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*Letter :*

## A “Note” from Upper Angkar

Ieng Sary has informed the public that he is writing about his life during Democratic Kampuchea (DK) in an attempt to explain what he considers to be the truth about Cambodian history. He added that his secretary is transcribing his autobiography for him.

This is not much different from a recent publication about Khieu Samphan written by a former high-ranking DK cadre called Hu Nim. It is written in French and entitled, *Khieu Samphan: Agrandi et reel*. Soon after it was completed, the cadre sought support from historians and international organizations for its publication. A group of historians from Europe and the United States dismissed the book as Khmer Rouge propaganda.

Some of the “memories” from Hu Nim’s book include:

“In 1965, after the event in Indonesia [the removal of Sukarno from power], I received an order from Khieu Samphan to persuade Son San to, through him, convince Sihanouk that ‘the dangers stem from the rightists, just like in Indonesia.’”

“It is true that not everything Khieu Samphan did was his own idea. He did what the party told him to and he was assisted by the party. He was a faithful and loyal party member. ...The party paved the way for him in many respects. He promoted and spread the party’s ideology in his newspaper, before the national assembly, and even in public. At the same time, the party cited those ideas in some publications and spread his ideas to the public. The public then thought he was a top representative of Angkar. This helped make the people learn about the existence of the movement and understand the leadership style of the party. They became real when various actions were taken.”

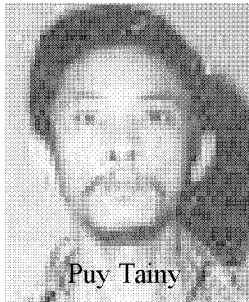
Ieng Sary and Khieu Samphan are using these published accounts in order to continue to deter the truth-seeking process for millions of victims who died under—or managed to survive—their leadership. So far, no one is intimidated by these descriptions. The vast majority of Cambodian people who lost at least one family member through starvation, slavery, torture or murder under the Khmer Rouge know exactly what the Killing Fields were like. The descriptions of Ieng Sary and Khieu Samphan are identical to Notes of Angkar Leu, which were issued during the regime.

*Youk Chhang*  
*Editor-in-chief and Publisher*



# An S-21 Document Worker Becomes a Prisoner

*Sophal Ly*



Puy Tainy

Puy Tainy was a school-teacher in the Sangkum Reastr Niyum, and a document worker at S-21 for a short period during the Democratic Kampuchea regime. He then became a prisoner of S-21.

Puy Tainy was arrested by Duch and interrogated by his former colleges after being accused of being involved in CIA activities. He was interrogated three times before he was executed.

## Brief Biography

Puy Tainy, aka Noeun, is a Khmer native of Chroy Takeo, Koh Thom district, Kandal province

Father: Puy Nguon Cheu

Mother: Heng Nhean

Wife: Eng Tao Ying aka Tao

Children: five, including one female

Names of children: Puy Rumpsey, Puy Rumpoeng, Puy Rumpoeung, Puy Rumpong and Puy Rumpoun.

Arrested: February 23, 1977

## Work Experience and Activities

Puy Tainy graduated in 1965 from Daun Penh High School (holding a baccalaureate). He then went to study at the faculty of pedagogy in Phnom Penh in the academic years of 1965-66. During his education sessions, he was influenced by a person named Ul Chan aka Chon.

After the final examination, he became a school-teacher at Cham Bak Junior High School, Bati district, Takeo province. Tainy taught his students and indoctrinated them politically.

In 1968, Tainy pursued his studies in Phnom Penh. He went to the faculty of literature. In Phnom Penh, he stayed with Meng Kry, his uncle. Teacher Ya

was fond of him. Ya was Tainy's father's ex-friend and a bible instructor in Takmao. Teacher Ya often introduced Tainy to social ceremonies with American Christians. In the same year, Tainy got married to Eng Tao Ying (who was a cook at Electricity II in 1974).

Because he was so busy, Tainy had no time to meet with Ya. After the completion of his studies, Tainy was made a schoolteacher at Anduong High School, Prey Veng province, where he got to know a teacher named Hak Sun Lay, aka Phos, who had some sort of "progressive" political trend and liked to read books and magazines of the People's Republic nature. Sometime later, their relationship was cut off.

Three months after the coup, Tainy, Hak Sun Lay and Teacher Ya reunited. Teacher Ya introduced Tainy to an American woman staying at the bible school in Takmao to get to know Tainy's way of thinking. In September 1970, Tainy chose to become a member of the CIA after being persuaded by Teacher Ya. Tainy earned 1500 Reil a month from that woman. He was put in charge of eavesdropping and searching for Viet Cong networks in Phnom Penh.

Month after month, Tainy spent his free time (besides teaching) trading in the liberated zones along National Roads Number 1, 2, and 3, where he would get information. In the course of this work, Tainy managed to contact a civil servant named Prum Sangha, aka Chim, who worked in the Ministry of Propaganda.

Tainy led six forces to carry out activities until 1973. Sensing arrest by burrowing spies, Tainy escaped and lived with people in a remote area for a period of two months. For this reason, he had to hand over a part of his forces, some of whom were put under the supervision of comrade Hang and the rest under Teacher Ya.

In the rural area, Tainy conditioned himself with

labor activities assigned by Angkar so that he would be transferred to Phnom Penh. Two months later, communications between the cities and countryside were cut off. Tainy's plan to come back to Phnom Penh failed. In June 1974 Angkar sent Tainy's family to the countryside. Tainy complained about his hard life in that area, where he lived a double life: one side was CIA and the other was the revolution. However, his main responsibility was to prevent any attack on Angkar's city [Phnom Penh]. Every activity of Tainy's was reported to Teacher Ya. On January 7-8, Teacher Ya told Tainy that the Americans would return to their country if Lon Nol lost the war, yet the CIA's work would continue until there was a chance for Americans to come back.

After Cambodia was liberated, the relationship between Teacher Ya and Tainy was cut off, as Teacher Ya was relocated. At that time Tainy intended to change his life, cutting off his involvement with the CIA in order to work for the revolution instead, namely as a member of a rural cooperative. However, in November 1975, Tainy allowed himself to be induced by a person named Sok, who had joined the CIA organization because of his personal anger, that is, he had never been promoted based on the merits of his achievements. Five days later, Sok brought Tainy to pledge allegiance before the CIA. The requirements for joining the CIA were: 1) being honest with the CIA; 2) following its regulations in all circumstances; and 3) absolutely keeping the CIA's secrets in all circumstances.

Knowing that Tainy had been transferred to S-21, Sok told Tainy to cooperate with a network of Rin, who was working at S-21, and told Tainy to try very hard to persuade the public as much as possible in order to compete for positions from the lower to the higher levels [of administration].

In March 1976, Tainy, Rin and Seng discussed what to do. First, they criticized the influence of Duch: subjectivity during working hours, non-punctuality and impoliteness in speaking. Duch never allowed Tainy, Rin, and Seng to know much about internal affairs.

Instead, he just issued orders. Thus, the three held a meeting focusing on the negative aspects of Duch and to think about how they could make Duch become a more democratic person. By doing this, they would achieve their goal. Seng told Tainy that before coming to supervise the interrogation office, Duch had been in Sok's network in Region 25, where he was below Rin. However, after Duch became a supervisor of the interrogation office, he was above Rin. As for Hor, he was a Vietnamese network.

In May 1976, Tainy, Rin, and Seng were sitting in front of the interrogation room at the eastern part of the prison. Rin said that "Duch and Tainy will be working together. Then Tainy will not have access to the masses. He will have nothing to do." So, Seng and Tainy found ways to make Rin become a supervisor of the experiments and document summary section. During a livelihood meeting, the three discussed various issues and asked if Rin could be appointed to be a supervisor of the interrogation section so that he could have a good, systematic grasp of the prisoners and work to improve them. But this demand was not met. Before his departure, Rin left a verbal message with Tainy, telling him to be careful about the secret plan. After that, Rin disappeared.

In December 1976, Sok assigned Tainy, Vuth, Vieng, and Set to carry out long-term strategic activities. Their plan was to "compete for leading positions in ministries, offices, or units by peaceful means." Their strategy was to: 1) fulfill their obligations as a role model for the masses; 2) achieve solidarity with experienced leaders to improve their image, but still keep the old contradictions; 3) work with the masses as much as possible in order to gather more people; 4) encourage the people to support us while underestimating the old leaders; and 5) extend the CIA forces without coercion so as not to affect bad elements who would tell the secret.

Later, Tainy reported to Sok on the situation: "All [Cambodian] CIA agents returning from the U.S., France, and Canada were arrested and smashed by Angkar." "They have big, big aims, that is, to attack



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Cambodia from 1977 to 1980 and from 1980 to 1985. Some of them are SEATO allies with support from China, Taiwan, South Korea, Thailand, and the Philippines. Besides, there will be an attack by Stratofortress [B-52], Thunderchiefs [F-105], Fantoms, tanks, and artillery. The attacks would be made by land and at seaports. In the city, Angkar is smashing the CIA very hard, including Chan Chakrei, commander of Division 170, Chhuon Ly Phen. Recently, Angkar attacked Hem Hoeun, Regiment 170. We don't know who he will implicate. Duch and a friend of his are the only people who know the answer."

During his third interrogation, Tainy confessed that Sok taught him how to use secret language and codes for communications. "For example, Angkar tells us to have three tons per hectare. So we have to use an exclamation, 'Three Tons Per Hectare!' two times. If the persons around us shout and glare at the shouter, they are on our side." Regarding the use of codes, Tainy

stated that one must use consonants "k" [a] to "g," [z], with k standing for number one, x (b) for number two and so on. For example, Tainy was called "n" (t) and "n," which meant number 20-20. "So when we write 20-20 it means Tainy. When we are in a difficult circumstance or have no choice, we have to use a sign of "Olympic Fire" on the palm. The fire is similar to the one of the US Statute of Liberty."

The events he witnessed every day at S-21 made Tainy sense that he could not escape from execution by Angkar. Therefore, he tried to change his viewpoints. However, it was too late, as the "old nature" against the revolution was still there, causing many dangerous phenomena. In the end, Puy Tainy, aka Noeun, was arrested by Angkar on February 23, 1977 and executed.

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*Sophal Ly is a staff-writer of the Searching for the Truth magazine.*

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

(Continued from the September issue)

Several stone houses along the road have collapsed, leaving the remains of buildings. Portions of the national roads have been dug out.

We stop in front of a pagoda, two kilometers south of the road, where many ox-carts are carrying villagers who are trying to escape or are being evacuated by the Khmer Rouge. Soon after, a Khmer Rouge jeep covered with tree leaves comes to a stop at the pagoda. In the school and under the monasteries, we see Khmer Rouge soldiers or Front Khmer elements sleeping in nylon hammocks seemingly in the way bats do.

At 12 p.m., we reached a market in the district town of Baset. Five or six Chinese shops are opening quietly. The messenger take us to meet with the chief of the region, who is a former schoolteacher at Santhor Muk Primary School and who left for the jungle in

1966. (We are not able to learn his real name, just his revolutionary name - Ham.) Comrade Ham, after reading the letter from the police commissioner of Phnom Penh, starts to ask us questions, including our real names, careers in the old regime, places of birth, and workplaces. Then, we are provided with a cup of tea along with rice porridge and salted fish. Comrade Ham is the one who controls the area of Dangkao, Kandal Stung district. He has an Isuzu and a motorbike to facilitate his field work. Age 40, he is well built, rather short (approximately 1.58m), and not talkative.

At 2 p.m., the messenger accompanies us further. Comrade Ham dictates a letter for us and tells us to hand it over to comrade Hang (revolutionary name), Office 305. We cross Katphluk-Krasaing to Veal Lveang in Phong subdistrict, Kampong Speu province. The messenger advises us to use the word "Haupt" instead



of “Nham” [eat] and to get accustomed to the use of the title “comrade.” So far, we have met with two Vietcong who are sitting and eating rice noodles in Kraingkat Phluk.

In Veal Lveang village, the messenger returns after handing over our and Ham’s letter to a deputy chief of messengers of the special zone. Comrade Meang (revolutionary name), the deputy chief of messengers, brings us to stay at a villager’s house built to house goods, including cloth, kerosene, salt, and plastic sheets. This office/group is responsible for managing the transportation of the materials from Saang-Koh Thom (Region 25) or from Skun-Tonle Bati to the special zone, crossing National Road No. 4. There are three lorries (one of them is labeled Hok Heng), three motorbikes (Hondas), four or five bicycles, and three elephants for the messenger group to use in transportation.

#### April 20-May 12, 1972

On the first day, peasants in Veal Lveang village welcome us warmly. The village-based Front Committee prepares meals and food for us along with a nighttime entertainment performed by a “Children Arts Unit” in the village. This is the first day for us to hear and see the songs and dances of the Khmer Rouge’s revolutionary Angkar. We are excited and extremely glad for the fraternity and special attention from the peasants, and to receive such fraternity from them. Such special attention from the peasants makes comrade Meang and his colleges feel jealous to some extent.

Farmers of Veal Lveang are very poor. They do not have sufficient fish or meat to eat. They owe a deep sentimental debt to Samdech Ov—the Prince. Many elderly villagers appreciate the merits of Samdech Ov and complain that, “today they are so cold like small chickens living without care from their mother” (losing prince Sihanouk). The farmers still hope that prince Sihanouk will make a comeback when the front troops overthrow Phnom Penh.

Comrades Meang and Chan (chief of the messenger unit) are all within the communist framework. They

try to hide their identity from the farmers in this region. This is one of the Khmer Rouge’s strategies to gather forces.

A day later an elderly woman, named Yeay Men, takes us to stay in another newly built house. We receive warm support from her and other elderly villagers living nearby. Almost every single day in the evening they bring food, tobacco, coconuts, and sangke leaves. They always come to say hello and chat with us; this creates a friendly relationship and a heart-to-heart understanding.

Some of the time we feel homesick, missing our wives, children and relatives. Such nostalgia adds fuel to our wrath toward the war and the war makers, who have caused a breakup and brought about pain and suffering for innocent people. Once we meet Viet Cong along the way, we almost jump to strangle them with our hands and chop them into pieces!

Our long stay in the village makes us bored.

#### May 6:

Comrade Chan takes his friend, Norng Suon aka Chamraen Chey, along with five Khmer Rouge body guards, to pay a courtesy visit to us. Norng Suon is a political commissioner of Region 25 (Koh Thom) or the “Secretary of Region 25” (Local Party Secretary).

In the conversation with Norng Suon, I take the opportunity to compliment Norng Suon’s heroism and strong spirit in revolutionary work and especially his bravery during his speech in the congress at Meru, which made resulted in his imprisonment until 1970.

In the evening, villagers prepare food for a party to honor “comrade” Norng Suon and us as well. Comrade Chan, chief of the office, told us, “In four or five days time, you comrades will be leaving for the “higher Angkar.”

I am surprised by the way Chan tells me he learned this by telegram, as I never expected that the Khmer Rouge’s Angkar would care about us to this extent.

