

Searching for

THE TRUTH

និយាយពីការរស់នៅក្នុងសម័យខ្មែរក្រហមគឺនិយាយ
ពីការដួចផុត អប់រំកូនចៅឱ្យអត់ឱន អធ្យាស្រ័យគ្នា ។

Talking about experiences during the Khmer Rouge
regime is to promote reconciliation and to educate
children about forgiveness and tolerance.

មជ្ឈមណ្ឌលឯកសារកម្ពុជា និងគ្រឹះស្ថានអប់រំ យុវជន និងកីឡា

- ◆ Slogans to Educate and Promote Reconciliation
- ◆ Shared Sacredness and Nationalism: Preah Vihear

Special
English Edition
Second Quarter 2012

«Genocide Education Memorials serve a critical role in facilitating genocide education by way of encouraging public attention to the value of studying history and more importantly what happened and why during the Khmer Rouge period.» -- *Youk Chhang*

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LETTER FROM YOUK CHHANG:

SLOGANS TO EDUCATE AND PROMOTE RECONCILIATION

The Documentation Center of Cambodia (DC-Cam) is establishing Genocide Education Memorial across Cambodia; in collaboration with the Ministry of Education, Youth and Sport.

Genocide education is a powerful medium for teaching human rights, civic virtue, and the basic principles of a vibrant democracy in a post-conflict society. These Genocide Education Memorials serve a critical role in facilitating genocide education by way of encouraging public attention to the value of studying history and more importantly what happened and why during the Khmer Rouge period. The memorials not only call attention to the critical need for dialogue on what happened and why during the DK period, but also the importance of education in building reconciliation and a vision for the community's future.

Integrating genocide education in public schools is but only one step in the process of generating dialogue and reconciliation in the community. It is

equally important to inject enthusiasm and interest in the stories of community members, who possess a wealth of knowledge on their community and nation's history. Community members are critical stakeholders in the Genocide Education Project because they shape how the national-level curriculum will fit the community's interests and needs. In effect they are the filters by which national level interests and ideas on history can be synthesized with local level needs and circumstances.

It is in this spirit that the Memorial states: (1) "Talking about one's experience during the Khmer Rouge regime promotes reconciliation and educates children about forgiveness and tolerance," and (2) "Learning about the history of Democratic Kampuchea helps prevent genocide."

Youk Chhang is the Director of the Documentation Center of Cambodia and Editor-in-Chief of Searching for the Truth Magazine.



Youk Chhang (left) and Her Excellency Tun Sa Im, undersecretary of State of Education Ministry during the anti-genocide slogan ceremony last year in a Phnom Penh High School. H.E Tun Sa Im attends every ceremony, which so far, sixteen slogans have been installed in different high schools across the country.

REMEMBER 17 APRIL

In addressing the post-conflict situation in Cambodia, individuals, states, civil society and other stakeholders have taken into account culture, religion, politics and other contexts. Their efforts, discussed further below, have served the objectives of preserving memory, truth, and justice.

However, the calendar date "Thursday 17 April, 1975," which marked a tragic turning point in Cambodian history, has received less attention from many people. On this day, the ultra-Maoist group known as the Khmer Rouge succeeded in fighting its way into Phnom Penh and Lon Nol's Republic regime surrendered, handing over power to the incoming Khmer Rouge forces.

Many city dwellers expressed joy that the war would end and peace, security, and, in particular, nation building would commence. This excitement was immediately replaced by extreme fear, bewilderment, and shock. On the very same day, the Khmer Rouge began evacuating people from cities and provincial towns to rural areas. These and other Khmer Rouge policies led to the death of nearly two million Cambodians.

Yet former Khmer Rouge leader Nuon Chea recently testified that he had no knowledge of the 17 April, 1975 evacuation plan. He defended himself at the Extraordinary Chambers in the Courts of Cambodia (ECCC) known as Khmer Rouge Tribunal claiming that the decision making process was localized,



and lay within the authority of each zone secretary. But no matter how hard these Khmer Rouge leaders try to demonstrate their innocence, the punitive justice of the ECCC will prevail. Meanwhile, societal condemnation is rampant.

The quest for reconciliation in Cambodia remains extremely challenging for the Cambodian government, civil society and individuals even though over three decades have passed since the Khmer Rouge left power. The Cambodian people have pursued a variety of efforts to promote reconciliation since the fall of the Khmer Rouge in 1979. However, it is hard to measure success as reconciliation is very personal.

The Celebration of 7 January: The "7 January" anniversary has been popularly viewed by most survivors in Cambodia as the day they were liberated from the Khmer Rouge, and granted basic rights and freedoms. The Vietnamese-installed People's Republic of Kampuchea (PRK) government and its successors—the State of Cambodia (SOC) and the Cambodian People's Party (CPP)—have celebrated victory on January 7 from the 1980s until the present day.

