in accordance with Penal Code, legal substance and proceedings are determined clearly. The proceedings don’t cover the principles that prohibit retroactivity, but the substance of the law is not retroactive. Due to this proper principle, before making a conclusion, I would like to give an example; what is a real substance? What is a proceeding? I will



raise one example, which is easy to understand. Take, for example, theft. What is theft? Theft is taking others' belongings illegally and improperly. That is called theft, which leads to imprisonment for a certain number of years. This is one example of the real substance of criminal law, and a proceeding is the way to apply a law. So what we have written was not included in the real substance of the criminal law, but it is relevant to the proceedings. As an assumption, we can apply retroactivity for an additional 20 years in order to carry out our process from now to the year 2005 - it is between 1975 and 1979. I would like to come to an end.

**Samdech Heng Samrin:**

...any ideas?

**His Excellency Uk Vithun:**

I would like to pay my respects to Samdech First Vice President, Your Excellency Second Vice President and the honorable National Assembly. Regarding a question on the statute of limitations and retroactivity of law raised by His Excellency Parliamentarian to His Excellency Senior Minister, as stated, generally, the retroactivity of general laws exists, but the Extra-Ordinary Chambers, which are clearly determined, are from 17 April 1975 to 6 January 1979. All national and international experts on international law have agreed in principle that this special law on the Extra-Ordinary Chambers has no principle of retroactivity for the extension of an additional 20 years.

**Samdech Heng Samrin:**

Please.

**His Excellency Maoh Sophan:**

I would like to [correct] a technical (typographical) error. In Article 1, the phrase that says "17 April 75, to 6 January 1979" was approved by the National Assembly - 96 out of 96. So I would like to request not to put the "year 1975 to 1979" in Article 3 and request that they be left out. I would like to request that the word "year" in Articles 3, 4, 5, 6, 7 and 8 be left out, as the dates are dated approved in Chapter I. Please remove all the "years" in these articles. Thank you.

**Samdech Heng Samrin:**

Excellency, please.

**His Excellency Chhour Leang Huot:**

I would like to pay my respects to Samdech President and the Floor. I come to add more on what His Excellency Cheam Yiep mentioned on a trial court or a provincial/municipal court, and which His Excellency Government's representative already answered. I just came to show the real documents in which the words were used. I would like to tell the Floor that the provision on the court system was established by UNTAC and approved by the Supreme National Council in September 1992. Article 3 of the provision reads that with cooperation from UNTAC, all Cambodian factions shall promise to establish at least one trial court in each region or province in which a trial court has never been established. The trial court is a court that is to be established in each province. As His Excellency mentioned earlier, a trial court is a provincial/municipal court. The word "trial court" was used in our transitional court, and the word "Cambodian factions" comprised two factions at that time. One of them was a faction of a Cambodian State which established all trial courts, so trial courts have existed since then. We don't have to establish trial courts, we can use the trial courts that exist today. I would like to share with the Floor that the word "trial court" is written in Article 3 of the 1992 provisions on court structure. Thank you, Samdech First Vice President and Your Excellency Second Vice

President.

**Samdech Heng Samrin:**

If there is no more commentary, please vote to approve Chapter II.

**Secretary of the Parliamentary Session:**

I would like to inform Samdech President, Your Excellency Vice President and the Floor that the supporting voices for Chapter II of the law on the Establishment of Extra-Ordinary Chambers in the Courts of Cambodia for Prosecuting Crimes Committed during the Period of Democratic Kampuchea are 94 out of 94. Thank you.

**Samdech Heng Samrin:**

After having approved Chapter II, let the Chairman of the Commission read Chapter III, please.

### **CHAPTER III: COMPOSITION OF THE EXTRA-ORDINARY CHAMBERS**

#### **Article 9:**

The trial court shall be an Extra-Ordinary Chamber composed of five professional judges, of whom three are Cambodian judges, with one as president, and two are foreign judges; and before which the Co-Prosecutors shall present their cases. The president shall appoint one or more clerks of the court to participate.