A day after that, we began meeting with North Vietnamese and Viet Cong who often pass by the village, carrying unhusked rice, vegetables, chickens,



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ducks, and mortar shells by bicycle. Sometimes we see them carrying the wounded across this village. Villagers inform us that their main military forces never walk across this village, except those from the economic support unit, who are coming to buy food in the village. When seeing the fate of the nation under foreign aggression, we think of our country, our independence, and the destruction the people have been suffering for three years now.

What about the Khmer Rouge? This is the question!

**May 7-8:**

Comrade Chan accompanies Norng Suon to the higher Angkar. It is raining cats and dog, filling the rice paddies with water. We think of our harmony and happy times under the warm roofs of our families. To us, our happiness is mixed with great joy, which seems to be ironic because of what the peasants are enduring as a consequence of war. We should have done



Liberated Zone, 1972



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something to help eliminate this war.

Our decision to “take sides” can be perceived by our friends in many ways. Whether they regard us as adventurers, fools, or people who believe in cosmic significance, who can “carry the earth on our head”? Or do they consider us Sihanoukists or Communists?

For that matter, we try to be quiet rather than talkative.

**May 9:**

Two T-25 fighter planes drop bombs on an area north of Kat Phluk.

**May 10:**

We are ravaged by boredom and fantasize even more. We have neither books nor newspapers to read. Our communications with areas outside Phnom Penh are cut off. We can only listen to the radios from Phnom Penh, Peking and Washington.

It has been said that Phnom Penh was attacked by 155 mortar shells and 122mm rockets in early May. This terrifies us.

**Evening of May 10:**

Comrade Meang, Chan’s deputy, shows us a letter. The letter is from the political commissioner of Region 33, asking Meang to take us to the honorary forum at 6 p.m. This evening, the front chief in Region 33 organizes a big meeting in the vicinity of Wat Kat Phluk, in the former primary school.

We also participate but don’t know why comrade Meang doesn’t bring us to meet with the Khmer Rouge leaders on the stage.

We are impressed by the meeting, in which more than ten thousand of the masses participate, including the “people,” “liberation armed forces,” Buddhist monks in the Khmer Rouge

framework, and Khmer Rouge cadres dressed in black appearing from all directions. They march, holding red flags and red posters, toward the school playground. Women stand in the front next to the stage, in front of which there are stands for loudspeakers. On the stage itself, 200 seats are lined up.

First, we focus mainly on the slogans on the posters. Among the many posters, only one addresses prince Sihanouk, “Long Live the National United Front of Kampuchea headed by Prince Sihanouk as Head of State!” Most of the slogans flatter beyond reasonable limits in favor of the heroism of the people and armed forces. “Long Live the Victorious Armed Forces of the People of Cambodia!” “Determine to Support the Bravery of the People!” Long Live the Authority of the People!” “Determine to Smash and Get Rid of American Imperialists and Their Lackeys from the Territories of Cambodia, Laos and Vietnam!” “Long Live Combat Solidarity between the People of Cambodia, Laos, and Vietnam.”

It is because we find two posters welcoming Hou Yun that we are sure that Hou Yun will preside over the meeting. We try to see if there are North Vietnamese or Viet Cong participating. But we could not find any. The lighting is so good that it makes us confused. Next to the stage there is a bench with a strong cover for the leader of the Khmer Rouge. Surrounding the schoolyard are smaller benches for the general audiences. According to the signalman, airplanes will be flying around the school. When a whistle sounds, the electricity will go off and smoking is not allowed.

(Continued in the November 2003 issue)

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





# Bringing up the Children of the Khmer Rouge Revolution

*(Excerpted from KR Notebook 008)*

Our revolution is now to smash and sweep away human oppression and eliminate every kind of oppressive means of production. It is the time for everybody to uphold the common interest of the nation more than individual interests. Now our slogan is to do everything to liberate the country and the people from the invasion of America and all foreign imperialists, and from the oppression and contempt of the clique traitors: Lon Nol, Siri Matak, Son Ngoc Thanh, In Tam, Cheng Heng Long Boret, and Sostene. Everything is for the revolutionary triumph.

Therefore if you love your children, you should raise them for the revolution and to serve the country well. The document on how to bring up children is aimed at shaping them into patriotic and honest revolutionaries who honestly serve the people everywhere, in every circumstance—both difficult and easy—who are polite, kind, friendly and pleasant to the people and public, who are brave enough to fight to the death against all kinds of enemies, dare to endure hardship and misery, and sacrifice their lives to carry out the revolutionary duties successfully for the sake of the country.

These are our parents' great honor and pride in the current revolution. No parents want their children to become traitors who betray their people and the revolution. No parents want their children to become cruel, insolent and oppressive.

Therefore, children are to be brought up based on the strong and rightful standpoint of the revolution. And we cannot bring up our children as the social imperialist, colonialist and traitorous societies do.

We all like to see our children being good, prosperous and involved in the revolution. However, we would not be able to bring them up as well as we wish if we did

not have a strong and rightful revolutionary view on childrearing.

Some parents tend to think that it is their children's misfortune or their sin when they are vile. Others blame them, saying that they are useless, not obedient and so on. This is wrong. Parents are responsible for their children's uselessness and vileness because we have brought them up since they were born. The small children know nothing. They are like a piece of white paper that will change its color according to the paint. If we paint the paper black, it will become black. If we paint it red, it will be red. In short, children are influenced by our guidance. If we have brought them up well from a young age, they will be good people. In contrast, they will be arrogant if they have been spoiled.

We do this in order to upgrade the spirit of responsibility for childrearing. A Khmer saying, "A tree can grow though it is not watered" cannot apply to childrearing because a human, unlike a tree, has a spirit that can be shaped. Humans have feelings, opinions, behaviors and attitudes, and a way of thinking that will be with them for life. If the parents bring them up badly, they will have bad behaviors that cannot be easily changed.

Therefore, in child rearing, the parents cannot just hope they will be good, but we must have responsibility, a strong and rightful revolutionary view, and objectives as well as the correct childrearing way.

## 1. Define Clear Objectives

What do we want our children to become when they grow up?

All parents want to see their children become good revolutionaries, serving the revolution and bringing prosperity and splendor to the country.

Taking turns to serve the revolution is a noble job,

but a great burden that requires a strong revolutionary standpoint in all fields. It is not possible to build a strong revolutionary standpoint in a few months, but we must gradually and constantly build it in the real revolutionary environment, both hot and cold, easy and difficult. As far as children are concerned, we must also bring them up to be well behaved, and to work and live as revolutionaries from a young age. Only in this way can they grow up to be well bred and ready to make quick progress.

## 2. Have a Rightful and Transparent Way of Child-rearing

In our revolution, we live, eat, dress, talk, and work in a collective way both in the revolutionary ranks and in the local communes. In the revolutionary ranks, we live, eat, dress, sleep, walk, and work at the ministries, construction sites and other revolutionary units in an orderly, rightful and serious way under the supervision of the organizational discipline.

Even in the local villages and communes, we live, eat, dress, and work collectively in the cooperatives and communities. Even though we do not eat together like in the revolutionary ranks, we work collectively and correctly according to our timetables and assignments. And when we have a good harvest, we share the food according to the principles defined by Angkar. No one can be exploitative and selfishly take everything to become rich. In conclusion, we all live collectively in the revolutionary time. Therefore, we must uphold the collective interest above all in every circumstance.

Childrearing is aimed at bringing children up to serve the collective interest. We, the parents, should avoid bringing them up just for our affection. Therefore we should:

a) Teach them about living collectively—from eating, dressing, and working to having a good time together. Avoid dressing them more beautifully than other people. Avoid completely feeding only our own children secretly with delicious food without taking other people's children into consideration. Avoid taking care of our children too much and differently from other

people's children by giving them light and easy work or giving them no work while ordering other people's children to do their work. We avoid these because this type of childrearing will make our children arrogant and have selfish, self-centered, egocentric and self-isolated behavior. During childhood, they will not be able to live together with other people. Moreover when they grow up, they find it difficult to live collectively and cannot integrate them-selves with other people. Therefore they will become rude, insolent, cruel, arrogant, selfish, self-centered, and boastful. Therefore no one will like them.

b) Adjust them to living under the supervision of the organizational discipline and respecting the unit regularly and perfectly. Sleeping, walking, having fun, eating, learning, working, whatever, must be done regularly and tidily and punctually. Do not allow them to sleep, eat, work, or learn freely, and avoid giving them anything they want.

If we adjust them to living under the supervision of the organizational discipline [a piece of this document is missing]... their standpoint will gradually become strong.

Moreover, labor makes them healthy and strong.

d) Avoid flattering or letting them know we are proud of them because this kind of childrearing makes them self-centered and arrogant toward other children. If so, they could be arrogant, self-centered, and rude both in their behavior and standpoint. Therefore, they will make no progress when they grow up.

On the other hand, childrearing should avoid scolding, blaming, humiliating, threatening or scaring them. This method of childrearing can stunt a child's intelligence, or make him scared, full of defeatism, and have no initiative. Therefore, when they grow up they will be mentally bewildered, not bright, not brave, not ready to fight, and have no initiative or personality. Therefore, they will develop themselves slowly in the revolution. Therefore, we should go the moderate way to bring them up and not to flatter, humiliate, spoil or



threaten them. If they are wrong we should correct them, explain to them clearly what is right and what is wrong, what is good and what is bad, and tell them to do only the right and good things and not to do the wrong and bad things. If they make a mistake, tell them it is not right and not to do that anymore. If they do something right or good, encourage them to do better. This way, we can bring them up well and they will make more progress from time to time.

e) Totally avoid taking sides with them when they have an argument and avoid reacting when they tattle on someone. If you do this, it will make them dependant and commit aggressions on other children. And it encourages them to speak ill about other people. If they get away with this kind of behavior from a young age, they will be worse when they get older, splitting the

internal solidarity and cheapening themselves.

If our children have an argument we should act as a broker to make them get along well regardless of whether our children are right and their children are wrong. Although we see unevenness, we should tell them to stop arguing with each other. If they told or reported to us anything bad about someone else, the parents should avoid repeating it or laughing with them. We should disagree with them and advise them not to say things like that. In this way, we can bring them up well and not to make them cheap or split the solidarity between the parents.

These are only some of the methods of childrearing that we mentioned to attract the attention of parents who want to bring up their children well to become good revolutionaries.

#### Cooperative children under the Democratic Kampuchea regime





the sun, saying it would make their natural milk so hot that babies get diarrhea when they take it. If so, why can the Cambodian people throughout the country who work under the sun every day to make a living breastfeed their children without causing them to die? Diarrhea can be caused by other things.

For instance, some reared their children as extravagantly as imperialist societies and Phnom Penh traitors did—two or three sets of clothes, bath soap, powdered soap, almost everything and when something was not available for their children, they feel pity for them. It looks like we are not in a tough war against the imperialist colonists and their lackeys, the traitors. They did not remember the patriotism of the male and female fighters who lived insufficiently and miserably but fought to the death, devoting their blood and flesh, against the enemies in the battlefield every day. They forgot to take into account the people who experienced hardship and suffering without sufficient salt, clothing, medicine, and food.

For instance, some of the parents attempt to use lots of medicine to cure their children from a young age, even when their illness was not serious and the medicine was not necessary. Still others allowed their small children to scold them or the older people at will without correcting them, giving the excuse that they were very young and knew nothing. But as a result of this bad habit, the children became rude, and so on.

With these kinds of standpoints and ways of childrearing, whether deliberate or not, conscious or unconscious, those parents are undertaking the standpoints and ways of childrearing carried out by the imperialist society-colonists and traitors. These standpoints and ways of childrearing are not fit for the revolution and the masses because they are not consistent with the conditions of the current revolution in which we are living in poverty and fighting to smash the American imperialists and their lackey traitors, and for independence, individuality, prestige of the nation and the Cambodian revolution.

Therefore, if our revolutionary parents have these

kinds of standpoints and ways of childrearing, they cannot bring their children up well in accordance with our objectives and requests. We cannot transform them into good revolutionaries. Some day our children will suffer or at least have no bright future. By doing so it does not mean we do not love them but we, though on purpose or not, are bringing them up in a wrong way and we will bully them in the long run.

All parents in every circle of society have affection for their children. The revolution does not forbid them from loving their children, but in contrast with the old society, the parents of the revolution must know how to love and guide them to take the right and good way to have brilliant futures and to be pleasant to the masses. We should not love just for our own interest.

How can our children in the revolution have a bright future? It cannot be found only by abundant wealth, certificates or positions we bought for them or even enormous buildings, cars, motorbikes, gold, diamonds or beautiful clothes. The bright future of our children in the revolution, for the present and future, rests on how to equip them with a strong revolutionary standpoint—to live collectively, respect the organizational discipline strictly, endure hardship, do every kind of work regardless of whether it is small or big, light or heavy, and be capable enough to maximize their good service for the nation and the people, become polite, pleasant, respectful, and honest with the masses. Therefore, they deserve the satisfaction and love of the people. If our children have good habits in working, eating, and dressing, and have a strong revolutionary standpoint, whether we are alive or dead, it is sure that they can live happily and collectively with the masses. The people will like and love them. Therefore our children will have a bright future.

In conclusion, the parents must know how to love their children and have a correct revolutionary standpoint and objectives and ways of bringing children up well from a young age. By doing so we will shape them well.

# List of Foreigners Smashed at S-21

*Prepared by Nean Yin*

(Continued from the September 2003 issue)

No.	Name	Nationality	Occupation	Place of Arrest	Date of Entry	Date of Execution
153	Tan Khanh Xuan	Vietnamese	Spy	Viet Nam	May 31, 1977	Oct 20, 1977
154	Nguyen Van Nham	Vietnamese	First lieutenant	Viet Nam	May 31, 1977	Oct 20, 1977
155	Pham Kien Khiem	Vietnamese	?	Viet Nam	May 31, 1977	Oct 20, 1977
156	Nguyen Van Binh	Vietnamese	?	Viet Nam	May 32, 1977	Oct 20, 1977
157	Tan Van Tung	Vietnamese	?	Viet Nam	May 31, 1977	Oct 20, 1977
158	Pham Van Tho Ngun	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
159	Chan Thanh Huong	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
160	Le Van Mai	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
161	Chim Van Can	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
162	Tang Ngoc Hung	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
163	Le Thac Loi	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
164	Dang Van Tha	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
165	Nguyen Thu Thuong	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
166	Kim Ngoc Tieng	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
167	Chang Van Huu	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
168	Nguyen Dinh Y	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
169	Dang Van Thanh	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
170	Vo Van Thanh	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
171	Nguyen Ho Lang	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
172	Nguyen Ho Lang	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
173	Chang Vang Que	Vietnamese	?	Kampong Som	May 7, 1976	May 24, 1976
174	Le Gia Phuoc	Vietnamese	?	Kampong Som	May 9, 1976	Died of disease
175	Nguyen Dao	Vietnamese	?	Kampong Som	May 10, 1976	Died of disease
176	Teang Van Ngia	Vietnamese	?	Kampong Som	May 10, 1976	Died of disease
177	Chang Nguyen Lap	Vietnamese	Spy	Kampong Som	May 14, 1976	Died of disease
178	Thang Vang Do	Vietnamese	Spy	Kampong Som	May 14, 1976	Died of disease

(Continued in the November 2002 issue)

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



## Social Classes in Democratic Kampuchea

*Sopha Ly*

In the Democratic Kampuchea regime, “class” was the foundation for the construction of socialist revolution. In the Khmer dictionary, this term stands for “color, light, sex, type of circle, [or] origin of a human being.” Meanwhile, a Khmer Rouge notebook writes, “Class stands for the rich, the poor, beggars, [or] a person who uses physical force for survival. To identify a person of any class, one has to base his judgment on the economic and political nature of that person.”