National and local government has been active in organizing large public events to memorialize the Khmer Rouge atrocities. However, critics have argued that January 7 is actually a day of shame, as Vietnam invaded and occupied Cambodia for ten years (1979-1989).

The People's Revolutionary Tribunal (PRT): On August 19, 1979, the first legal accountability effort against two Khmer Rouge leaders, though questionable in terms of fairness, at least helped strengthen the spirits of Cambodians. Khmer Rouge survivors wished to see justice done for the horrors through which they had lived and the relatives they had lost. Otherwise, they feared that the culture of impunity would create an even deeper social wound that would take root throughout society, hindering Cambodians' ability to move on and the government's efforts to bring about peace, security and social development.

The Renakse Petitions: Nonetheless, the revolutionary court made popular contributions to legal justice through approximately 1.6 million "petitions" that Cambodians made between 1983 and 1984. These



petitions were an explicit effort by survivors to voice and resolve their sufferings. Indeed, the petitions provided different accounts of the atrocities they had survived and of their family members who had been executed, starved-to-death, or worked-to-death. The petitions were also important in building a legal case against Pol Pot, Ieng Sary and several more key leaders of the Khmer Rouge. Socially and psychologically, it was a popular and public stage from which to condemn the mass killings. The search for personal reconciliation in their communities became a practical process that the genocidal survivors implemented.

The Mapping the Killing Fields: Between 1982 and 2007, the government and Cambodian people excavated and preserved the remains of 19,733 mass graves in an attempt to show respect for the dead. According to Wynne Cougill, the PRK strove to display these remains for two reasons: first, it wanted to show that China, its ideological and political enemy, was behind the mass murders in Cambodia; second, it provided physical evidence of the genocide in order to legitimize PRK's existence. The subsequent debate of whether the remains should be cremated remained controversial. King Norodom Sihanouk suggested Buddhist cremation to enable the souls rest in peace. Prime Minister Hun Sen rejected the proposal, allegedly for evidentiary, memorial and educational reasons. However, he indicated his intent to hold a national referendum on cremation policy.

The Construction of Memorials: Over eighty memorials were built from 1986 onwards to enable the public to hold a religious ceremony that would, according to Theravada Buddhism, allow the dead to live in peace. For example, the Choeung Ek Killing Fields have become a place where people, old and young, visit and light candles and incense to commemorate their lost family members. It is a painful legacy. However, the Cambodian people's high resilience helps them to overcome traumatic events after the post-conflict society. Professor Roberta Greene of the University of Texas-Austin argues that resilience helps people cope with traumatic events

and move toward the future while not ignoring the past. Prof. Greene acknowledges that resilience cannot be separated from the traditional way of life and economic development. The Tuol Sleng Genocide Museum was created in the early 1980s. This museum has become an integral part of the genocidal legacy that helps reconstruct the memories of survivors, displaying what the KR regime did to the Cambodian people. Visits to the museum are a form of acknowledgement



Memorial at Wat Snguon Pich in Ang Snuol district

that is conveyed to the survivors.

The Day of Anger: The "Day of Anger," annually celebrated at the memorials on May 20th since 1984, establishes survivors' harmony with the past. Even though some have been moved to tears or have become full of anger and revenge because of officials' and others' speeches echoing their past sufferings, the ceremony is still a process that the survivors could view as condemning the worst human rights violations and helping them to find reconciliation. In 2009, the

Day of Anger was changed to The Day of Remembrance.

The Appeal Program: Between 1979 and late 1980s, together with the process of reconciliation in communities, the government's focus was on ending the civil war and bringing the KR movement and other anti-government parties into the national fold. The government used the "Calling Voice" radio program to bring back members of the resistance forces. While the fighting between the Khmer Rouge and government forces continued, political negotiations were imperative to bring an end to the conflict. That paved the path for a constructive mechanism to deepen peace-making efforts.

The Paris Peace Agreement: The Paris Peace Agreement, to which all the feuding parties agreed in October 1991, was the most promising development Cambodia had seen after the withdrawal of the Vietnamese forces from Cambodia. Military clashes ground to a halt and civilians stopped falling into victims to the fighting. More importantly, the return of King Norodom Sihanouk was a fresh start to the peace processes. The King is highly revered in the Cambodian society, and he was an idol for broadening

and consolidating peace and reconciliation in Cambodia. Democracy began taking root despite several huge challenges such as the failure to fulfill the requirements of the demilitarization, demobilization and reintegration program, the KR's boycotting of the Agreement, and the compromise power arrangement after the general election in 1993. At the very least, democracy, in the form of elections, has continuously been practiced in Cambodia since that time.