The appeals court shall be an Extra-Ordinary Chamber composed of seven judges, of whom four are Cambodian judges, with one as president, and three are foreign judges; and before which the Co-Prosecutors shall present their cases. The president shall appoint one or more clerks of the court to participate.

The supreme court shall be an Extra-Ordinary Chamber composed of nine judges, of whom five are Cambodian judges, with one as president, and four are foreign judges; and before which the Co-Prosecutors shall present their cases. The president shall appoint one or more clerks of the court to participate.

Chapter III is about the composition of the Extra-Ordinary Chambers. I would like to conclude that the trial court is composed of five judges, of whom three are Cambodian judges with one as president, and two are foreign judges. The president shall appoint two or three clerks of the court as needed. The Co-Prosecutors shall present their cases before the appeals court. The appeals court is composed of seven judges for the Extra-Ordinary Chambers, of whom four are Cambodian judges with one as president, and three are foreign judges. The Supreme Court is composed of nine judges of whom five are Cambodian judges, with one as president, and four are foreign judges. This is the composition of the Extra-Ordinary Chambers of all levels of courts of the Kingdom of Cambodia. I would like to submit Chapter III to the Floor for discussion and approval. Thank you.

**Samdech Heng Samrin:**

Let the Floor discuss Chapter III, please.

If there is no dissent, please vote to approve Chapter III.

**Secretary of the Parliamentary Session:**

I would like to inform Samdech Acting President, Your Excellency Second Vice President and the Floor that the supporting voices for Chapter III of the draft law on the Establishment of Extra-Ordinary Chambers in the Courts of Cambodia for Prosecuting Crimes committed During the Period of Democratic Kampuchea are 93 out of 94. Thank you.

**Samdech Heng Samrin:**

After having approved Chapter III, let the Chairman of the Commission read Chapter IV, please.

**His Excellency Mr. Maoh Sophan:**

## **CHAPTER IV: APPOINTMENT OF JUDGES**

### **Article 10**

The judges of the Extra-Ordinary Chambers shall be appointed from among the existing judges or from judges who are additionally appointed, in accordance with the existing procedures for the appointment of judges, who have high moral character, a spirit of impartiality and integrity, and who are experienced, particularly in criminal law or international law.

Judges shall be independent in the performance of their functions, and shall not accept or seek any instructions from any government or any other source.

### **Article 11**

The Supreme Council of the Magistracy shall appoint at least twelve Cambodian judges to act as judges of the Extra-Ordinary Chambers, and shall appoint reserve judges as needed, and shall also appoint the President of each of the Extra-Ordinary Chambers from the above Cambodian judges so appointed, in accordance with the existing procedures for the appointment of judges.

The reserve Cambodian judges shall replace the regularly appointed Cambodian judges in case of their absence or withdrawal. These reserve judges may continue to perform their regular duties in their respective courts.

The Supreme Council of the Magistracy shall appoint at least nine individuals of foreign nationality to act as foreign judges of the Extra-Ordinary Chambers upon nomination by the Secretary-General of the United Nations.

The Secretary-General of the United Nations shall submit a list of not less than twelve candidates for foreign judges to the Royal Government of Cambodia, from which the Supreme Council of the Magistracy shall appoint nine sitting judges and three reserve judges. In addition to the foreign judges sitting in the Extra-Ordinary Chambers and present at every stage of the proceeding, the President of the Chamber may, on a case-by-case basis, designate one or more reserve judges already appointed by the Supreme Council of the Magistracy to be present at each stage of the trial, and to replace a foreign judge if that judge is unable to continue sitting.

### **Article 12**

All judges under this law shall enjoy equal status and rank according to each level of the Extra-Ordinary Chambers.

Each judge under this law shall be appointed for the period of these proceedings.

### **Article 13**

Judges shall be assisted by Cambodian and international staff as needed.

In choosing staff to serve as assistants and law clerks, the Director of the Office of Administration shall interview if necessary, and with the approval of the Cambodian judges by majority vote, hire staff who shall be appointed by the Royal Government of Cambodia. The Deputy Director of the Office of Administration shall be responsible for the recruitment and administration of all international staff. The number of assistants and law clerks shall be chosen in proportion to the Cambodian judges and foreign judges.