The matter of class provoked sharp antagonism among the workers and peasants. The oppressed people with “class anger” gathered together to establish a movement. In 1966, prince Norodom Sihanouk named this small struggle movement “Khmer Rouge.” Nine years later, on April 17, 1975, the Khmer Rouge took control of Cambodia.

The Khmer Rouge enjoyed their victory, which was based on the participation of the “liberated people, workers, poor peasants, middle-class farmers, lower-class farmers, and other laborers.” A document of the first congress of the Khmer Rouge People’s Representative Assembly states, “It had never been the case, in the history of the Cambodian nation and Cambodian people for a thousand years, to see the oppressed and underestimated workers, peasants, and labors of Cambodia be able to stand up to hold power in this manner.”

Pol Pot, the Khmer Rouge’s top leader, was born on January 25, 1925 into a peasant family in Kampong Thom province. He became a monk for a year at Wat Botum. In 1944, Pol Pot graduated from Kampong Thom High School and won a scholarship to pursue technical studies in France. He returned to Cambodia on January 14, 1953, without having graduated. In 1963 or 1964 Pol Pot became a schoolteacher in Chamraen Vichea High School in Phnom Penh.

While teaching about the domestic situation inside

Cambodia, he abruptly stopped the lesson and asked, “What can we do to make the people love us?” Then one man raised his hand and responded, “We must put ourselves in the same position as the poorest of the poor, then the people will crowd around us and love.”





Pol Pot was delighted that one of his students had answered correctly. Pol Pot put this theory into practice from 1975 to 1979. Gradually Pol Pot carried out his policy of having people killed based on their imperialist and feudalist backgrounds.

During the Democratic Kampuchea regime, people were divided into the following classes:

**1) Feudal Class**

The feudal class was divided into noble feudalists

and landlord feudalists. The former term referred to the king and his powerful minions. After World War II, the noble feudalists lost power to the capitalists. In remote areas of Cambodia, landlords benefited from their lands, including the rents taken from the poor and interest on loans.

Cambodia's feudal landlord class was the symbolic foundation of the country's economy. Later, this class became capitalists. Agricultural capitalists took control



over most of the country's farmlands and turned farmers into tenant laborers. Together, the two classes exploited laborers through loans and mortgages. Their reactionary political nature made them oppose the people and the revolution in the name of class. Kings and other noblemen had the authority to represent landlords, including district and provincial governors. More or less, they represented landlords in the feudal regime.

## 2) Capitalist Class

The capitalist class was divided into two parts: comprador and national capitalists. Comprador capitalists were those representing the interests of other international capitalists, and were referred to as middle-bridges [middlemen]. They corresponded to the imperialism of the French, Americans, West Germans, and Japanese.

The national capitalist class was not representative of foreigners. They invested in industry, commerce, and agriculture, utilizing raw materials and labor forces from inside the country and exported a small amount of their products abroad. They exploited the workers. Their political nature was more national than that of the feudalists. Therefore, national capitalists were defined as a strategic reinforcement of the democratic revolution. The purpose of the revolution was to smash capitalism, feudalism and reactionary capitalism.

The feudalist and capitalist classes were greatest enemies of the revolution; they had to be eliminated and made to look as peasants, and to subsume themselves under the authority of the workers and peasants, making the people masters of their villages and farmlands, and allowing them to enjoy genuine freedom and democracy. The "people" then became the organizers of administrative authority, in political, economic, social and cultural terms.

## 3) Petty Bourgeoisie

The proletariat class was a middle class safe from criticism. They were neither the oppressor nor the oppressed. Politically and economically, they were thought to be safe from everything. They could be self-run small businesses, or scholars, students, and civil servants of the same social class that earned their

living by their intelligence. The petty bourgeoisie was divided into three classes: 1) Higher Petty Bourgeoisie, who were those who exploited small labor to supplement their needs. People in this sub-class sometimes exercised some form of exploitation, such as hiring someone to look after their children. 2) Middle Petty Bourgeoisie, who did not exploit the labor of others. 3) Lower Petty Bourgeoisie, who didn't have enough to eat, but sold some of their labor to others for survival. The good points of petty bourgeoisie were that they had the nature of nationalism and democracy, while their weaknesses included not being as sharp as workers or peasants. They often took the middle-of-the-road in politics and had a volatile standpoint. They were considered to be allies of the workers and peasants.

## 4) Workers

The worker class included those who sold all of their labor to others, specifically to capitalists. They had no property or any means of production other than physical strength. This class often provoked contradictions, generally with the oppressive class. They were the most revolutionary among the classes.

## 5) Peasants

This class was divided into three subclasses: 1) Rich peasants, who worked for their own benefit and exploited much of the labor of others. Eighty percent of the rich peasants exploited others. They had a contradictory nature and challenged the feudalists and imperialists. This class also had a weakness—exploitation. They were similar to national capitalists. Peasants were a major force strategic to democratic socialism. 2) Middle-class farmers or rural petty bourgeoisie, who did not exploit others, did not want to be oppressed by foreigners, and hated oppressors. They had a nature of democratic nationalism. Lower middle-class people lived from hand to mouth and sold their labor to others in order to learn a living. 3) Poor farmers, who lacked means of production and productive instruments. They tried to exercise their power by their own production in order to better their living conditions. But they lack

much. Therefore, poor peasants had to sell their labor, both in rural and urban areas, as free workers. Peasants were considered to be the backbone of the national democratic revolution in rural areas, and played a prominent role in sharing with workers in the national democratic revolution as well as socialist revolution and communism.

## 6. Reactionaries

The following classes were considered by the Khmer Rouge to be reactionary.

**Buddhist Monks.** The party limited the social status of Buddhist monks as a special class with an economic nature: those who did not labor or carry out agricultural production. They lived off all kinds of people, that is, they relied on the people's and peasants' economy. Some monks working closely with peasants had some peasant-like characteristics, while the ones affiliating with the higher class had political influence on this class. Generally, most of Buddhist monks were close to the peasants, so their political standpoints were similar. Most Buddhist monasteries serving the higher classes were influenced by these classes. Meanwhile, Buddhist monks had a good point: "their political [standpoints] are nationalistic and democratic." Their weak point was their political involvement, which was vague, due to the fact that they were not laborers, had no practical awareness, had a confusing class reference, and did not have a clear opinion on oppression.

**Scholars.** Scholars fell into the category of petty bourgeoisie with economic abundance and political neutrality. Particularly, some scholars were of, or shared interests with, the higher classes, namely reactionaries, feudalists, and capitalists. Generally, scholars fell within the framework of petty bourgeoisie, either lower or higher. They were felt to be quick to understand in terms of theory compared to the ordinary petty bourgeoisie.

**Police, Soldiers.** This special class used weapons for the purpose of oppressive absolutism. Police and soldiers were considered as instruments of the class's armed forces absolutism. Economically and politically,

they were closely aligned with oppression (absolute reactionaries).

**Ethnic Minorities.** Generally speaking, ethnic minorities were in the peasantry. However, they were divided into categories in the same way as Khmers, depending on their economic status. Peasants in mountainous, remote areas faced economic problems, but their degree of "political combat" was extremely high. They formed a bulwark of the revolutionary force.

Among the classes in Democratic Kampuchea, workers and peasants were thought to be worth special attention, since they had suffered oppression for such a long time. Therefore, the Khmer Rouge assumed that they were to be given an appropriate role. A Khmer Rouge notebook reads, "Workers play a leading role, while peasants are allied forces of the workers... Only with the participation of the worker class can the revolution become really absolute and achievable, which leads to the ultimate goal."

In biographies, many Khmer Rouge cadres were selected out of these two classes. Moreover, supervisors of village, subdistrict, cooperative, and mobile-based units were recruited from the peasant and worker classes, even though they were illiterate. This was because Angkar adhered to the notion that gave priority to social status before capacity and tended to uphold the peasant class, which "never received education in the way other classes did, since they had devoted their valued time in defending the nation and joining the revolution."

The other classes were constantly suspected by the Khmer Rouge leadership, no matter how much they had sacrificed for the interests of Angkar. In the end, individuals in the other classes were incarcerated. During the Democratic Kampuchea regime, the Khmer Rouge executed most educated people, ex-ministers, government employers, soldiers, and police.

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*Sophal Ly is a staff-writer of the Searching for the Truth magazine.*



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

*Compiled by Nean Yin*

**Continued from the September 2002 issue)**

No.	Name	Role	Place of Arrest	Date of Entry	Date of Execution	Others
524	Phlang Saroeun	Soldier	Battambang	March 25, 1976	May 27, 1976	
525	Bou Chhean aka Touch	Soldier	Region 33	March 28, 1976	May 27, 1976	
526	Bou Iem	Soldier	Region 25	January 29, 1976	May 27, 1976	
527	Rit Roeun	Soldier	Battambang	March 21, 1976	May 27, 1976	
528	Try Khun	Soldier	Region 33	Oct 10, 1975	May 27, 1976	
529	Ly Kim	Spy	Region 33	March 3, 1976	May 27, 1976	
530	Taing Meng Hor	Spy	Region 33	March 3, 1976	May 27, 1976	
531	Eng Meas	Spy	Prek Kong	Feb 22, 1976	May 27, 1976	
532	Men Hoeun	Engineer	Battambang	March 27, 1976	May 27, 1976	
533	Kim Meas	Cadastral	Battambang	Feb 13, 1976	May 27, 1976	
534	Lim Kim Mary	?	Battambang	Feb 13, 1976	May 27, 1976	
535	Kieng Vany	Student	Dei Eth	Feb 22, 1976	May 27, 1976	
536	Troeng Ya Hor	Person	Ta Khmao	Dec 12, 1975	May 27, 1976	
537	Mann Sut aka Nguyen Yang Thanh	Person	Ta Khmao	Dec 5, 1975	May 27, 1976	
538	Im Ponleu	Person	Phnom Penh	Oct 10, 1975	May 27, 1976	
539	Chhaom Cham	Person	Dangkao	Nov 17, 1975	May 27, 1976	
540	Yem Yan	Person	Phsar Kap Ko	Oct 12, 1975	May 27, 1976	
541	Prak In	Person	Region 25	Jan 4, 1976	May 27, 1976	
542	Chea Chan	Person	Prek Kdam	Jan 29, 1976	May 27, 1976	
543	Hem San	Person	Ta Khmao	Aug 19, 1975	May 27, 1976	
544	Nou Khoem aka Phin	Person	Battambang	Feb 19, 1976	May 27, 1976	
545	Pav Pan aka Pann	Person	Battambang	Feb 18, 1976	May 27, 1976	
546	So Y	Person	Region 22	Feb 22, 1976	May 27, 1976	
547	Meas Ket Kanya	Person	Region 22	Feb 22, 1976	May 27, 1976	
548	Teng San	Person	Region 25	Feb 22, 1976	May 27, 1976	
549	Thani Fas	Person	Kilometer N.10	March 27, 1976	May 27, 1976	

**(Continued in the October 2002 issue)**

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



**FIRST THEY KILLED MY FATHER:  
A DAUGHTER OF CAMBODIA REMEMBERS**

*Loung Ung*

**(Continued from the September issue)**

When I was small, much younger than I am now, Pa told me that in a certain Chinese dialect my name, Loung, translates into “dragon.” He said that dragons are the animals of the gods, if not gods themselves. Dragons are very powerful and wise and can often see into the future. He also explained that, like in the movies, occasionally one or two bad dragons can come to earth and wreak havoc on the people, though most act as our protectors.

“When Kim was born I was out walking,” Pa said a few nights ago. “All of a sudden, I looked up and saw

these beautiful puffy white clouds moving toward me. It was as if they were following me. Then the clouds began to take the shape of a big, fierce-looking dragon. The dragon was twenty or thirty feet long, had four thick legs, and wings that spread half its body length. Two curly horns grew out of its head and shot off in opposite directions. Its whiskers were five feet long and swayed gently back and forth as if doing a ribbon dance. Suddenly it swooped down next to me and stared at me with its eyes, which were as big as tires. ‘You will have a son, a strong and healthy son who will grow up to do many wonderful things.’ And that is how I heard of the news about Kim.” Pa told me the dragon visited him many times, and each time it gave him messages about our births. So here I am, my hair dancing about like whiskers behind me, and my hands flapping like wings, flying above the world until Pa summons me away.

Ma says I ask too many questions. When I ask what Pa does at work, she tells me he is a military policeman. He has four stripes on his uniform, which means he makes good money. Ma then said that someone once tried to kill him by putting a bomb in our trashcan when I was one or

two years old. I have no memory of this and ask, “Why would someone want to kill him?” I asked her.

“When the planes started dropping bombs in the countryside, many people moved to Phnom Penh. Once here, they could not find work and they blamed the government. These people didn’t know Pa, but they thought all officers were corrupt and bad. So they targeted all the high-ranking officers.”

“What are bombs? Who’s dropping them?”

“You’ll have to ask Pa that,” she replied.

Later that evening, out on the balcony, I asked Pa about the bombs dropping in the countryside. He told



me that Cambodia is fighting a civil war, and that most Cambodians do not live in cities but in rural villages, farming their small plot of land. And bombs are metal balls dropped from airplanes. When they explode, the bombs make craters in the earth the size of small ponds. The bombs kill farming families, destroy their land, and drive them out of their homes. Now homeless and hungry, these people come to the city seeking shelter and help. Finding neither, they are angry and take it out on all officers in the government. His words made my head spin and my heart beat rapidly.

“Why are they dropping the bombs?” I asked him.

“Cambodia is fighting a war that I do not understand and that is enough of your questions,” he said and became quiet.

The explosion from the bomb in our trashcan knocked down the walls of our kitchen, but luckily no one was hurt. The police never found out who put the bomb there. My heart is sick at the thought that someone actually tried to hurt Pa. If only these new people in the city could understand that Pa is a very nice man, someone who’s always willing to help others, they would not want to hurt him.

Pa was born in 1931 in Tro Nuon, a small, rural village in Kampong Cham province. By village standards, his family was well-to-do and Pa was given everything he needed. When he was twelve years old, his father died and his mother remarried. Pa’s stepfather was often drunk and would physically abuse him. At eighteen, Pa left home and went to live in a Buddhist temple to get away from his violent home, further his study, and eventually became a monk. He told me that during his life as a monk, wherever he walked he had to carry a broom and dustpan to sweep the path in front of him so as not to kill any living things by stepping on them. After leaving the monastic order to marry Ma, Pa joined the police force. He was so good he was promoted to the Cambodian Royal Secret Service under Prince Norodom Sihanouk. As an agent, Pa worked undercover and posed as a civilian to gather information for the government. He was very secretive

about his work. Thinking he could fare better in the private sector, he eventually quit the force to go into business with friends. After Prince Sihanouk’s government fell in 1970, he was conscripted into the new government of Lon Nol. Though promoted to a major by the Lon Nol government, Pa said he did not want to join but had to, or he would risk being persecuted, branded a traitor, and perhaps even killed.