The Defection Policy: Between 1984 and 1998, the Cambodian government tried to dissolve the organized structure of the KR through a series of negotiations. In 1996, the Democratic Kampuchea's former foreign minister Ieng Sary, who was later granted amnesty, agreed to defect to the government. Other leaders, such as Pol Pot and Ta Mok, former chief of Southwest Zone, resisted the government's defection policy. Nevertheless, the large defection weakened the remaining resistance forces. Ultimately, the KR's organized structure was totally destroyed with the death of Pol Pot in 1998 and the arrest and death of Ta Mok.

The Extraordinary Chambers in the Courts of



Cambodian government soldiers interrogating a captured Khmer Rouge soldier in Kampot province in 1983

Cambodia (ECCC): The defection policy was an effective measure in ending the civil war. In 1997, the Cambodian government wrote to the United Nations to ask for help in bringing to justice those responsible for the worst human rights violations committed between April 17, 1975 and January 6, 1979. Six years later, the government and the UN agreed to establish the Extraordinary Chambers in the Courts of Cambodia (ECCC) to try "senior KR leaders and those most responsible" for the crimes. This hybrid tribunal was seen as a hopeful mechanism for delivering justice for the victims and moving forward toward reconciliation.

The continuous impact of these social, political, legal, and traditional mechanisms has brought a certain degree of healing and reconciliation to the Cambodian people. State and individual efforts have often been supplemented by the work of many non-governmental organizations and other stakeholders. For example, the Documentation Center of Cambodia (DC-Cam) is one of the not-for-profit organizations that has played a significant part in furthering reconciliation efforts in Cambodian society. Its leading five projects below are cases in point.

Book of Memory: In 2006, DC-Cam is writing and compiling a book of records of names of those who died under the KR regime from 1975 to 1979 and those who disappeared during that period, beginning with nearly one million names already in its database. The book is intended to assist Cambodians to search for information related to family members who went missing during the DK period. It will be distributed in free of charge to all commune offices throughout Cambodia so that people can see the names of their lost relatives and search for names of victims for whom DC-Cam has information. The Center is also working together with the Norwegian Stifftelsen Arkivet to add the names into an electronic database accessible world-wide.

Genocide Education: In 2007, DC-Cam seeks to disseminate the history of Democratic Kampuchea to Cambodian students. Its first phase involved the writing of the first textbook about the Khmer Rouge, "A History of Democratic Kampuchea (1975-1979)." Since then, the Center has distributed 500,000 copies of the book around the country and has trained over 3,000 history teachers nationwide how to teach the



Secondary school students receiving posters and the textbook "History of Democratic Kampuchea 1975-1979"

material in an effective and objective manner. Partnering with DC-Cam, the Cambodian Ministry of Education, Youth and Sport has required that all Cambodian high schools and institutions of higher learning implement and teach Cambodian genocide education curriculum by 2011. The mandate also prescribes that all secondary-level history teachers attend one Teacher Training Seminar on DK History and Methodology in order to receive certification to teach DK history. National and provincial teacher trainings were held in 2009, and commune-level training began in 2010. The team and the Ministry have also held the first training of university lecturers and of police officers.

Working Group on Reclaiming Cambodian History: In 2008, DC-Cam, in collaboration with the Ministry of Education, Youth and Sport, held a third-annual teacher workshop with the aim of establishing a working group on reclaiming Cambodian history through a truth and reconciliation process.

Participants in the workshop included 24 national teachers and 180 provincial teachers who received training on the teaching of A History of

Democratic Kampuchea. The project is based on the belief that DC-Cam's Genocide Education Project can be used as a foundation for a more comprehensive and formal truth and reconciliation commission. The Ministry of Education has suggested that national and provincial teachers can play a role in collecting and disseminating historical information about the Khmer Rouge regime. A Cambodian truth and reconciliation process may be primarily educational, in distributing this information in an accessible manner, and may seek to uncover information about the Khmer Rouge regime that is beyond the scope of the Extraordinary Chambers in the Courts of Cambodia.

Anlong Veng Historical Preservation: On March 23, 2010, the Cambodian government issued a sub-decree to preserve and develop historical sites in Anlong Veng. Recognizing DC-Cam for its expertise in the research and documentation of Khmer Rouge history, the Cambodian government tasked DC-Cam with conducting an extensive study of the Anlong Veng district. This authorization follows a December 14, 2001 Circular from Prime Minister Hun Sen, which mandates the DC-Cam to work with the Ministry of



National and provincial level teachers during an annual meeting in Preah Vihear province. They are working group on the claiming Cambodian history. Teachers are required to write at least one story from their village or community each year.