Cambodian staff shall be selected from Cambodian civil servants or other qualified nationals of Cambodia, if necessary.

In this chapter, the Supreme Council of Magistracy shall appoint Cambodian and foreign judges. The Supreme Council of Magistracy shall appoint at least nine full-rights judges and three reserve judges, so in total, there are twelve judges. The next article is about the Director of the Office of Administration. The Director of the Office of Administration is Cambodian, and the Deputy Director of the Office of Administration is a foreigner in charge of international staff who are on the list of foreign candidates, which is submitted by the Secretary-General of the United Nations. The Director of the Office of Administration is in charge of Cambodian staff who are selected from the Royal Government's civil servants. So the appointment of all judges is under the power of the Supreme Council of the Magistracy, which is a mechanism in charge of the Judicial Body of the Kingdom of Cambodia. I would like to submit Chapter IV to the Floor to discuss and to approve. Thank you.

**Samdech Heng Samrin:**

Let the Floor discuss Chapter IV, please.

If the Floor has no dissent, please approve Chapter IV by raising your hands.

**Secretary of the Parliamentary Session:**

I would like to inform Samdech Acting President, Your Excellency Second Vice President and the Floor that the supporting voices are 93 out of 94. Thank you.

**Samdech Heng Samrin:**

After having approved Chapter IV, let the Chairman of the Commission read Chapter V, please.

## **CHAPTER V: DECISIONS OF THE EXTRA-ORDINARY CHAMBERS**

### **Article 14**

1. The judges shall attempt to achieve unanimity in their decisions. If this is not possible, the following shall apply:

a) a decision by the Extra-Ordinary Chambers of the trial court shall require the affirmative vote of at least four judges.

b) a decision by the Extra-Ordinary Chambers of the appeals court shall require the affirmative vote of at least five judges.

c) a decision by the Extra-Ordinary Chambers of the Supreme Court shall require the affirmative vote of at least six judges.

2. When there is no unanimity, the decision of the Extra-Ordinary Chambers shall contain the views of the majority and the minority.

### **Article 15**

The President shall convene the appointed judges at the appropriate time to proceed with the work of the Extra-Ordinary Chambers.

This chapter is about decisions, and the decisions must be unanimous. But if there is no unanimity, the decisions must be made in accordance with a super majority. The trial court is composed of five judges of whom four are needed, including one foreign judge [to achieve unanimity in their decisions]. Four fifths: three are Cambodian and two are foreigners. Among the four, one is a foreigner. This is a way a decision is made at the trial court. The appeals court is composed of seven judges of whom four are Cambodian and three are foreigners. In order to reach unanimous decisions, five judges are needed including one foreign judge. The Supreme Court is composed of nine judges of whom five are Cambodian, and four are foreign. To make

unanimous decisions, six judges are needed including one foreign judge. The contents do not say this, but they intend it. This is my brief, and I would like to submit Chapter V to the Floor for discussion and adoption. Thank you.

**Samdech Heng Samrin:**

Let the Floor discuss Chapter V, please.

If the Floor does not have any dissents relevant to Chapter V, please approve.

**Secretary of the Parliamentary Session:**

I would like to inform Samdech Acting President, Second Vice President and the Floor that the supporting voices for Chapter V are 94 out of 94. Thank you.

**Samdech Heng Samrin:**

After the approval of Chapter V, please, Chairman of the Commission, read Chapter VI.

**His Excellency Mr. Maoh Sophan:**

**CHAPTER VI: CO-PROSECUTORS**

**Article 16**

All indictments in the Extra-Ordinary Chambers shall be made by two prosecutors, one Cambodian and another foreign, who shall work together as Co-Prosecutors to prepare indictments against the Suspects in the Extra-Ordinary Chambers.

**Article 17**

The Co-Prosecutors in the trial court shall have the right to appeal the verdict of the Extra-Ordinary Chambers of the trial court.

The Co-Prosecutors in the appeals courts shall have the right to appeal the decision of the Extra-Ordinary Chambers of the appeals court.

**Article 18**

The Supreme Council of the Magistracy shall appoint Cambodian prosecutors and Cambodian reserve prosecutors as necessary from among the Cambodian professional judges.