“Why? Is it like this in other places?” I asked him.

“No,” he says, stroking my hair. “You ask a lot of questions.” Then the corner of his mouth turns upside down and his eyes leave my face. When he speaks again, his voice is weary and distant.

“In many countries, it’s not that way,” he says. “In a country called America it is not that way.”

“Where is America?”

“It’s a place far, far away from here, across many oceans.”

“And in America, Pa, you would not be forced to join the army?”

“No, there two political parties run the country. One side is called the Democrats and the other the Republicans. During their fights, whichever side wins, the other side has to look for different jobs. For example, if the Democrats win, the Republicans lose their jobs and often have to go elsewhere to find new jobs. It is not this way in Cambodia now. If the Republicans lost their fights in Cambodia, they would all have to become Democrats or risk punishment.”

Our conversation is interrupted when my oldest brother joins us on the balcony. Meng is eighteen and adores us younger children. Like Pa, he is very soft-spoken, gentle, and giving. Meng is a responsible, reliable type who was the valedictorian of his class. Pa just bought him a car, and it seems he uses it to drive his books around instead of girls. But Meng does have a girlfriend, and they are to be married when he returns from France with his degree. He was to leave for France on April 14 to go college, but because the thirteenth was New Year’s, Pa let him stay for the celebration.

While Meng is the brother we look up to, Khoy



is the brother we fear. Khoy is sixteen and more interested in girls and karate than books. His motorcycle is more than a transportation vehicle; it is a girl magnet. He fancies himself extremely cool and suave, but I know that he is mean. In Cambodia, if the father is busy with work and the mother is busy with babies and shopping, the responsibility of disciplining and punishing the younger siblings often falls on the oldest child. In our family, because none of us fear Meng, this role falls to Khoy, who is not easily dissuaded by our charms or excuses. Even though he's never carried out his threat to hit us, we all fear him and always do what he says.

My oldest sister, Keav, is already beautiful at fourteen. Ma says she will have many men seeking her hand in marriage and can pick anyone she wants. However, Ma also says that Keav has the misfortune to like to gossip and argue too much. This trait is not considered ladylike. As Ma sets to work shaping Keav into a great lady, Pa has more serious worries. He wants to keep her safe. He knows that people are so discontent they are taking their anger out on the government officers' families. Many of his colleagues' daughters have been harassed on the streets or even kidnapped. Pa is so afraid something will happen to her that he has two military policemen follow her everywhere she goes.

Kim, whose name in Chinese means "gold," is my ten-year-old brother. Ma nicknamed him "the little monkey" because he is small, agile, and quick on his feet. He watches a lot of Chinese martial arts movies and annoys us with his imitations of the movies' monkey style. I used to think he was weird, but having met other girls with brothers his age, I realize that older brothers are all the same. Their whole purpose for being is to pick on you and provoke you.

Chou, my older sister by three years, is the complete opposite of me. Her name means "gem" in Chinese. At eight, she is quiet, shy, and obedient. Ma is always comparing us and asking why I cannot behave nicely like her. Unlike the rest of us, Chou takes after Pa and has unusually dark skin. My older brothers kid her

about how she really isn't one of us. They tease her about how Pa found her abandoned near our trashcan and adopted her out of pity.

I am next in line and at five, I am already as big as Chou. Most of my siblings regard me as being spoiled and a troublemaker, but Pa says I am really a diamond in the rough. Being a Buddhist, Pa believes in visions, energy fields, seeing people's auras, and things other people might view as superstitious. An aura is a color that your body exudes and tells the observer what kind of person you are; blue means happy, pink is loving and black is mean. He says though most cannot see it, all people walk around in a bubble that emits a very clear color. Pa tells me that when I was born he saw a bright red aura surrounding me, which means I will be a passionate person. To that, Ma told him all babies are born red.

Geak is my younger sister who is three years old. In Chinese Geak means "jade," the most precious and loved of all gems to Asians. She is beautiful and everything she does is adorable, including the way she drools. The elders are always pinching her chubby cheeks, making them pink, which they say is a sign of great health. I think it is a sign of great pain. Despite this, she is a happy baby. I was the cranky one.

As Meng and Pa talk, I lean against the railing and look at the movie theater across the street from our apartment building. I go to a lot of movies and because of who Pa is, the theater owner lets us kids in for free. When Pa goes with us, he always insists we pay for our tickets. From our balcony I can see a big billboard over the theater portraying this week's movie. The billboard shows a large picture of a pretty young woman with wild, messy hair and tears streaming down her cheeks. Her hair, at a closer inspection, is actually many little writhing snakes. The background depicts villagers throwing stones at her as she runs away while trying to cover her head with a traditional Khmer scarf called a kroma.

The street below me is quiet now, except for the sound of straw brooms sweeping the day's litter into





small piles on side streets. Moments later, an old man and a young boy come by with a large wooden cart. While the man accepts a few sheets of riel from the storefront owner, the boy shovels the garbage onto the cart. After they are done, the old man and the boy pull the cart to the next pile of garbage.

Inside our apartment, Kim, Chou, Geak, and Ma sit watching television in the living room while Khouy and Keav do their homework. Being a middle-class family means that we have a lot more money and possessions than many others do. When my friends come over to play, they all like our cuckoo clock. And while many people on our street do not have a telephone, and though I am not allowed to use one, we have two.

In our living room, we have a very tall glass cabinet where Ma keeps a lot of plates and little ornaments, but especially all the delicious, pretty candies. When Ma is in the room, I often stand in front of the cabinet, my palms pressing flat against the glass, drooling at the candies. I look at her with pleading eyes, hoping she will feel bad and give me some. Sometimes this works, but other times she chases me away with a swat to the bottom, complains about my dirty handprints on her glass, and says that I can't have the candies because they are for guests.

Aside from our money and possessions, middle-class families, from what I can see, have a lot more leisure time. While Pa goes off to work and we children to school every morning, Ma does not have too much to do. We have a maid who comes to our house every day to do the laundry, cooking, and cleaning. Unlike other children I don't have to do any chores because our maid does them for us. However, I do work hard because Pa makes us go to school all the time. Each morning as Chou, Kim, and I walk to school together, we see many children not much older than I am in the streets selling their mangoes, plastic flowers made from colorful straws, and naked pink plastic Barbie dolls. Loyal to my fellow kids, I always buy from the children and not the adults.

I begin my school day in a French class; in the afternoon, it's Chinese; and in the evening, I am busy with my Khmer class. I do this six days a week, and on Sunday, I have to do my homework. Pa tells us every day that our number one priority is to go to school and learn to speak many languages. He speaks fluent French and says that's how he's able to succeed in his career. I love listening to Pa speak French to his colleagues and that's why I like learning the language, even if the teacher is mean and I don't like her. Every morning, she makes us stand single file facing her. Holding our hands straight out, she inspects our nails to see if they are clean, and if not, hits our hands with her pointing stick. Sometimes she won't let me go to the bathroom until I ask permission in French. "Madam, puis j'aller au toilet?" The other day she threw a piece of chalk at me because I was falling asleep. The chalk hit me on my nose and everyone laughed at me. I just wish she would teach us the language and not be so mean.

I don't enjoy going to school all the time so I occasionally skip school and stay at the playground all day, but I don't tell Pa. One thing I do like about school is the uniform I get to wear this year. My uniform consists of a white shirt with puffy, short sleeves and a short, blue pleated skirt. I think it is very pretty, though sometimes I worry that my skirt is too short. A few days ago, while I was playing hopscotch with my friends, a boy came over and tried to life up my skirt. I was so angry that I pushed him really hard, harder than I thought I could. He fell and I ran away, my knees weak. I think the boy is afraid of me now.

Most Sundays after we've finished all our home-work, Pa rewards us by taking us swimming at the club. I love to swim, but I am not allowed in the deep end. The pool at the club is very big, so even in the shallow end there is plenty of room to play and splash water in Chou's face. After Ma helps me put on my bathing suit, which is a very short pink dress with the legs sewn in, she and Pa go to the second floor and have their lunch. With Keav keeping an eye on us, Pa and Ma wave from their table behind the



glass window. This is the first time I saw a barang.

“Chou, he is so big and white!” I stop splashing water long enough to whisper to her.

“He’s a barang. It means he’s a white man,” Chou says with a smirk, trying to show off her age.

I stare at the Barang as he walks onto the diving board. He is more than a foot taller than Pa, with very hairy long arms and legs. He has a long, angular face and a tall, thin nose like a hawk. His white skin is covered with small black, brown, and even red dots. He wears only underwear and a tan rubber cap on his head, which makes him look bald. He dives off the diving board, enters the water effortlessly, and creates very little splashing.

As we watch the barang float on his back in the water, Keav chides Chou for giving me the wrong information. Dipping her freshly painted red toenails in and out of the water, she tells us “Barang” means he’s French. Because the French have been in Cambodia so long, we call all white people “Barang,” but they can be from many other countries, including America.

### Takeover

April 17, 1975

It is afternoon and I am playing hopscotch with my friends on the street in front of our apartment. Usually on a Thursday I would be in school, but for some reason Pa has kept us all home today. I stop playing when I hear the thunder of engines in the distance. Everyone suddenly stops what they are doing so to watch the trucks roar into our city. Minutes later, the mud-covered old trucks heave and bounce as they pass slowly in front of our house. Green, gray, black, these cargo trucks sway back and forth on bald tires, spitting our dirt and engine smoke as they roll on. In the back of the trucks, men wearing faded black long pants and long-sleeve black shirts, with red sashes cinched tightly around their waists and red scarves tied around their foreheads, stand body to body. They raise their fists to the sky and cheer. Most look young and all are thin and dark-skinned, like the peasant workers at our uncle’s farm, with greasy long hair

flowing past their shoulders. Long, greasy hair is unacceptable for girls in Cambodia and is a sign that one does not take care of her appearance. Men with long hair are looked down upon and regarded with suspicion. It is believed that men who wear their hair long must have something to hide.

Despite their appearance, the crowd greets their arrival with clapping and cheering. And although all the men are filthy, the expression on their faces is of sheer elation. With long rifles in their arms or strapped across their backs, they smile, laugh, and wave back to the crowds the way they king does when he passes by.

“What’s going on? Who are these people?” my friend asks me.

“I don’t know. I’m going to find Pa. He will know.”

I run up to my apartment to find Pa sitting on our balcony observing the excitement below. Climbing onto his lap I ask him, “Pa, who are those men and why is everybody cheering them?”

“They are soldiers and people are cheering because the war is over,” he replies quietly.

“What do they want?”

“They want us,” Pa says.

“For what?”

“They’re not nice people. Look at their shoes—they wear sandals made from car tires.” At five, I am oblivious to the events of war, yet I know Pa to be brilliant, and therefore he must be right. That he can tell what these soldiers are like merely by looking at their shoes tells me even more about his all-powerful knowledge.

“Pa, why the shoes? Why are the bad?”

“It shows that these people are destroyers of things.”

I do not quite understand what Pa means. I only hope that someday I can be half as smart as he is.

“I don’t understand.”

“That’s all right. Why don’t you go and play; don’t go far and stay out of people’s way.”

Feeling safer after my talk with Pa, I climb off



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his lap and make my way back downstairs. I always listen to Pa, but this time my curiosity takes over when I see that many more people have gathered in the street. People everywhere are cheering the arrival of these strange men. The barbers have stopped cutting hair and are standing outside with scissors still in their hands. Restaurant owners and patrons have come out of the restaurants to watch and cheer. Along the side streets, groups of boys and girls, some on foot, some on motorcycles, yell and honk their horns as others run up to the trucks, slapping and touching the soldiers' hands. On our block, children jump up and down and wave their arms in the air to greet these strange men. Excited, I cheer and wave at the soldiers even though I don't know why.

Only after the trucks have passed through my street and the people quiet down do I go home. When I get there, I am confused to find my whole family packing.

"What's going on? Where's everybody going?"

"Where have you been? We have to leave the house soon, so hurry, go and eat your lunch!" Ma is running in every direction as she continues to pack up our house. She scurries from the bedroom to the living room, taking pictures of our family and the Buddha off the walls and piles them into her arms.

"I'm not hungry."

"Don't argue with me, just go and eat something. It's going to be a long trip."

I sense that Ma's patience is thin today and decide not to press my luck. I sneak into the kitchen prepared not to eat anything. I can always sneak my food out and hide it somewhere until it is found later by one of our helpers.

(Continued in the November issue)

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## Revolutionary Female Medical Staff in Tram Kak District

*Sokhym Em*

Favoring illiterate female peasants living in the remote corners of the country, Democratic Kampuchea (DK) assigned base women (those living in areas that were liberated prior to 1975) to important posts in the party. Women in Tram Kak were ordered to supervise other women from various regions. Nurses in almost all of Phnom Penh's hospitals came from Tram Kak and other districts in Takeo province. In 1977, a large number of Tram Kak women were spread throughout Takeo in order to investigate and control people in all regions of that province. These women were given additional privileges and responsibilities because they had

received political education from the party before many others. The Khmer Rouge had used Tram Kak as a base for its armed struggle. It became a model district of the party among the 20 districts in the Northwest Zone.

According to a document on woman's policy, Angkar used women as an important force to stage the revolution and weaken the enemy's power, economy and culture, because women comprised 50% of the total Cambodian population.

In a document produced at the 1979 Khmer Rouge trials, Kry Benghong reported that between 1977-1978, Angkar dispatched many southwestern women to take

on supervisory roles in the Eastern Zone. In Kang Meas district, Thy was assigned to control and investigate people. She said that people from the Southwest were powerful. Thy had the authority to execute people.

Medicine was a skill that women in the Democratic Kampuchea wanted to learn, since it gave them prestige. This prestige caused most nurses to become over-assertive. Angkar regarded medical work as “social affairs works.” The health sector was second in priority after defense. The Khmer Rouge had a slogan “daughters should grow up to be medical staff, while sons, to be soldiers.” This slogan was used among cadres and the people alike.

Young girls between the ages of 12 and 13 left home and volunteered to become medical staff, primarily to avoid oppression by their local authority. Some girls volunteered to become nurses because their friends accused them of being scared of battlefields. There were a few cadres’ daughters on the medical staff. Chin, Som and many other girls in Moeungcha village, Cheang Taung subdistrict, Tram Kak district, served the revolution because they wanted to be nurses.

Som was sent to work in a hospital in Phnom Penh. She was taught skills in medicine by her fellow nurses. Ta Mok’s four daughters, one of whom was named Lin, aka Krou, were nurses in the Southwest Zone. Comrade Chea, the secretary of Region 25, kept his daughter with comrade Phea (Ieng Thirith) in a pediatric hospital called P-1. Sem Chan became a nurse because Boeun said that “As Khmer children, we must learn medical skills, don’t just sit still doing nothing; if you do so, no one will succeed our comrades as revolutionists.” All three of Ieng Thirith’s children were social affairs cadres in Phnom Penh. Minh became a member of the P-1 hospital staff, because Ieng Thirith, minister of social affairs, and Ieng Sary, foreign minister and deputy prime minister, were her parents.