Children of former Khmer Rouge cadres and soldiers at walking to school at Anlong Veng area

Tourism and related agencies for the establishment of a museum, memorials, and a historical preservation process for the Anlong Veng district. With this mandate and with the support of the Ministry of Tourism, DC-Cam is working on a study of the history of the Anlong Veng district, particularly as it relates to the history of Democratic Kampuchea, and to preserve remains as evidence of crimes. This study, to be conducted jointly by DC-Cam and the Ministry of Tourism, will produce a guidebook and related materials for visitors as well as teachers in the district. This work will help establish the area as a prominent resource for remembering the past as well as bring greater attention to the natural beauty of the region.

Sleuk Rith Institute: Since 2011, DC-Cam is transitioning into the "Sleuk Rith Institute," intended to be locus of genocide studies in Asia. In 2010, the Ministry of Interior authorized DC-Cam to use this name and build a permanent center on land donated by the government, "to further its mission of 'collecting and researching documents relating to genocide in Cambodia and other countries' in order to serve memory, justice and reconciliation in the Kingdom of Cambodia." The Sleuk Rith Institute will include a museum, where locals and visitors can learn about

the history of the Khmer Rouge, and find solace in a space designed for contemplation and healing. The Institute will also house a library and research center, promoting continued compilation, analysis, and preservation of information about the KR era, and enabling scholars from around the world to study human rights abuses throughout the region. Additionally, the Institute will include a school where exceptional Cambodian and foreign students can take accredited graduate level courses on regional human rights issues.

These are the macro processes that help the Cambodian people heal and reconcile since the collapse of the KR on 7 January 1979. Without these processes and the Cambodian people's great resilience, social illness would have plagued Cambodians every day. This prompts us to think of the beginning point of these tremendous losses and sufferings. It was the "17th of April." This bitter day has been fully remembered and viewed as a vivid reminder of preventing future reoccurrence of the genocide in Cambodia and the rest of the world.

Ly Sok-Kheang is the Ph.D Candidate at Coventry University, United Kingdoms and a consultant to DC-Cam's Genocide Education Project.

THE PERFORMING ARTS SERVE TO EDUCATE AND REMIND

Socheat Nhean

The current Cambodian government organizes and celebrates "Day of Remembrance" annually on May 20. The name and meaning of this event were controversial then and remain so today. Until 2001 the Cambodian government called this event "Day of Anger." This special day commemorates the beginning of the Khmer Rouge policy of persecuting the Cambodian people, a policy which resulted in nearly two million Cambodians losing their lives. "Day of Anger" was a condemnation of that Khmer Rouge policy and was intended to keep anger toward the Khmer Rouge alive.

However, in 2001 the name of the event was changed to the weaker and less provoking "Day of Remembrance" indicating that Cambodians should no longer hold anger toward the Khmer Rouge but work

together to move the country forward through reconciliation. Even with this modification, the re-enactments and other performing arts which are part of each year's celebration continue to move Cambodian citizens to anger. Many who survived the Khmer Rouge years vow that the regime will never be forgotten. The performing arts have played an important role in making history continue to live and thus allow Cambodia's citizens to remember, to learn, and to heal the wounds of the past.

Since 1979, Sek Savuth has used the performing arts to remind the survivors of the Khmer Rouge and educate children of next generation. As a professor at the Royal University of Fine Arts, Savuth, 54, leads performers each year at Choeung Ek killing field in re-enactments of the events which happened during



The re-enactment of lives during the KR Regime by students of the Fine Arts School on May 20, 2012 at Choeung Ek

the Khmer Rouge period. Through story narration, poem chanting, and reenactments about life during the Khmer Rouge the public is afforded opportunity to remember and the young generation opportunity to learn about what happened in Cambodia from 1975 to 1979.

"I want the Khmer Rouge survivors to remember the regime forever and the children of each younger generation to learn about their history," said Professor Sek Savuth.

Each time he performs these re-enactments about the Khmer Rouge regime, Savuth's emotions run high with pain, suffering, and tears. He never wants to forget. "I lived through that [the Khmer Rouge] regime and I cannot hold back my tears when I am reminded about it." He lost his parents and siblings to the Khmer Rouge and faced starvation himself. "It was the hungriest I have ever been in my life," said Savuth.

Savuth's life as a student ended on April 17, 1975 when he and his peers stood along the street

to welcome the Khmer Rouge soldiers who were marching into Phnom Penh after defeating Lon Nol's soldiers. He and some friends climbed onto a Jeep with the Khmer Rouge soldier and traveled across Phnom Penh cheering because five years of civil war with the American-backed Lon Nol government had ended. However, the joy was short-lived. Soon afterwards, Savuth was kicked out of the Jeep and told to join hundreds of thousands of people who were marching out of the city as part of the Khmer Rouge's forced evacuation.