The reserve prosecutors shall replace the regularly appointed prosecutors in case of their absence or withdrawal. These reserve prosecutors may continue to perform their regular duties in their respective courts.

One foreign prosecutor with the competence to appear in all three Extra-Ordinary Chambers shall be appointed by the Supreme Council of the Magistracy upon nomination by the Secretary-General of the United Nations.

The Secretary-General of the United Nations shall submit a list of at least two candidates for foreign Co-Prosecutor to the Royal Government of Cambodia, from which the Supreme Council of the Magistracy shall appoint one prosecutor and one reserve prosecutor.

**Article 19**

The Co-Prosecutor shall be appointed from among those individuals who are appointed in accordance with the existing procedures for selection of prosecutors who have high moral character and integrity and who are experienced in the conduct of investigations and prosecutions of criminal cases.

The Co-Prosecutors shall be independent in the performance of their functions and shall not accept or seek instructions from any government or any other source.

**(Continued in the April 2001 issue)**

# GREAT GAIN AND LOSS

*Yimsut Ranachit*

Gentle wind from the Himalayas once again brought chilled air to the Angkorian plain as it has for ages. The endless, flat green rice fields surrendered to the constant chilled wind by turning a golden yellow. Rice stalks swayed gently left and right in the wind. Parakeets and other birds came by the school to feast in the golden fields. People and animals sought warmth in front of bonfires during the early morning hours. It didn't take very long before the rice crop was ready for harvest. It was once again a time of plenty, a time for celebration, a time to renew the spirit and soul.

But it was not meant to be. We were still under Angkar's strict rule, unfortunately. There was still plenty of work to be done, just a little bit differently, under the new Angkar Leu (Khmer Rouge) management. We were still under the Khmer Rouge regime.

It was December 1978. Food was plentiful, but Angkar Leu only allotted a limited quantity for rations. We still consumed a rice gruel, but with no wild vegetables mixed in. Plain cooked rice never tasted so great, I thought.

The primary focus now was to harvest the main rice crop as fast as possible. We often worked long hours, but the atmosphere was more at ease. Very few died, mostly from illness or disease. Angkar Leu was strict, but no one had been executed since the new administration was installed. It was a cause for celebration. Angkar Leu ordered us to work still harder, but there was a more gentle policy at work. The laborers, including what was left of the Mith Tmey people in Tapang, were rewarded for their hard work with time off and extra rations for completed work. What a big change! Not night and day, but still quite a change.

I put on some weight and seemed to be somewhat healthy, relatively speaking of course. I lost two lower back teeth and many others were rotten. Plain bottled rice was still mighty tasty, I might add. We all worked close to home and helped out nearby villages. I spent more time in my own hut than I had in the past two years. I found myself taking advantage of the relaxing situation under Angkar Leu. My sugar palm tree, a little private enterprise on the side, produced more of the sweet liquid than I knew what to do with. I traded some for field crab and fish to supplement our "private meal" at night. It soon became sugar for a special dessert, which was unthinkable just a few months earlier under the old Angkar. Travel restrictions were still here, but also eased up slightly. With proper permission, I could travel to the next village for salt or Khmer fish paste. This is the life, I thought. Can't really complain after years of no freedom and starvation, about a little "openness." I was contented.

There were times when Angkar Leu donated small rations of special supplies for each family in town. I did not know where those supplies, such as vegetable oil, fabric for cloth, salt, bleached white sugar, and even kerosene, came from. All I knew was that every time the Chinese-made trucks that brought these little supply rations came in, they returned with a full load of our recently harvested rice. After a while, the trucks arrived more often empty, without supplies. Our rice supply soon dwindled and our favorite communal kitchen was back to serving watery rice gruel once more. People, especially the Mith Tmey, soon found themselves desperately hungry again.

The first group of Mith Tmey to go was my friend Laive and his family. There were other

families (those who came with Laive) who were taken away at the same time. Like Laive and his family, they were mostly widows and children whose husbands and fathers had been killed earlier. Now it was their time to go.