In the early phase of the struggle in the jungle, Angkar did not seem too concerned about a person’s biography. As long as a woman volunteered to join

the revolution, Angkar accepted her. After gaining victory, Angkar carried out only one policy in medical staff recruitment: “A revolutionary medical staff has to originate from peasant families, for the peasant class is vital...” Most medical staff in Tram Kak district were daughters of peasant families, who were uneducated.

Angkar did not employ former staff of the old society [Sangkum Reastr Niyum) because it perceived them to be a part of the oppression of the feudal and capitalist people, who poisoned the spirit of women to bear a class view. Pol Pot, in an interview with a Belgian delegation on August 5, 1978, said, “The culture of Democratic Kampuchea is a brand-new one...containing no reactionary aspects.” Angkar did not trust those who received tertiary education. Angkar gave emphasis to peasant women because “they did not go to school like others, since they were busy working for the revolution.”

In Tram Kak district, Angkar was very cautious in selecting people to work in each sector. Angkar investigated and screened biographies before selecting women to work as nurses. To gain merit, a woman had to undergo rigorous tasks to convince Angkar to trust her. Since “all institutions and ministries followed one common rule, each member, except the party center members, had to be subjected to many phases of biographical screening.” Opposing this process meant opposing the party’s ways and opposing the force-gathering of the party. A letter of Office 870 and a letter by comrade Son Sen, called Khieu, revealed that “a medical staff has to have good political attitude and social class.” Son Sen sent this letter to all divisions, regiments, P-98 and logistics in order that they would recruit devoted medical staff.

In 1978, Pol Pot said that “health care” was not to be delivered in a capitalist fashion. According to interviews with former medical staff in Tram Kak district, none of the April 17 women (those living in

areas liberated after 1975) was given a job as a nurse.

Four medical factories in Phnom Penh produced medicine behind schedule because their workers were illiterate women. Consequently, Pol Pot recruited skilled people from the old society to the factories.

A hospital located in North Trapeang Thom subdistrict, Tram Kak district was created in 1975 and operated until 1979. Its chief was Riel San and it had a staff of 96. According to interviews with former medical staff, the number of staff fluctuated. Angkar always changed the staff. Some staff disappeared. Others were sent to other regions because they were active and had good histories.

There were five sections in a hospital: general diseases, obstetrics, medicine production, kitchen and cultivation. The medicine production section was divided into two sub-sections: traditional and modern medicines. Medical staff who completed their work early had to take on additional tasks set forth by Angkar. Angkar did not allow female medical staff to be free or waste time; it also wanted them to be diversified. All staff had to know how to deal with tasks in the hospital and that they could replace one another in case someone was absent.

In hospitals in Tram Kak district, Angkar divided patients into two categories—base patients and April 17 patients. Patients received only tablets produced by Angkar. Every hospital was the same. Most patients were April 17 people—the people who Angkar considered to be parasitic. They were people who Angkar kept outside DK society.

Hunger caused people to have little concern about health and hygiene. They ate anything they could find and drank field water. In addition to unhygienic food, they were worked until they were exhausted in the hot and humid climate, making them susceptible to diseases. According to an interview with Riel San, a bookkeeper and former female medical staff living in Tram Kak district, most April 17 people became swollen from malnutrition. Angkar

explained that this disease was caused by “poisonous chemicals” spread every-where by the US. The chemicals damaged people’s and animals’ health and sometimes led to death. Riel San said each day five to twenty April 17 people died. This did not include those who died in subdistrict hospitals, work sites and houses. To stay in the hospital, April 17 people needed a letter of permission from the medical staff at their work site, squad chief or work site chief. Sometimes, the patients were accused of having “ideological fever.” Their lives depended on these people.

Sister Aun said that no patients malingered. Angkar accused them without reason. Every patient was desperately hungry. They stole everything. She herself used to steal rice.

Other hospitals were no different from Tram Kak’s hospitals. Angkar was well aware of the shortage of medicine and food, which were major causes of malnutrition and widespread diseases. Ironically, Angkar broadcast through the radio and magazines that “the ministry of social affairs and health has made a substantial progress. People’s health is stronger. Angkar has eliminated malaria and other social diseases. From mid-1977 to 1978, there were 392,000 babies born to 7,800,000 people, equaling 50% of the entire population. The death rate is under 13,000. The party’s request is to increase the population from 15 to 20 million in 15 to 20 years time by giving more concern to improving and caring for people’s living conditions and health.”

Base people did not suffer from diseases as much as April 17 people, because they had fought together with the Khmer Rouge, so Angkar always favored them. Base people received adequate care from medical staff, who were also base people.

In the hospitals, patients were not allowed to move about freely. Medical staff would send patients back to their bases if they did not obey hospital regulations. Moreover, medical staff believed that being able to talk was a sign of recovery. Patients had no

rights to argue with the staff.

One of the reasons for the high mortality rate in Democratic Kampuchea's hospitals was that medical staff received only three months of training before practicing medicine. Most of the staff were illiterate and unable to understand medical documents, many of which were written in French; drugs also bore French names. Being unable to comprehend medical terms caused those nurses to become confused when giving medicine. A hospital chief named Sim Leanhak, alias Sei, presented a report during a central committee meeting of Pol Pot, Nuon Chea, Khieu Samphan and Ieng Thirith. He stated that in April 17 hospitals there were many cases of providing wrong drugs to patients. The reason was that the nurses could not read. Ieng Thirith admitted that it was hard, because uneducated female medical staff were trained in medical skills by Chinese doctors.

Im said that, Khan, the deputy chief of a hospital, injected the wrong medicine into a young April 17 man, called Kok Kraong. Soon after she pulled the needle out, he cried in agony and died. San also revealed a similar case. She added that that a nurse was uneducated, not knowing what the drug was for. She used it by guessing.

Medical education in Tram Kak hospitals was not different from other hospitals. The strategy was remembering how to inject and to recognize symptoms. When the patients' disease was too serious, the patients were simply left to die.

Beside teaching what they called new medical lessons, Angkar tried to teach medical staff to use and make new drugs through traditional methods in order to accomplish the plan of a "Great Leap Forward and attach oneself to the great movement of three tonnes per hectare." Tungpadevat magazine once wrote, "Social affairs and health are extensively improving, because drug manufacturing factories in Phnom Penh are racing to produce modern and traditional drugs using local raw materials. These drugs will serve the

needs of the people. Besides, in zones, regions, districts and cooperatives, there are numerous and self-reliant drug-mixing departments and hospitals ready to provide service." Pol Pot gave orders to hospitals to put more effort into searching for plants with medicinal properties and "to consult traditional medicine men about drug-making formulas."

In Tram Kak, there were two district hospitals and 12 communal hospitals. Each had its own place where drugs were made. All hospitals had to be independent in the supply of drugs. In a central committee meeting, Diphon, called Thuk, a chief of dentistry and malaria research, reported on formulas for making traditional medicine, which he had been collecting from all over the country. He was seeking approval to publish the formulas in a book. Phon informed Angkar that he had a diversity of formulas and plants; even Thailand used his formulas.

Than, a traditional medicine woman in a Tram Kak hospital, said that Ta Poun, the chief of drug manufacturing, ordered her to mix human gall bladders with flour and a variety of plants and then shape the mixture into small tablets called "rabbit dropping tablets." Ta Poun and nurses collected medicinal plants in far-flung mountainous areas, while the gall bladders were sent from the security sector.

Beside traditional medicines, hospitals in Tram Kak also made modern ones. To make liquid drugs, they first purified water, then mixed the water with a kind of medicinal yeast. After mixing, they left the mixture to cool and then put it into Pepsi or Coca Cola bottles.

Apart from their medical tasks, Tram Kak nurses had to obey organizational discipline and morals. What Angkar wanted them to follow was its "12 points of morality."

**(Continued in the November 2002 issue)**

*Sokhym Em is a staff-member of the Project to Promote Accountability.*



Artist: Bou Meng, a former S-21 prisoner

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# The Duty to Prosecute

*Elizabeth van Schaack*

(Continued from the September issue)

Some human rights treaties contain within them additional avenues for victims of human rights violations to obtain redress. For example, the International Covenant also provides a mechanism for individuals to bring a complaint directly against a state, if the state signed an Optional Protocol to the Covenant. Moreover, the United Nations coordinates three quasi-judicial bodies that may entertain petitions from individuals who claim to be victims of human rights violations. Each was established in order to monitor states' compliance with their treaty obligations. Like the International Covenant, ratification of the underlying treaties alone does not grant these bodies the power to accept petitions; rather, states must affirmatively declare that they recognize the competence of the particular body to receive and consider applications. Some examples of such treaty bodies are:

1. The Human Rights Committee, established by the International Covenant of Civil and Political Rights.
2. The Committee on the Elimination of Racial Discrimination established by the Convention Against All Forms of Racial Discrimination.
3. The Torture Committee established by the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On several occasions these committees have recognized and asserted the duties of states to investigate and prosecute human rights violations within their territories. The United Nations Human Rights Committee affirmed that: "Complaints about ill-treatment must be investigated effectively by competent authorities. Those found guilty must be held responsible... and the alleged victims must themselves have effective remedies at their disposal, including the right to obtain

compensation." For example, in *Muteba v. Zaire*, the Human Rights Committee found that agents of the state of Zaire had committed torture, which placed the Zairian government "under an obligation to ... conduct an inquiry into the circumstances of [the] torture, to punish those found guilty of torture and to take steps to ensure that similar violations do not occur in the future." Likewise, in the *Bleier v. Uruguay*, and *Quinteros v. Uruguay* cases, the Human Rights Committee determined that under the American Declaration of the Rights and Duties of Man, the government of Uruguay had a duty to investigate disappearances, prosecute those responsible, pay compensation to the victims, and ensure that such violations do not occur in the future. The Inter-American Court of Human Rights had found similar obligations under the American Convention on Human Rights.

Some commentators have asserted that this duty exists even if the state had not signed the relevant instruments at the time the violations occurred. The current obligation to investigate and prosecute past human right violations may be covered by the provisions in these treaties requiring effective judicial remedies.

## **D. Customary International Law**

As an example of customary law, the Restatement (Third) of the Foreign Relations Law of the United States affirms that a state violates international law if, as a matter of state policy, it practices, encourages or condones the following: genocide; slavery or the slave trade; murder or disappearances of individuals; torture, cruel, inhuman or degrading treatment or punishment; prolonged arbitrary detention; systematic racial discrimination; or a consistent pattern of gross violations of internationally recognized human rights. Moreover, if no steps have been taken to prevent these acts from



occurring or to prosecute violators, a state will be presumed to have encouraged or condoned these acts. Some have argued that because torture represents a preemptory norm and a crime against humanity, states are obliged to prosecute violations under customary law, and the Torture Convention only reinforces the pre-existing obligation. The same argument can also be made for genocide and the Genocide Convention.

#### **E. Escaping the Obligations of International Law**

As mentioned previously, it is well established that states may not derogate from their obligations to adhere to a *jus cogens* norm. Nonetheless, there is some indication that states may mitigate some of the duties imposed by non-*jus cogens* customary international law norms under certain highly limited circumstances. These exceptions are related to a showing of necessity,

and include what is known as the public emergency exception, which requires a convincing showing of immanence and gravity. This is a difficult standard for a state to meet, because it must demonstrate that the derogation represents the only way to avert a public emergency. Moreover, it is unclear if states may derogate their obligations to investigate, prosecute, or provide effective remedies for violations of these preemptory norms. Reasonable considerations of time, money and resources may allow limited mitigation of obligations to prosecute less grievous human rights abuses.

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## **Accountable for Human Rights Abuses**

*Elizabeth van Schaack*

#### **A. Argentina**

Argentina has been glowingly described as the most successful effort of the decade anywhere in Latin America, and perhaps worldwide, to hold accountable those who committed gross abuses of human rights. In 1983, democratically elected President Raul Alfonsin announced that he would try military officers for human rights violations committed during the military junta's regime (1976 to 1983). At the same time, he presented a package of measures designed to promote human rights: he established a stiffer penalty for committing torture and murder, ratified all outstanding international human rights covenants, and abrogated draconian criminal legislation. President Alfonsin also created and granted full investigatory powers to the Commission Nacional Para la Desaparicion de Personas. The Commission engaged in an extensive investigation, which involved numerous personal interviews, inspections of detention centers and clandestine cemeteries, and examinations of files from non-governmental human rights organizations. They

published their finding in *Nunca Mas* (Never Again), which eventually became a national bestseller.

President Alfonsin and the Parliament next instituted trials of human rights abusers. In doing so, Alfonsin faced several daunting legal obstacles. First, an amnesty law enacted by the prior military regime was still in force. It was impossible to simply abrogate the law, because Argentinean law directs judges to the interpretation of the law most beneficial to the defendant between the time of the crime and the imposition of the punishment. The courts were not faced with this issue since the Argentinean Congress declared the amnesty law unconstitutional. Second, the prosecution of soldiers for crimes committed on military bases (as many crimes in Argentina were) was in the province of military tribunals, whose willingness to aggressively prosecute their brethren was in doubt. To avoid altering jurisdiction *ex post facto*, a maneuver prohibited by the Constitution, it was decided that the initial trial would be held before a military tribunal with an automatic right to appeal to a federal civilian court. Finally, the new regime had to



address the defense of due obedience (i.e., that the acts in question were ordered by a superior officer) provided for by the Argentinean military code. The solution was to allow only those without any decision-making capacity to invoke this defense. Conversely, anyone who gave orders, retained discretion over their actions, or committed grave human rights offenses was barred from employing the due obedience defense.

Because the military courts ultimately delayed commencing the trial proceedings, the Federal Court of Appeals of Buenos Aires assumed jurisdiction over the matter and conducted a series of highly visible trials. Delay among other federal courts eventually produced widespread unrest among members of the military, who threatened to disobey court summonses and citations. Despite its 1983 electoral defeat, the military had retained a significant degree of autonomy from civilian control and a munitions monopoly, so it was able to exert considerable pressure on the new government. Alfonsín reacted by attempting to expedite the proceedings with a full stop law, which required that the trials be concluded by a certain date. When the tension persisted, he abandoned the compromise on the due obedience issue, announced which ranks had decision-making capabilities, and discarded the exception for atrocious crimes for all other ranks.

Ultimately, most of these trials were never concluded, because Alfonsín's party lost the 1989 election to President Menem amidst widespread citizen discontent and hyperinflation. President Menem pardoned all those convicted or under trial for misconduct during the war, even the primary orchestrators of the terrorism.

#### **B. Bolivia**

Democratically elected President Hernan Siles Zuezo established the first Latin American truth commissions. President Zuezo selected eight commissioners to be a representative sample of the society (included among the commissioners were representatives from a peasants' federation, a human rights organization and the military). The Commission ultimately disbanded without producing a final report, in part because of lack of financial

support from the state. The investigation was limited to those who disappeared within a certain time period, so other human rights abuses were neglected.