With nowhere to go, Savuth walked across the Monivong Bridge, travelled along National Road 1, and finally arrived in Sandan District of Kampong Thom Province where he lived with his former teacher Chheng Phon.

In 1979, Savuth returned to Phnom Penh. Having a personal interest in performing arts, he attended the Theater School of Fine Arts where he contributed to the reviving of Cambodian culture after it was destroyed by the Khmer Rouge. As a student, he



The re-enactment of lives during the KR Regime by students of the Fine Arts School on May 20, 2012 at Choeung Ek

participated in several activities which served as tools to remind people about the Khmer Rouge years.

When asked if he feels anger at the Khmer Rouge when he performs about life during that regime, Savuth responded, "It has been thirty years now, and my anger has subsided, but I can never forget." "I cannot forget what I lost," said Savuth.

Currently, Savuth is teaching his students to perform about life during the Khmer Rouge regime and he leads them in performance at Choeung Ek Killing Field every May 20. For him, teaching young children who did not experience the Khmer Rouge regime and teaching about that regime is a big challenge. Savuth said that before he teaches his students the techniques of how to re-enact life during the Khmer Rouge, he tells stories of that period so that they can grasp the big picture. "I teach students how to imagine the tragedy committed by the Khmer Rouge; I teach them to cry by allowing them to imagine the suffering," said Savuth.

Like other Cambodian Khmer Rouge survivors, Savuth supports the "Day of Remembrance" and

wants this event to be celebrated each year as a tool for remembrance and education. The celebration with the attendance of the monks brings psychological reconciliation. Observing traditional Buddhist custom people bring offerings of food for the monks in the belief that the food will reach their relatives who died of hunger during the Khmer Rouge period.

Performing arts, along with Buddhist ceremonies during the "Day of Remembrance," encourage people to remember, to come together, and to heal. Savuth hopes that through performance art he can remind, educate, and bring reconciliation not just to those who attend the celebrations but in time to the entire country. Although May 20 and the name of the event remain controversial, Cambodians still believe that they should not forget, that they should teach their children about the horrors of the Khmer Rouge years, and that such education and understanding will ensure a more peaceful and better future for everyone.

Socheat Nhean is the team leader of Searching for the Truth magazine.



Government officials carrying a wreath of flowers to Choeung Ek memorial to honor those who died during the KR Regime

THE CONFESSION OF JAMES WILLIAM CLARK AT S-21 SECURITY PRISON

James William Clark

My name is James William Clark; I am 35 years old. I was born on April 5, 1943 in the city of Minneapolis in the state of Minnesota, United States of America. I am an American citizen by birth. My father's name is Nillion Gibert Clark. He is a doctor who has worked for the government all his life and at the present time, he worked at the Veteran Administration Hospital in California. My mother's name before marriage was Lois Chisholm. For the past 22 years, she has worked for a dentist in Anaheim, California.

When I was about two years old, my family moved from Minnesota to San Diego, California, where my father began to work for the government as a research doctor. My first pre-school year was in San Diego in 1949.

In 1949, my family moved to Los Angeles where again my father worked for the government as a doctor. In 1951, my family moved again up the coast to Malibu where by 1954, I completed Primary School.

In 1954, my mother moved to Anaheim, California, where she has lived ever since. In Anaheim, I went to school through grade 7 and 8. I finished grade 8 the same year my mother remarried to Gordon Gauthier and her name is now Lois Isabel Gauthier. Also, in 1956, the next school year, I went to a special high school away from home in a town called Los Olivos, California. I had to repeat grade 8 and so I did not finish high school until 1961.

In June 1969, I was drafted for

the war in Vietnam, and since I believed the United States government to be wrong in this war, I refused the draft. As a result, in August of 1969 I was trial and sent for two years to a minimum security prison at Lompoc, north of Santa Barbara.

About four months before I was released, I made friends with a new inmate, Tom Madden. It was through Tom, Later, that I was to meet and Sidney (who worked for the C.I.A). He (Tom) was sent to Lompoc for the same reason I was, refusing the draft.

While I was in Lompoc I decided to build a boat

phed from a distance . And very soon after that a Cambodian gunboat came up to us . I made two photos of that boat and can describe it as a wooden , converted fishing boat , 50 feet long with a speed of 10-12 knots , and armed with a 20 mm canon and what looked like a 50 cal. machine gun . Soon after that when rifle shots came at us I thought it was a pirate . I had been warned that there were Vietnam pirates using war boats from the war , so I thought this was a pirate boat and fired about 15 rounds from my revolver and Lance's automatic , hoping they might go away . The Cambodian boat shot at us with the 20 mm canon and my boat was hit . I stoppped , and the Cambodian forces caught me .