The night before they took Laive and his family away from Tapang, he came to me with a very sad face. Laive knew in his heart that he might not see me again. He stopped at my hut to hug me goodbye.

“I have to go now, they are going to take me away from here tomorrow,” he paused for a moment then casually looked up into the sky. “I don’t know if I will ever see sunrise again after tomorrow, when I’m gone, please say goodbye to Pally [his girlfriend] for me, would you?”

I was still stunned from the news and was speechless.

“Stay alive, my friend. Stay alive, you hear me?” Laive continued gloomily. “Hope you will find your family safe and sound. Take good care,” he continued, trying hard not to weep.

Laive then turned and just walked away from me. “You be careful out here,” he added while walking away.

Laive said something else as he was walking away, but I could not comprehend it. I did not know what to say, so I remained quiet. I was still in a state of shock and denial. “I’m going to miss Laive from now on.” I was talking to myself again. For the first time in three years of being separated from my dear family I was once again missing someone. I cried a little and said nothing as Laive and his family were moved out under the escort of Angkar Leu soldiers. I noticed the same commander who kicked my butt earlier. The same man who took away the commune chief and the mayor a few months earlier. I knew then that Laive and the rest had no chance.

Human life is so cheap under Angkar, I suddenly realized. Traditionally, this is how the Khmer Rouge carried out killings. About a week after the war was over in April 1975, Angkar cadres ordered all servicemen, doctors, lawyers, teachers, and students to go and meet with this new Angkar

Leu. The top leader of Angkar at the time was Prince Norodom Sihanouk. Many people followed this direct order. Many were hauled off in hundreds of military trucks. The trucks would take them to meet with Angkar. In actuality, there wasn’t any Angkar or leader that was supposed to greet them at all. It was a trick to kill everyone on the trucks. It was certain death for those who remained on those trucks. With arms bound tightly behind their backs, the victims were butchered and the bodies were simply left in shallow ditches. Not a single bullet was ever wasted. It was Khmer Rouge policy to not waste bullets when they murdered people. They simply used a baseball bat-sized stick and killed by smashing it on the victim’s neck or head until he died. It was a crude and simple method.

This method of killing was well known and I have seen the end result first-hand on many occasions. The “killing fields” were never a pretty sight. Blood stains, scattered bodies, and oftentimes, pieces of tissue, were everywhere. To top it off, the Khmer Rouge left their murder weapon of choice, now just damaged pieces of wood, right on site.

The killing fields were as close to hell as it can get. Some of the victims’ faces were still blindfolded. Their arms were always tightly bound; often both arms were broken because of the way the Khmer Rouge tied their victims. Some graves have anywhere from 20 to 500 bodies. All bodies were usually partly buried and partly out in the open. It was a real tragedy to see such a thing. I would never believe such a thing possible in modern times, but it was as real as the Khmer Rouge.

I was at a mass grave with my friend Laive on the outskirts of Tapang. He said to me with tears in his eyes, “My Dad is among those skeletons.” I asked him, “How do you know that?” He slowly said to me, “When I came to Tapang, Angkar knew that my Dad was a serviceman so they took him to meet with Angkar Leu, along with all these people.” He paused momentarily, “I don’t know who did the actual killing.”

Laive’s father and others were killed by Mith

Chass people, including the ex-commune chief and ex-mayor, soon after their arrival in Tapang town. But Laive did not know about his father's death until much later. Laive had always been a very diplomatic person and sometimes a con artist as well. He could get people to do things that are just short of miraculous. After Laive lived in Tapang for a while, he got to know many Mith Chass people, including those who killed his father and others.

Soon afterward, Laive managed to get the killers to take him to the killing fields. Just before he was to be taken away, he took me to see this gruesome sight. I was honored to share his grief.

All the time that I knew Laive, which was just under three years, he taught me so much about life and about survival in this town. Now, it was his turn to go. This time it was another plot to kill the families of servicemen, or what was left of them. My friend Laive was one of them.