#### **C. Chad**

The Chadian Truth Commission was too poorly outfitted to effectively investigate the human rights abuses committed by ex-President Habre. Moreover, it was housed in former detention centers, which deterred many from coming forth to testify. As a further obstacle, the commission's limited number of vehicles were stolen, preventing investigators from visiting the field. In addition, members of the Commission received death threats and quit because they believed their task to be too dangerous. Despite these hurdles, the Commission did produce a detailed report, although its credibility has been questioned by human rights organizations.

#### **D. Chile**

In 1973, a military junta led by General Augusto Pinochet overthrew the democratically elected government of Salvador Allende. General and then President Pinochet's regime was characterized by consistent and heinous human rights abuses, including torture, summary execution, arbitrary detention, and forced disappearances. In 1978, President Pinochet issued a blanket amnesty decree insulating the agents responsible for past abuses. The purpose of the Decree was to grant amnesty to all persons who committed, by perpetrating, aiding, or covering up, criminal offenses during the period of the State of Siege (1973-1978) unless they were currently on trial or had already been convicted. The Decree also exempted certain common crimes from amnesty (such as infanticide, theft, arson, rape, drunk driving, extortion), but murder, kidnapping and assault were noticeably absent. The Decree noted three considerations behind the call for amnesty: promoting general tranquility, leaving behind "meaningless" hatreds of the past, and the necessity of fostering national unity and building new institutions. Because the decree for all intents and purposes benefited the organizers of the junta and members of the current regime, some have called it a "self-amnesty." The Supreme Court upheld the

decree, despite its dubious validity.

The military government's constitution called for a plebiscite which, in 1988, repudiated Pinochet. In 1990, Patricio Aylwin was elected President and retained Pinochet as Commander in Chief of the Armed Forces pursuant to the Constitution's terms. The new government was forced to negotiate Chile's transition to democracy with a united military that received continued political support from the general populace. President Aylwin declined to dissolve the amnesty decree and rejected suggestions of immediate prosecution by special tribunals in favor of petitions through normal judicial processes. In addition, he created a National Commission on Truth and Reconciliation—an eight-member independent investigative body charged with establishing an official record of past violations, acknowledging state responsibility, and, when possible, accounting for the disappeared. The Retting Commission (named after its chairperson Raul Retting) examined approximately 3400 claims and took testimony from family members, the police, the military and former secret service personnel. Commendably, the Commission reached conclusions about all but 641 claims. Moreover, it produced an 1,800-page document detailing its findings and recommendations for reparations, such as pensions for the families of the dead and disappeared, and provisions such as legal and institutional reforms. In light of these recommendations, President Aylwin established the National Corporation for Reparation and Reconciliation to organize searches for the remains of the disappeared and to grant reparations to surviving family members. Among the state-granted reparations were additional social payments in the form of social security, health care, educational and housing benefits.

The Commission was criticized for not operating long enough, refusing to publish the names of the perpetrators, investigating only those cases that resulted in death (thus excluding many cases of torture), and declining to endorse a series of constitutional amendments that would have allowed the President to dismiss senior military personnel. Supporters counter that the

Commission could not name names absent judicial proceedings, because that would amount to condemnation without due process. Throughout its work, the Commission was denounced by the military as the victor's justice.

President Aylwin's approach to the transition was premised on the theory that prevention and reparations are the most important objectives of a human rights policy addressing past abuses. As a result, priority was given to exposing the truth. In 1993, Eduardo Frei was elected president; his future policy in this realm remains undeveloped.

#### E. East Germany Border Guards Case

In 1949 at the prelude to the Cold War, the former Allies of WWII bifurcated the territory of Germany into East and West Germany. The Soviet Union declared the former to be within the Soviet bloc. The East German Communist Party assumed leadership soon after and adopted the Stalinist policies of centralized power, repression of religion and culture, denial of civil liberties, censorship of the press and the punishment of subversion. Throughout the next decades, the country's leadership resisted reforming pressures, even as the former USSR experimented with the twin policies of glasnost (openness) and perestroika (reconstruction). In 1961, the German Democratic Republic (GDR) erected the Berlin Wall to halt the flow of refugees from East to West Berlin. Border guards were instructed to shoot individuals attempting to escape across the border, resulting in an estimated two hundred deaths. In 1989, citizens on both sides of the wall began to demonstrate for unification and reform. On Nov. 9, 1989, the Wall's Brandenburg Gate was opened and Germany was officially unified by the next year.

In 1991, four members of the East German Border were tried before a German court for the 1989 shooting of two East Germans, Christian Gaudian and Chris Gueffroy, who were fleeing across the border from the GDR into the Federal Republic of Germany (FRG). Gueffroy was killed; Gaudian was wounded and subsequently arrested. The guards, Ingo Heinrich, Andreas







in determining their sentences the court weighed their education in “the inhuman system of compulsion prevailing in the then GDR” as a mitigating factor.

At least one commentator has noted the challenge to the rule of law posed by transitional trials such as that of the border guards:

When a settled legal system exists, natural law can inform the content of the positive law; there need not be a conflict between the requirements of the rule of law and the requirements of natural law. However, when a society is in transition, as is German society where two very different legal and moral systems have combined, the conflict between natural law and rule of law is thrown into high relief.

The Berlin State Court’s decision elided this conflict as it sought to emphasize the moral element

within the positive law, even against the background of a society where “legal consciousness” may have been nonexistent.

The Criminal Code of the FRG would have allowed the Berlin State Court to rule in accordance with positive GDR law in force at the time of the border guards’ acts. Alternatively, the court might have based its ruling on violations of the Helsinki Accords and the Geneva Convention, both accepted by the GDR. The court, however, did not directly address the issue of the violation of positive international law.

(Continued in the November issue)

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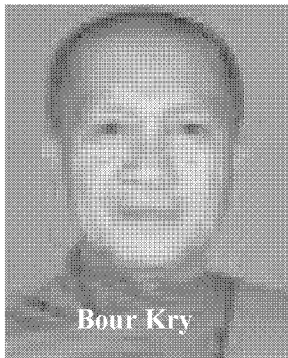
# Interview with Samdech Preah Sokunthea Thibdei Bour Kry, Supreme Head of the Sangha of the Thommayut Nikay (Buddhism Theravada) of the Kingdom of Cambodia

*Kalyan Sann and Sokhym Em*

July 15, 2002

**Question:** I would like to ask about the Khmer Rouge tribunal, which is hotly debated at present. What is your attitude towards this process?

**Answer:** According to the teachings of Buddha,



Buddha had sympathy, pity, no jealousy, and a centrally focused mind. No matter what people were, Buddha's attitude toward each of them was unchanged. Even his enemies who endeavored to assassinate him were allowed to meet him. Let's consider

the age-old Khmer watchwords. Our ancestors stated, "One can neither cut water nor disown a close relative, or that person will get hurt." Another saying holds that "Taking relationship into consideration means moving away from the law." Our society utilizes both slogans. We care about law and kinship. We care about both. We should assess these two factors. With regard to the Khmer Rouge issue, we cannot simply say, "prosecute them" or "leave them alone." We have to consider the benefits to be gained from each choice. How much will we gain when we prosecute the Khmer Rouge and what will happen if we leave them alone? We should compare the benefits of these two choices. We will be the ones to be directly affected by this decision. Thus, we Khmers should decide this matter for ourselves.

**Q:** Should there be reconciliation between the former Khmer Rouge and other Cambodians?

**A:** In addition to the slogans I cited for you earlier, we need to consider the benefits. Cambodia needs benefits. What benefits would we receive when we prosecute the Khmer Rouge and what will happen when we leave them alone?

**Q:** From the standpoint of the dharma, is the tribunal appropriate?

**A:** Buddhism is concerned with what one does and the subsequent results - karma and sanchita. One receives what he or she has done. Buddha preached that all beings receive what they do. What we do determines all that happens to us. No one does this for us. We are autonomous. We do and then we receive. Buddha taught his followers that. He said if you do not want suffering, you have to avoid bad deeds. Discontinue what you do that is bad if you want happiness. Good deeds help you to acquire happiness; in contrast, bad deeds lead to suffering. No one induces this suffering; you create it yourself. It is the same with happiness. Buddha only gave us this advice. He gave us neither sin nor merit. We make these ourselves. He just told us "to do this is good, to do that is bad."

**Q:** Do you think that former Khmer Rouge leaders have suffered from what they did?

**A:** Please consider; they are receiving it now. Receiving what? The world hates them, outlaws them. These are their sins that they should receive. The urge to prosecute them by the UN is also their sin. If they were good people, who would try to prosecute them? They have been suffering these results. Look at their lives. Eventually they were burnt with vehicle tires. Some

were killed, which sometimes we are unaware of. Due to the dharma, they have been receiving their punishment. They can't escape.

**Q:** You have mentioned there is karma and sanchita. Did the Khmer Rouge victims from 1975 to 1979 do something wrong?

**A:** All Buddhists believe in karma and phal [sanchita]. Everything is done for a reason. There are causes which lead to results. Why was the Khmer Rouge formed? Take this question into consideration.

**Q:** Did the Khmer Rouge leaders intentionally commit their crimes?

**A:** I do not know whether they intentionally did it. I only discuss it in the ways of Buddhism. Intention is the integral part of sin.

**Q:** Were the Khmer Rouge induced by previous deeds to perpetrate voluntary slaughter?

**A:** Everything is dependent upon what we do. What we do decides everything. Each one of us has sins. Buddha said we are born with sins.

**Q:** Were the Khmer Rouge leaders destined to commit crimes and were the victims destined to become victims?

**A:** This is what Buddhists call collective action, for instance, fishing in large groups or conducting a ceremony together. We do things together. Buddhism does not use the word "accidental." There is no chance happening. In Buddhism nothing happens by chance. Our previous acts lead to what we are in the present. If we do not believe in an act and its result, we will not live in peace our entire lives. This applies to all situations, whether we live in our family or society. We can't live if we don't believe in it. We can't solve [problems] by ourselves. Water floods and retreats; the tide rises and falls. Day and night, hot and cold occur in intervals. Seasons keep changing. So with human life. This condition triggers the process of becoming once again, producing a renewed cycle of birth, old age, and death. Is there anyone who wishes to die? No, of course not. Why do people die? Even western doctors can't save people from dying. The

reason is that it's time for us to die. A doctor from heaven can't cure you. You are predetermined to live to a particular age. This is what Buddha taught his followers. Buddha granted many pardons. He even forgave those who tried to harm him.

**Q:** Do you believe that "vindictiveness is ended by not being vindictive"?

**A:** I do. For it is what Buddha said. If we can suppress anger, we can forgive people, because there are times when we do wrong and we are foolish. Buddha always pardoned others.

**Q:** If we continue to pardon people, will they be conscious of their mistakes? Or should we punish them for what they do wrong?

**A:** This is a good question. Buddha pardoned people and taught them, not just pardoned and forgot. The word "pardon" means bringing people back to do good deeds, just like with Ang Kuli Mear. After stopping him from committing evil acts, Buddha ordained and educated him. But it does not mean we want Khmer Rouge leaders to become monks. We educate them through appropriate social ways, so that we can live together. It is not pardon and neglect. Bring them into the society and advise them to walk in our ways, to live with us.

**Q:** Earlier, you mentioned that Khmer Rouge leaders are suffering for what they did through the hatred of the people. However, I think the gap between the people and those Khmer Rouge leaders is large. The victims still live in misery resulting from the Pol Pot regime, while top Khmer Rouge leaders are living in full freedom and are wealthy.

**A:** I talked about psychology. If we kill those Khmer Rouge and the people's condition improves and they can live a better life, it is good. Then the tribunal is a benefit to the people.

**Q:** What do you think about the importance of national reconciliation?

**A:** I do not have any idea. Now we don't know where to keep the Khmer Rouge. What we should do should be a decision made by all of us. I can't answer it alone.



It is not a private issue; it is a national and international issue.

**Q:** Do you think that the Khmer Rouge history should be passed down to future generations or forgotten?

**A:** It is what happened. Everyone can talk about it depending on his or her desire. We can't prohibit them. This is an historical event.

**Q:** Should the Khmer Rouge history be documented?

**A:** It is history. Buddha's teachings and activities were recorded so that we might learn from them and advise ordinary people. All books are the result of documenting past experience.

**Q:** Do you think that the study of the Khmer Rouge history may re-traumatize people?

**A:** It may or may not hurt people. Buddha advised, "The past should be forgotten, focus on the present and don't anticipate the future." Why? Because the past is like a dead body. If we don't bury it but keep it at home, it stinks and no one will live near us. Therefore we should bury the past. If the future doesn't arrive, don't hope for it. It makes us unhappy when it turns out to be different than anticipated. Buddha taught us to concentrate on the present and complete the tasks at hand now, don't wait until tomorrow. Otherwise we may die at some point and not have another chance to do it.

**Q:** Nonetheless, I think that if we forget a past event, sooner or later it will happen again.

**A:** Buddha did not think that way. Things that are finished are forever finished. Nothing happens twice. A dead person can't come back. I don't believe that a cremated body can come back and haunt us. It doesn't happen. Things keep on changing in time. The future is different from the past. I don't believe at all that a dead body can live with us again.

**Q:** What about the phrase "Rokasadan" [repeated events]?

**A:** Whether it happens again or not depends on

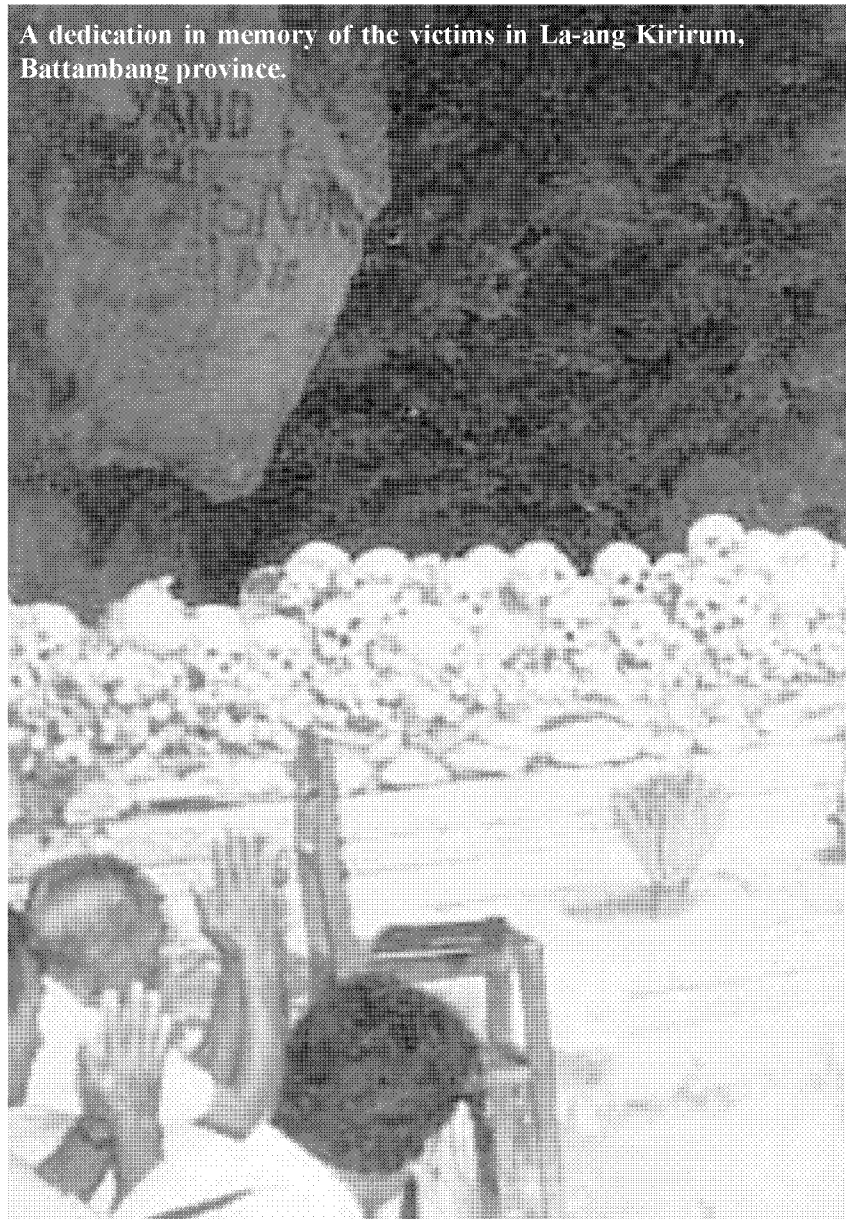
us. Vindictiveness is ended by not being vindictive. If we are vindictive, things will continue; and if we are not, things will be ended.