This finishes my Cambodian job; and with that , we have taken only 22 pictures of Cambodia . For this mission , I must receive 30 % of the CIA load , and Lance 1 / 3 of that sum , so my pay is about 700,000 dollars , and Lance's about 400,000 dollars . This was enough to bring me to this intelligence mission here . As to Cambodia , the CIA will keep on bringing its agents of all kinds to spy upon it .

23-5-78
James Clark

May 25
1978

James Clark

The last page of James William Clark's confession in English dated May 25, 1978 containing signatures of the interrogator and James himself. The interrogator (seen on the left bottom corner) was Chan, which is the alias name of Mam Nay, who was the deputy chief of Duch. Mam Nay was summoned to be a witness against Duch in July 2009.

on my release. Tom was interested also we talked much on how to build a boat.

In September 1971, I was in Santa Barbara and had made a partnership with an old girlfriend of mine from college days, Kathy Holler. She helped me get started by lending me money and giving me a place to stay. Like myself, Kathy Holler had been a teacher for two years. She had quit and when I began work on the boat she was working for the government in the Welfare department for two more years at the post office in Santa Barbara, and she quit again for short time before working for an electric company, where she is now. I finally was able to pay her back.

The building went slowly, for lack of a lot of money (boats are expensive) until in August of 1974 Tom Madden showed up with two friends, Bill Cuthbertson and Sidney Luck.

At first, Bill and Sidney asked me if I had ever thought of making money with any boat. The only way I knew of was smuggling marijuana from Mexico. It had been done in small boats before. Then Bill said the he was a smuggler and asked me if I would be interested in working with him. Then he surprised me by saying he was working for the CIA and used his smuggling as a cover for his CIA work. He said that in several states in Mexico the peasants had been driven off their land. These peasants had no means else then growing and selling marijuana to the Americans. The Mexican government recognized the problems of these men but could do nothing to help them.

The U.S. has its own Mafia, a gangster-like group that is so strong the government has not been able to get rid of them since 1920.

By 1971 a large number of peasants had been driven off their land. By 1972 a man, a Mexican-Indian, named Hermann, began to organize these peasants, and in this year he began to counter-attack the Mexican Mafia. His raids were designed to frighten the Mafia off some of the land taken from the peasants.

The CIA decided, secretly, that since neither government could stop the heroin traffic, it would step in and by helping, with money, the Mexican-Indian

leader. Hermann, destroy all the heroin.

Both Bill and Sidney had gone to see Hermann the year before (1973) and would again this year after they saw me. They were very interested in using boats because land travel for Americans in Mexico was becoming more difficult. Since there were no coast roads, boat travel was the next means they would have to use.

Again, Bill asked me to work him with as a CIA agent, but he said he would return the following day my answer. I was ready, but he wanted me to be sure.

When I saw Bill again the next day, I told him I accept and would work for the CIA, but that my boat would not be ready for sailing for more than a year, since I had little money and often had to stop work on the boat to work for money.

On November 10, Bill showed up again. He had just returned from Mexico and from seeing the Mexican-Indian leader, Hermann. He told me that Hermann was very strong at this time and had almost 250 men in his band. Hermann had destroyed much opium, and a small amount in the state of Carolina. Bill said he was to meet Hermann in a year, October 1975, and hoped I could then begin my CIA job with him. He then gave me \$500,000 and I signed a receipt-paper which made me a member of the CIA with the number 1492. Bill told me that he, Sidney and I had to work as CIA agents for a man named Henderson, but that I was not to meet him (Henderson) until after our first trip.

I could not finish my boat by October in 1975, but I did put in the water the December 1, 1975. On the 10th Bill gave me \$20,000 to buy food and fuel for the trip south. And on the 15th of December 1975, I went south. My crew was man named Rieser who thought I was merely smuggling. Rieser was Santa Barbara fisherman of my own age whom I met at the Santa Barbara harbor and whom I had worked for several times when I needed money.

My job, according to Bill, was to learn as much as I could about Hermann. On January 1, 1976, I met with Bill in Mexico. He discussed the needs of the boat

and Bill gave me another \$ 100,000 for food and fuel. Our plans for Hermann were simple as far as my part went. On January 6, 1976, we left Manzanillo. Bill and Sidney were aboard, and that afternoon we came to the small village of the San Lazaro, about ten miles south from a landmark, Punto Lazaro, in the state of Mexican, where Hermann and his men were waiting for us. When we arrived I stopped near the beach and Bill and Sidney got off to meet Hermann before me. I was told to go offshore thirteen miles, to be out of sight, until dark. This I did and so I met with Hermann. Bill introduced me to Hermann and Fernando as a CIA agent who must work with them later.