Three days later, I overheard shocking news from Mith Chass people who assisted in moving the group. They said that Laive had escaped. I was stunned by this news. I knew right then that Laive's family and others were killed, but Laive had escaped! The cadres and soldiers started a sweep search to capture Laive. I heard a rumor that Laive had come back to Tapang and hid out in the woods just outside the town. Fresh leaves were found in the thick bush. According to the soldiers, the escapee had slept there. The massive search for Laive continued.

I believed then that Laive had outsmarted and frustrated the Khmer Rouge for a while, but then was captured and killed on site. He never gave up. He gave the Khmer Rouge a run for their money, that's for sure. He was a brave soul, my buddy Laive; I was praying hard for him.

One morning over a week after they had been looking for Laive, the search team cheerfully returned to town. I knew then that Laive had run for his freedom, but his life had ended abruptly. I wept and wept after that. My best friend was gone, chased and butchered like a dog. If I could only help him, I surely would have, even if it meant risking my life

too. My friend's courage and spirit would be instilled in me for the rest of my life. A mere two weeks later, on 22 December 1977, the other Mith Tmey families in Tapang and a few other families in nearby villages were notified to leave town. Angkar Leu gave us a mere 5 hours' notice. This notification included my brother, other members of our family, and myself. The order was little surprise to anyone after what had happened to Laive, his family, and others. Some people started to cry after they received the notification. Deep in their hearts, they knew that they would be killed sooner or later. The time had come for them to go and there was not much time to pack the essentials.

People began to pack up their meager belongings in a great rush to get ready to leave as ordered. Angkar Leu cadres told everyone not to take everything at once. All property would be delivered to the destination of each owner, according to the cadres. I wanted very much to take all of my personal belongings, which had little real value, but it was not possible. I had to travel by foot and I remembered very well how difficult it had been in the past. I spent hours looking for the old hen that I had raised, the only thing I owned that was connected to my past life with my family in Siem Riep. I could not find this special hen, which provided me with numerous large eggs and chicks. Anguish ruled my spirit as I spent the remaining time I had searching for my hen to no avail. I was so distraught; it was as though I had just lost a dear family member as the march out of Tapang progressed under armed guard.

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# DIARY

(Translation)

The Documentation Center of Cambodia has brought to light more than 400 notebooks and personal diaries written during the Khmer Rouge period. They belonged to both Khmer Rouge cadre and Khmer Rouge victims. Those written by the cadre mostly depict personal matters relating to the daily work of Angkar, discussions held at livelihood meetings or political education sessions, and military strategies from the central level. In contrast, the personal diaries of victims generally recount their life stories from the heart. Both notebooks and personal diaries help illustrate the fact that expressions of feelings may not be curbed even in circumstances of hardship, misery, and vicious suppression.

(Continued from the February 2001 issue)

## Rueil 4 December 1975

Why is my life never the way I want it to be? I have only one love, but I don't have hope that it will be satisfactory. I knew that it would be so; why do I try to shape it? Oh my love, I have promised to love only you. If we fail, I won't feel regret. I will love no one but you; even though I have no hope of meeting you, I still love you. I love you because I feel pity and because you have troubles in your family and want to resolve them, even though you feel that they won't be worked out easily. You alone make me so worried. My heart, which is filled with sympathy and the desire to help, is on the brink of being broken. Is my love moving on the wrong track? Although it's like this, it's still my love and my decision. Can we meet? Do you love me as I am? After my decision [to be with you], another engagement, even if it has a thousand times more value, would not be acceptable to me. I love only you; that's all. If we cannot meet, I will not be worried, even though my love is so great. Oh, I love with less hope because we are so far away from each other. I don't know how you are or whether you have changed your heart. As for me, my heart remains the same. Oh, my love.

## Rueil 10 December 1975

It's cool here. I almost fell down during my return from school. It's so cool, and I haven't worn enough clothes. Cool weather always brings about a broken life. Old stories seem to be with me; I cannot think of anything else. Only you make me feel constantly distressed. What the hell! Now I choose to return home in order to make a new life, no matter how hard it will be. I need to meet my respected mother and father. After such a long separation, I really miss you. My life is full of risks - separation from my beloved parents, the new dawn of love, and a loss of education. Oh my life is different from others'. Will it change tomorrow - will I be happy or worried or dead? Who knows what tomorrow will bring? But despair remains. I don't know when I can cross over this bridge of sadness. Even if the sun is shining and life goes on, the sadness cannot dissipate. Oh, meaningless life, you are like a tree without leaves in the winter.