**Q:** I still have to wonder. If in society we do not punish a thief for his offense, other people will become interested in working as thieves. Thus, the crime continues. Even though the original criminal will not do it again, others will repeat what he did.

**A:** I understand, but after punishment will he/she stop repeating his/her crimes?

**Q:** We do this as a role model for other people.

A dedication in memory of the victims in La-ang Kirirum, Battambang province.





# Justice for Khmer Rouge Crimes is There for the Taking

*Brad Adams*

*This article is reprinted from the Phnom Penh Post, Issue 11/19, September 13-26, 2002*

On May 6, Hun Sen visited Thailand for talks with Thai Prime Minister Chuan Leekpai. It was ten months after Hun Sen's coup d'état against Prince Norodom Ranariddh and Funcinpec, two months after Ranariddh had returned from exile, and two months before the

July 1998 national elections.

The official agenda included discussions on border issues, land demarcation, displaced persons, visas and the Stung Nam Hydropower station. These issues were discussed in what Thai government documents describe



Pol Pot

Ieng Sary



as the “Plenary Consultation,” which began at 6:10 p.m. at the “Government House” in Bangkok.

But, as is often the case in meetings between political leaders, the most important discussions took place in private. Before the plenary meeting, which included large delegations from each side, Hun Sen had a separate meeting with Chuan. They met for 25 minutes in “Closed Session” in the “Ivory Room.”

According to the two-page, “Confidential” Thai government record of the meeting, “The PM [Chuan] informed Hun Sen that the closed meeting would last about 10-20 minutes to allow him to raise issues he may not want to disclose during the plenary consultation.”

What Hun Sen wanted to talk about was the Khmer Rouge.

Thailand had supported the Khmer Rouge since it had been pushed out of government and onto the Thai border by Vietnam in early 1979. Although by the time of this meeting the Khmer Rouge had essentially collapsed—Ieng Ieng Sary defected in 1996, Pol Pot was arrested by Ta Mok in June 1997 and he died in April 1998—elements of the Thai army continued to offer support to the remaining Khmer Rouge leaders. If Hun Sen wanted to capture the remaining Khmer Rouge leaders and put them on trial, as he had formally proposed almost a year earlier, he would have to speak to the Thais.

What Hun Sen suggested at this meeting thus came as a great shock to Thai officials.

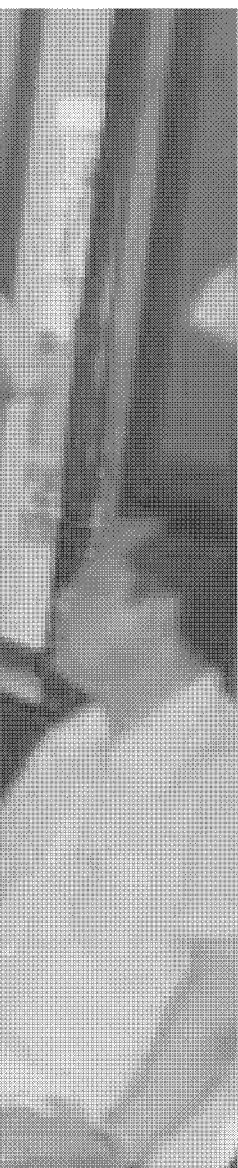
According to the record of the meeting, “Hun Sen told his counterpart that the KR trial remains a hot issue and a political one, he is concerned that this matter might divert attention away from the coming election. The International Tribunal looks very complicated; it could become an issue of

conflict between the super-powers, since China continues to oppose the idea. Therefore if Ta Mok, Nuon Chea and Khieu Samphan could disappear, it would be better. The USA wants them, but I feel that those three leaders will never give themselves up under any condition. If they can find refuge somewhere that no one can find them, it would be the best solution.”

Hun Sen then went on to ask about Khmer Rouge radio. He finished by asking, “Has the United States submitted a list to the Thai Government?”

Chuan, a reformer and one of the few Thai leaders with no record of involvement with the Khmer Rouge, replied. Prime Minister Chuan Leekpai confirmed to Hun Sen that the US has officially contacted Thailand regarding the KR even before the death of Pol Pot, however they have not submitted any list of “wanted” names. The Thai PM informed Hun Sen that he had told the US that Pol Pot was not in Thailand, and if Pol Pot had crossed the border, he would have been arrested under the illegal entry law. PM Chuan told Hun Sen that he had never met any KR leaders, and he had always promoted a clear policy vis-à-vis neighboring countries. Therefore if Cambodia has any proof that any KR leaders, their radio station or antenna are in Thailand, he asks that Hun Sen provide him with the proof and promises to take action immediately. PM Chuan Leekpai also suggested to Hun Sen that he use his direct telephone line to contact him on this matter.

Chuan already had a poor opinion of his counterpart. He was a genuine democrat who fought against the use of violence and intimidation in Thai politics. According to a senior Thai official, he was angry at Hun Sen’s suggestion. “We were not sure what this request really meant. Some thought that this was a veiled request to send Khmer Rouge leaders into exile in China, but we had no reason to believe that China would agree. Others understood this as a request to have these three killed, since we certainly could not keep them for years in some secret prison in Thailand. Maybe Hun Sen can do this kind of thing, but we can’t. Thailand is a democracy.”



Chuan then turned the tables to Hun Sen, implicitly reprimanding him for the July 1997 coup and reminding him that in a democracy power changes hands from time to time. “PM Chuan also told Hun Sen that as for himself, he will not be Prime Minister for life, that he is able to welcome Hun Sen today as PM thanks to the democratic process... He told Hun Sen that the world is closely watching at the election process in Cambodia and expects that the election would be a credible one. Then, Cambodia would be in a better position to prepare herself to be a part of ASEAN... “As I have said, I am

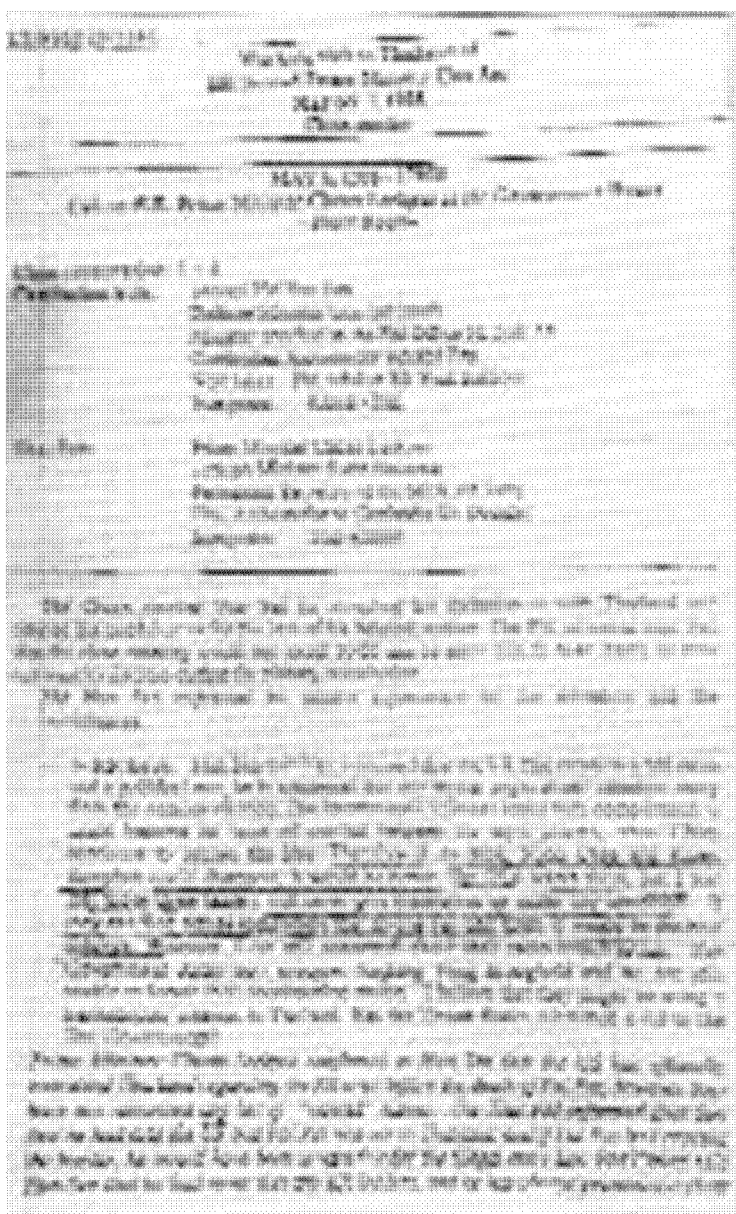
not Prime Minister for life, and I will take this opportunity to promote peace and prosperity. It also important for a country’s history.”

May 6, 1998 was apparently not the first time that Hun Sen had attempted to solve the Khmer Rouge problem by asking Thailand to make its leaders disappear. According to Prince Ranariddh and Thai officials, on June 21, 1997 Hun Sen asked Chuan’s predecessor, General Chavalit Yongchaiyudh, for the same favor.

Those who have followed attempts to create a tribunal for the Khmer Rouge will recognize June 21, 1997 as an important date. It was on this day that the Cambodian government first requested the UN to create a special tribunal for the Khmer Rouge. First Prime Minister Ranariddh and Second Prime Minister Hun Sen sent a letter to UN Secretary-General Kofi Annan requesting the UN to bring “to justice those persons responsible for the genocide and/or crimes against humanity during the rule of the Khmer Rouge from 1975-1979...

“We are aware of similar efforts to respond to the genocide and crimes against humanity in Rwanda and the former Yugoslavia, and ask that similar assistance be given to Cambodia.” The UN had set up international tribunals for both countries. Ranariddh and Hun Sen were asking the UN to do the same for Cambodia.

But on the same day that Hun Sen was meeting with UN human rights envoy Thomas Hammarberg to discuss the creation of a tribunal for the Khmer Rouge, he was also asking Thailand to make this impossible. According to Ranariddh, “Hun Sen asked Prime Minister Chavalit to allow Pol Pot, Ta Mok, Nuon Chea and Khieu Samphan to go into exile in Thailand. Chavalit said he was favorably inclined to do this, but would have to discuss this with his people in Thailand and





that, if he did this, it would have to remain secret.” (Ranariddh told essentially the same story to his biographer, Harish Mehta, who published it, seemingly unnoticed, on page 123 of “The Warrior Prince.”)

Unlike Chuan, Chavalit had a very close relationship with both the Khmer Rouge and Hun Sen. While in the army, Chavalit had been personally responsible for acting as an intermediary between China, the Khmer Rouge’s chief supplier of arms and finance, and the Khmer Rouge leadership. He created and controlled the two main Thai army units responsible for dealing with the Khmer Rouge. If anyone could deliver, it was Chavalit.

Thai officials close to Chavalit confirm Ranariddh’s account. “Chavalit agreed, but Chavalit is a person who can’t say no to anyone,” says an aide. “But he never seriously considered the idea. There was no chance of keeping such an arrangement secret and by May 1998 we could not have arrested Khmer Rouge leaders even if we wanted to. We would have had to enter Cambodian territory to arrest them. We had no reason to do this.”

Chavalit and Thailand had long since concluded that Thailand had nothing to fear from an international trial of the Khmer Rouge. Apparently Hun Sen felt differently.

Officially, the negotiations between the UN and Cambodia to create a mixed tribunal for the Khmer Rouge broke down last February over a series of disagreements about technical points.

In reality, the UN seems to have decided that the man they were dealing with was not acting in good faith.

Judging by Hun Sen’s dealings with Chuan and Chavalit, they were right. There can be no greater evidence of Hun Sen’s lack of good faith than his attempts to make the Khmer Rouge disappear, either literally or figuratively, instead of standing trial for crimes that Hun Sen himself has repeatedly compared to those of the Nazis.

Until last February, for four years Hun Sen led the

UN on a roller-coaster ride that seem to have no end. He insisted that he wanted trials, but then announced that he wanted to “bury the past”—hence his Christmas Day meeting in 1998 with Nuon Chea and Khieu Samphan in which he treated them as national heroes instead of war criminals. He said that no Khmer Rouge leaders would be protected from a tribunal, but then proclaimed that Ieng Sary could not be arrested. He claimed that he wanted trials to meet international standards, but then refused to include necessary provisions in the law for independent judges, prosecutors or defense counsel. He repeatedly threatened to pull out of negotiations, but then returned after extracting concessions from the UN or American inter-mediaries such as Senator John Kerry. It was non-stop brinkmanship.

Perhaps the most obvious sign of obstruction was his frequent assertion that civil war would return if Khmer Rouge leaders were arrested. Senior officials in the army and CPP consistently rejected this, saying it was impossible for the Khmer Rouge to regroup and fight. The Khmer Rouge have long been dead, except, apparently, when it has been convenient to resurrect them for political purposes.

In the end, it seems that Hun Sen’s strategy was to play for time (successful until the present), perhaps hoping that Khmer Rouge leaders would die of old age before they could be brought to trial. One, Ke Pauk, has already died. The almost year-long delay in final passage of the domestic legislation necessary to create a tribunal appears to have been part of this strategy.

It now appears that Hun Sen does not want “trials” of the Khmer Rouge, at least not in the sense in which the term is understood by those familiar with independent and impartial tribunals. After so many years of struggle, he is now the undisputed leader of Cambodia. China, his new friend, is vehemently opposed to trials that are not politically controlled. Apparently he has judged that real trials, with all their unpredictability and messiness, are not in his political interests.