Hermann told me he had about three hundred men and that they were not well armed. They had pistols, shotguns, and small caliber hunting rifles. The few machine- guns they had from killing michoacan police and soldiers. Hermann wanted more machine-guns and asked for them, but Bill told him that we could not get weapon for him. Hermann said that his raids against the Mafia were good, and estimated he had destroyed at least 20% of the opium, as well as many other crops. He thought that he and his men might win given a few years time. Last, he asked for medical supplies, which we could not get for him for the same reason we could not get him weapons. If the Mexican government discovered American weapons and medicines with the revolutionaries, it would make a big political problem with the U.S. Government. We were illegal as it was, and needed no political trouble with the Mexican government.

Before I left to return to San Francisco with the load I arranged to meet in a year time with Hermann, according to the CIA plan, Hermann was to destroy as much opium as possible. My contact would be the same one Bill and Sidney used, Fernando, who was there with Hermann, and whose phone number in Acapulco was given to me by Fernando himself.

We left the night of January 6, 1976 and arrived in San Francisco on January 29, 1976 late at night (actually 30 January). Once the marijuana was unloaded, I moved the boat to a nearby city, Sausalito,

to repair the damage from the sail and to finish the building.

About a week after we arrived (6 February) I called Henderson and reported to him what I had learned. I learned that Hermann had about three hundred men, armed with shotguns, pistols and small rifles. They had a few machine guns they captured from killed police and soldiers in Michoacan and Colima. Hermann had said that the raids had land for the people in a few years time.

Henderson told me that what I was checked out with Bill's report and that I was now in charge of this CIA. He mentioned that I might want to use another boat but that we could discuss it later after I finished work on my boat.

By April I had finished and sailed the boat to Santa Barbara where I kept it. In June, 1975, I left for a vacation to the East Coast. Later, I met a girl, whom I married on July 10, 1976. The end of July I returned to Santa Barbara and called Henderson to tell him I was back, and to get orders. He asked me to use a CIA boat, bigger than my own, which was in San Francisco.

At the time, August 1976, I asked an old friend of mine, Lance McHamara, to work for me, because he was good with machines and is a good salesman for drugs. I knew him since 1971 when his brothers, Bruce, and I began building our boats next to each other in Santa Barbara. At that time Lance had been taking care of millionaire's mansion in Santa Barbara and was ready for change. So, the last week of August, lance and I flew to San Francisco to begin preparing the CIA boat, according to Henderson's July instructions.

By the end of October we were ready and left for Mexico, always according to Henderson's instruction. We stopped in Los Angeles, California for two days where I met Henderson for the first time. He told me his cover job was a life insurance salesman and that he did not want to know very much about him since he did not want to be known as having connections with the CIA's activities in Mexico. We also discussed that I was to do in Mexico with Hermann. After meeting with Hermann, I was to encourage him to more

destruction of opium. Also, James to tell him we definitely could not bring his weapons.

After talking with Henderson, Lanco and I left Los Angeles for Mexico. We entered Mexico at Calo arrived about 15th of November.

Lance and I left Mexico on December 31, 1976 for San Francisco and arrived January 13, 1977. I called Michael, a friend of Bill, who was a drugs salesman, and whom I knew on January 1976. Once the marijuana unloaded, I moved the boat to Sausalito, a village not far from San Francisco. A week later I called Henderson and told him the bad news about Hermann. And he agreed it was bad.

I told Henderson that I would not use his boat again because it was uncomfortable and not really safe. So at the end of January 1977, Lance and I left for Santa Barbara to prepare my own man, Henry Marin, left Santa Barbara for Mexico, according to Henderson's orders.

Henry Marin was a friend I met through Kathy Holler in 1971 who was at that time unemployed. Like Lance, Henry did not know my real purpose in Mexico, and thought we were going for the adventure of smuggling.

We stopped, as usual, in Calo San Lucas to check in and left for Acapulco the same day. We arrived in Acapulco on May 1, 1977, where I called Henderson. He said that the political situation was too dangerous for us. He told me that this was my last trip to Mexico and to sail to Hawaii instead of San Francisco.

Henry, Lance and I sailed for Hawaii in the first week of June, to arrive about July 6, 1977. A week later Henry flew back to Los Angeles. I called Henderson on July 13 (about a week after we arrived) and he asked me to meet him in Honolulu on 24 July 1977. I flew to Honolulu. Henderson thought I could be useful in South East Asia since at this time America's greatest weakness is there, and the change there are biggest. My first job was to be very simple-to go to Cambodia coast to take photographs: fishing boats, observe them, their shapes, their outlines, their colors, in to notice how big, how fast they are, if they are in group

to see if they are doing maneuvers.