## Rueil 24 December 1975

Today is Wednesday, December 24, the last Christmas day I will have in Paris. Tonight I will go to sleep at 2 a.m., which helps me understand the life of Frenchmen called "tycoons." Tonight I cannot really be happy because I am so tired.

## Rueil 25 December 1975

This afternoon, I watched a film called *Le 3 Jours de Codois*, which shows the lives and goals of CIA agents, which is nothing more than killing in the interest of their organization. I went alone. This was the first time I had seen such a film. Then I visited Chek Sun Huon, where we chatted about issues related to our country.

#### **Rueil 26 December 1975**

I have had bleak reminiscences again. One occurred on Saturday 22 November 1975 after I met Peou, with whom I had dinner. After dinner I watched a film called *Flut Euconbi*. On 21 November 1975 (Friday), I had a chat with Bopha about my beloved brother. On 24 November 1975 (Monday), my brother called and scolded me, making me cry that night. On 6 December 1975, I went with Rith to my brother's house, hoping we could resolve our conflict. However, it was worse than I expected. This made me decide not to go there again so the he can forget me and not be worried for me. Then I decided to return home as quickly as possible, without considering anyone's feelings or seeking anyone's consent. My brother, whose behavior I never considered and whom I usually follow, now makes me feel resentful. If what I'm doing is wrong, I must accept it so he can justify [his exasperation].

It has now been more than a year since I've met Bopha - the only friend whose mind I can read. In this life, I probably could not find a person whose heart is like mine. No, I cannot. Oh, life's troubles cause me sadness, irritation, and pain.

#### **Sunday 28 December 1975**

Oh, life! Today I watched a movie entitled *Lime Light: Les Feuse des Sampes*. It was produced in 1914 in London, England. It is about the living conditions of a dancer and a comedian. The main idea of this film is that in order to overcome hardship, one must be brave, committed, and patient. It also illustrates a love stemming from gratitude and sweet sentiment. The lovers have done many good deeds for each other. But the love cannot bloom because the actor thinks he is too old, even though the actress has fallen in love with him. A man can give advice to another person, he but will find it hard to respect and follow the advice he has given.

#### **Rueil 4 January 1976**

Oh, I miss you mother and father. How are you? I will always miss you, but at the same time I have decided to return home as soon as possible so that I can see you and contribute to building my country. I am so worried about you two. Now the plan for my two-year visit has come to an end, and I'm happy to be returning home. I always remember your advice although I am far away from you. I always think and hope that one day I will be home. Oh, my beloved mommy! Your words are so correct. Brother Muoy is the one who has been making me so angry. I have to return.



**HUOT BOPHANA**



**Date of arrest: 10/12/1976**

**Date of smashing: 3/18/1977**

ដើម្បីទប់ទល់ការបោះពុម្ពនិងចែកចាយដោយឥតគិតថ្លៃដល់មន្ទីរស្រុក និងឃុំ ទៅទូទាំងព្រះរាជាណាចក្រកម្ពុជា  
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មជ្ឈមណ្ឌលឯកសារកម្ពុជាវិវត្តន៍ជាតិ មូលនិធិឥន្ទ្រ និងសាធារណជនក្របួប សូមជួយបន្តការបោះពុម្ពផ្សាយទស្សនាវដ្តីនេះទៅតាមលទ្ធភាពដែលអាចធ្វើបាន។ ព័ត៌មាន  
បន្ថែមចំពោះការបោះពុម្ពផ្សាយទស្សនាវដ្តីស្វែងរកតាមពិត សូមមេត្តាទាក់ទងមកកាន់តាមមជ្ឈមណ្ឌលឯកសារកម្ពុជាតាមទូរស័ព្ទលេខ (៨៥៥) ២៣ ២១១ ៨៧៥ ឬ សូមអគ្គណា

The Documentation Center of Cambodia would like to appeal to governments, foundations and individuals for support of the publication of  
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