Why, then, did Hun Sen sign the original request



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to the UN on June 21, 1997? The most likely answer is that Hun Sen saw a tribunal as a weapon against his political enemies. On June 21, 1997, he was probably hedging his bets. His first choice would have been for Thailand to make the Khmer Rouge disappear, hence his request to Chavalit. If this was not possible, he would use a UN-sponsored court as one of many weapons to destroy the Khmer Rouge as a political movement. And there was danger if he did not sign. Ranariddh was enthusiastic about capturing Pol Pot and handing him over to the international community. If Ranariddh accomplished this over Hun Sen's objections, Ranariddh would have been a sure bet to win the next election. He would have been the toast of the international community.

Instead, two weeks later Ranariddh was in exile, his party smashed, his political career in tatters.

Led by Japan, the United States, France, and Australia, the UN is once again coming under pressure to conclude an agreement with Hun Sen to create a "mixed tribunal" for the Khmer Rouge. Japan is preparing a resolution for October's General Assembly meeting that would either require or strongly urge Kofi Annan to resume negotiations with the Cambodian government. Unless there are major modifications to the so-called "super majority" formula to insulate the process from political manipulation, or a daring sign of good faith by Hun Sen, this would be a mistake.

Good faith is the central issue in any further efforts to establish a tribunal. By agreeing to a majority of Cambodian judges and giving up on the demand for an independent prosecutor, the UN has already ceded control of the process to the Cambodian political system. If a mixed tribunal as previously envisioned is created, the UN will have no way of policing Hun Sen's intervention with the tribunal's judges, prosecutors and defense counsel. The UN is painfully aware that no Cambodian judge or prosecutor can reach a verdict or file an indictment without the prior approval of Hun Sen.

We now know of Hun Sen's interventions with Thailand in June 1997 and May 1998. There is no way

of knowing how many other deals he has discussed with other countries. Many of the states that have offered to provide the judges who are supposed to act as a bulwark against attempts to interfere with the integrity of the trial process have shown themselves quite willing in the past to make private deals with the Cambodian government (such as China, which has a strong interest in the outcome of any trials and has expressed its willingness to provide a judge to a mixed tribunal).

Instead of pressuring the UN to make further concessions, it is time for Japan, the United States, France and Australia to tell Hun Sen to demonstrate that he is serious. The best way to do this would be for him to allow the Cambodian courts to use Cambodian law to investigate, indict and arrest all Khmer Rouge leaders against whom a prima facie case currently exists. At the very least, this list would appear to include Nuon Chea, Ieng Sary and Khieu Samphan.

If Hun Sen really wants justice for his people, he will move immediately to ensure that these three architects of Cambodian misery become acquainted with the inside of prison cell. This would be the kind of tangible sign of good faith that might make skeptics believe that Hun Sen is finally serious about bringing closure to his country's festering nightmare. Only then could the UN be confident that its participation in the tribunal might help Cambodians discover how this monstrous period came to pass, and why.

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# A Presentation by H.E. Sok An, Senior Minister, Minister in Charge of the Office of the Council of Ministers Closing Ceremony of the Follow-up Experts' Forum on ICC

*(Translated by Bunsou Sour of the Documentation Center of Cambodia)*

*Phnom Penh, October 10, 2002*

*Your excellencies, ladies and gentlemen!*

On behalf of the Royal Government of Cambodia, I would like to warmly welcome all participants from some twenty countries from most parts of the world, which have honored Cambodia to organize such an important gathering for a two-day in-depth discussion in relation to the creation and duties of the International Criminal Court.

2002 is a turning point of history, when people in the world have decided for the first time to bring a semblance of a permanent court empowered to try and punish [persons accused of] the most serious crimes: crimes of genocide, crimes against humanity and war crimes. And it is expected that the court will apply its jurisdiction over any crime of aggression in the future. It is after one half a century that the world's people have expressed their bravery and consensus to transform the desire for creating a permanent international criminal court into a treaty in 1998 and four years later—July 1, 2002—the Rome Statute. I would like to express my great appreciation for this achievement, which was brought about by tens of thousands of individuals, including your excellencies here.

As the Cambodian Prime Minister noted in the opening session, our tiny country, with a population of thirteen million, is proud to have been one of the sixty other countries which offered their ratifications

for the establishment of the ICC. Taking that opportunity, Samdech Hun Sen said Cambodia is ready to play an active role in the establishment and functioning of the ICC, as once stated during a campaign for ratification votes. In particular, Cambodia is ready to provide human capital, if necessary, and we are happy to discuss any position most appropriate for Cambodian candidates.

Meanwhile, with the honor to have been one of the ICC's founders (only three Asian nations and one South East Asian nation are founders), the Cambodian people have other two reasons for taking an active role in the ICC. First, the people of Cambodia are still enduring years of injuries caused by crimes of various sorts, including the crime of genocide, which is one of the crimes coming under the jurisdiction of the ICC. The sufferings and bitterness have been with us, coinciding with our efforts to reconstruct Cambodia, for the last twenty years.

For the time being we are paying special attention to the legacy of crimes of these sorts. Two weeks ago Cambodian people were celebrating the Hungry Ghost Day in dedication to the deceased. Some members of international delegations came to visit the Tuol Sleng Genocide Museum so they would have a better understanding of Cambodia's history of bitterness. Today, with the presence of all of us, we will never ignore them, and, in the meantime, will make all-out efforts, no matter how much we have to sacrifice, in order



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not to allow the younger generations [of Cambodians] to suffer terror of the same nature.

After being freed from the grasp of the genocidal regime in 1979, we were trying every single means to have this issue settled. We started by reconstructing our country with our bare hands. We then integrated military forces from all factions and eventually achieved our goal of national reconciliation, which brought about complete peace for the first time in Cambodia's modern history, that is, in the last 30 years. Meanwhile, we are trying to seek accountability for the most serious crimes. It is worth noting that after the collapse of the Khmer Rouge government, a tribunal was established for the prosecution of two of the architects of genocide. International lawyers cooperated with our work for the first time to bring to justice the genocidal criminals. Our efforts still continue.

It has been just more than a year since the National Assembly [of Cambodia] adopted a law on the Establishment of Extraordinary Chambers in the Court of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea. The purpose of the law is to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979. This achievement is a combination of efforts of Cambodia itself and the legal counsels of the United Nations as well as of other countries, including France, the United States of America, Russia, India and Australia.

It is the first time in the history of the world that there is an establishment of extraordinary chambers in the domestic courts with the involvement of mixed foreign and Khmer judges, prosecutors, and staff. The law also precisely stipulated a formula which guarantees a balance of involvement on the basis of

national sovereignty and internationally accepted standards of justice within the framework of peace, political stability, public order and national reconciliation.

Cambodia is one of the States Parties with a main obligation, *inter alia*, to punish these crimes pursuant to Article 6 of the International Convention on the Prevention and Punishment of Crime of Genocide, and Cambodia intends to cooperate with the international community to ensure that these trials meet the internationally accepted standards.

In the process of establishing the extraordinary chambers, we struggled to comply with the supplementary principles provided for in the preamble of the Rome Statute, which include national sovereignty and universality. The supplementary principles also imply that this court should ensure the balance between geography and gender, and should represent the judicial systems of other countries, including nations in Asia and the Pacific in the ancient times and pre-colonial era.

The constitution of the Kingdom of Cambodia guarantees human rights and Article 31 provides for recognition and respect of human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's. Moreover, Article 32 prohibits capital punishment. In the last ten years, Cambodia has been making its legal and judicial reforms, with modifications of fundamental laws and the promotion of human resources, including the creation of a royal academy of judges.

Excellencies, Ladies and Gentlemen!

Entering into force on July 1, 2002, the ICC is a court, permanent, not retroactive, and with a preventive nature. So therefore, its nature is completely different from the *ad hoc* tribunals in Nuremberg and Tokyo, established after World War II, and the International Criminal Tribunals for the former Yugoslavia and Rwanda in the 1990s, and also different from the

proposed extraordinary chambers in the courts of Cambodia, which provides for foreign involvement.

These special tribunals were established after the commission of massacres. The 50 years of war and 250 years of armed conflicts left behind millions of victims. The entry into force of the Rome Statute is a positive evolution in the field of respect and promotion of the implementation of international humanitarian law. Suffice it to say, along with the military instruments applicable through any resolution of the Security Council of the United Nations, the international community now has a new legal instrument via the ICC's existence and in the future, the new instrument would become an effective weapon, that is, a "legal weapon."

The participation on the part of the Kingdom of Cambodia to be a state party of the Rome Statute and its ratification shows a strong willingness to contribute to the respect for human rights and promotion of international humanitarian law pursuant to the main principles embodied in its own constitution.

From the time when the statute is applicable, it can provide effective prevention to all nations from

violations, but punishment of the most serious crimes, which now seem to be unpunished and prevention from grave breaches of international humanitarian law. Such violations may affect the international community as a whole, in case that the states parties involved are incompetent or unwilling to take plausible actions. Moreover, the voluntary acceptance of the obligations on the part of the states parties in cooperation with the court would play prominent, preventive roles.

We will wait to see the interpretation of the results by the excellent groups of experts within the coming two days. We believe that this conference will encourage other states, which haven't yet signed or ratified, to get involved with our existing states parties and to strengthen those founding countries to continue to sacrifice for accurate and sustainable implementation.

Finally, I would like to express my gratitude to Canada, France, The Netherlands, New Zealand, Sweden, the No Peace Without Justice organization and our partner, the Center for Restorative Justice, who have sponsored the conference.

## Almost 28 Years

*Bam Sopha*



My name is Bam Sopha and I was born in Kandal Stung province on April 5, 1973. My father's name was Bam Mot. He was killed in December 1974. My mother's name was Pol Huon. She had died sometime prior to my father; I don't know when or how. I had three siblings. My two sisters were 17 and 11 years old, and my brother was age 13 in 1974.

This is written for my sisters and brother or any other relative that I may have. I last saw you in December 1974, almost 28 years ago, at Ta Khmau Military Camp in Kandal province. I was only 20

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months old so I have no memory of you. I know only what my adoptive mother has told about you, and it has kept you precious to me for all these years. I don't even know your names—that paper was lost. The only thing I have is my birth certificate.

My home is in Australia. I arrived here in February 1975. Do you know that we have been searching for you since 1975? We have been looking ever since the first refugees started arriving in Thailand with their tales of horror of what was happening in Pol Pot's Kampuchea. But how could you know that? Your parent's names were listed with all of the tracing agencies on the Thai border and we always hoped that you or a relative would cross over the border and recognize their names. No one ever did.

But we kept trying.

We have my parents' names listed at the Red Cross in Phnom Penh, and my adoptive mother and I came to Cambodia in April this year. We found so many generous people offering to help with our search. I will now tell my story through my adoptive mother's eyes.

She came to Cambodia to adopt a little girl and take her back to Australia to live. After arriving she found that the little girl was no longer available for adoption. But it was me she really came for; she just had to find me.

The people she was staying with went out to the Military Camp in Ta Khmau to film the camp. When they arrived, the camp commandant came out to the car and told them he had an orphaned family and could they do anything to get them to Australia? He said life would be very hard for them and they would not survive with sick babies to look after. That, of course, was the four of us.

My older sisters had gone out and there was only my brother and myself at the camp that day.

There were a lot of discussions going on about our future with a man who was in charge of the orphans at the camp. The journalist who had come out to film was with a U.S. TV station. He asked the people who

were now crowding around listening to the discussions to move to one side so he could film.

My brother, who was terrified, walked out into the clearing carrying me. Although I was 20 months old I only looked to be six months old. I was wheezing with bronchitis and tears were running down my face. Children over five years old were not allowed to leave Cambodia at that time. After much discussion it was decided that I would be adopted and go to Australia to live.

In a few weeks time, my sisters and brother would go into Phnom Penh to stay at a children's home run by an Australian couple. My older sister would help in the home and my younger siblings would go to school. This arrangement would stay in place until the exit visa ruling was changed, and then my siblings could hopefully travel to Australia to join me. There was no room in the children's home; that was why they had to wait a few weeks. It was full of babies and toddlers waiting for exit visas to travel to Australia. As soon as a few had traveled, then my siblings could move into the home. By then I would probably be in Australia.

But my eldest sister was not at the camp to hear these discussions and had to give permission for me to be adopted and go to Australia. Arrangements were made for the people from the children's home to go back to the camp that evening to obtain her permission. My sister was reluctant to give permission and although the man in charge of the orphans and other people tried to tell her that this was the best solution, she didn't want to part with me. But after a lot of persuading that this was the best way for everyone, she relented and gave permission, and handed over my birth certificate.

A week or so later, the people from the children's home took out a sack of rice for my siblings who were still at the military camp. Of course things changed with the New Years day offensive and the people from the children's home had to concentrate on getting exit

visas for the younger children in their care to travel quickly. We all left Phnom Penh for Australia in February 1975. The people from the children's home intended to return in a few weeks and go to the military camp and bring you into Phnom Penh. Of course that never happened and we have looked for you ever since.

I think one reason that we have never found you is that you don't know we are looking and after 28 years I am just a distant memory.

I am now married to an Australian and have three sons ages 7, 4, and 3 years. I am bringing them up to

be proud to be part Cambodian and proud of their culture. I hope you are out there somewhere and see this article or are shown it by a friend so I can discover my family, my past and learn about my ancestors. My adoptive mother named me after the province I was born in—Kandal—so my name is now Kandal Robinson -Sambrooks-Bam Sopha.

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*Bam Sopha is a reader of Searching for the Truth magazine.*

*Letter from Reader:*

## Recall for Prevention

I would like to express my gratitude to the Searching for the Truth team. I received two magazines, issues 26 and 29, in May 2002. After reading these meaningful magazines, I, like the residents of Kampong Putrea village, Trea subdistrict, who lived through the Khmer Rouge regime, recalled the barbarous acts inflicted on us. I hope that in the future the government will not let the regime happen for a second time.

I believe that Searching for the Truth of the Documentation Center of Cambodia (DC-Cam) is important for me as well as efforts to uncover the truth of the Pol Pot regime and the misery of the Cambodian people who lived through it. DC-Cam's research results will construct the history of Cambodia. Truth is important. For instance, I did not know that Kim Torn, called Tuy, worked as a Khmer Rouge soldier since 1973 and later became an interrogator at S-21, before Searching for the Truth reached us and held a meeting with the staff of DC-Cam in my village. Tuy did live in Kampong Trea village, Trea subdistrict, Samrong district, Takeo province. The villagers said they knew him as well.

It would be even more important if DC-Cam searches for the truth in villages about the agony of people in cooperatives and mobile units. Please continue to distribute Searching for the Truth to villages so that everyone has access to it.

Please, Mr. Director, accept deepest respect from me.

September 19, 2002

Chhan Set, Chief of Kampong Trea Village





# PHOTO EXHIBITION AT TUOL SLENG GENOCIDE MUSEUM



## THE VICTIMS OF HISTORY: VOICE OF THE KHMER ROUGE VICTIMS AND PERPETRATORS.

The Documentation Center of Cambodia would like to appeal to governments, foundations and individuals for support for the publication, *Searching for the Truth*. To contribute, please phone (855) 23 21 18 75 or (855) 12 90 55 95 or Email: [dccam@online.com.kh](mailto:dccam@online.com.kh). Thank you.

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