My duty is to observe war boats, to look for them, to see how different they are from fishing boats, to check their speeds, their markings, their armaments, their silhouettes, their appearance so that one can identify them easily.

Another duty is to go to see islands, strange islands with unusual shapes when seen from a boat (because the U.S. has pictures of them by plane and not yet by boat), Island with special characteristics in colors, shapes (rocks, grates, trees or cleared surface).

This was needed because Cambodia was a very new but powerful country that seemed to be getting strong each year.

Henderson then explained that the U.S. was worried that communism would spread through Southeast Asia, a fear the U.S. has had from before Vietnam War. The U.S. thought that if Cambodia became strong enough it would invade or make war on Thailand, and turn it to Communism. After Thailand, it would be easy to make Malaysia communist, and the Singapore would be threatened. Singapore is now the 3rd largest port in the world and one of the most important places for Capitalism. The U.S. will not let Singapore fall to Communism.

The capitalist center of the world is shifting to a belt going from Japan to South Korea to Hong Kong to Manila to Singapore to Australia and New Zealand. More new growth is happening here than anywhere else. It is important to keep communism from stopping that then.

The key country to watch in Southeast Asia is Cambodia, the most successful communist country. Vietnam is not powerful, and so Laos is not powerful.

And the key country to help is Thailand, which is strongly capitalist in the city of Bangkok but has communists among the peasants in the hills who seem to be getting stronger.

Henderson wanted to sail to Singapore by Guam as soon as I could. So I needed to prepare the boat for that long trip. He said we would meet again to discuss details of the trip before I left.

By mid-September I received a card from Henderson warning of my leaving soon for Spain to help some other CIA agents on their boat. By September 23, 1977 I flew to Spain and was met at airport by Michael Herndon who had been told of my coming.

We got to the boat, and within a week we had it ready and left Spain to finish Herndon's smuggled in Morocco. Herndon was also a CIA agent and had used a Moroccan general, a member of the parliament (government) as well as about 30 policemen, to help him. He thought that was good since it gave him some power over those men. We left then, and arrived in Maine, U.S., at the end of October 1977 where Herndon took care of all the business and I took care of the boat. I had stored in Booth Bay, Maine, and then flew to Honolulu and to my boat in Maui.

In December, Lance and I moved the boat to prepare it for the trip. At the time I also arrange to meet with Henderson on some local boats. For my job in Cambodia, Phillips told me to try and take good and clear photographs. He informed me of the events in Guam.

The Guamanians wanted to kick the Americans out and become independent. The capital movement to do that was still weak but it was growing stronger. Guam, for the Americans, is the B-52 base for the Pacific and is the base for the Western Pacific submarine fleet. So the Americans do not want to leave, but must work out some things to keep the Guamanians happy.

We left Guam and arrived in Singapore without stopping on 21 March 1978. Two days later I met with Daniels, my CIA contact, in the Raffles Hotel. Our talk was easy at first. He wanted to help me prepare my boat for the smuggled and the trip back. That would be easy for him to do since his job was a marine insurance adjuster and he knew where most marine things were. He gave me a letter from Henderson. In that letter, Henderson told me that Daniels was in charge of me and my Cambodian operation. For this mission come and see me, too. Then he told me to be very careful for my job in Cambodia waters.

The next day, Daniels talked with me about my Cambodia mission, where I brought him a chart of the Gulf of Thailand; we went over where I was to go. Daniels did not want me to go near the North of Cambodia. He wanted me to photograph essentially the central and Southern parts.

Daniels told me it was possible for Cambodia to use small fishing boats as part of a fleets to put soldiers in Thailand I was to photograph fishing boats and war boats, notice their spend, how they were painted. What they were made of (wood. steel. cement, etc). Whether or not they were doing military practice (maneuvers) three or more at once. Whether they had radio antennae, I was also to see and photograph anything unusual on shore. That is, any large radio tower or radar dish and any unusual island, rock or building that could be used as a landmark. If I saw any aircraft I was to photograph them as well.

Daniels told me that even though the U.S. does not want communism to spread, it was losing prestige in the Southeast Asia and Western Pacific.

Already this year Manila demanded two millions of dollars from the U.S. to continue using its navy base near Manila. That is the most important navy base for the U.S. the western Pacific. The Philippines government no longer felt it needed the protection of the U.S. and wanted money instead: proof that the U.S. is losing prestige. And if would be used as blackmail. The U.S. would not give up Subic Bay in the Philippines and the Philippines government was sure to raise its demand for money every year.

The U.S. was not going to start any fighting in Southeast Asia without being asked to intervene militarily. But it would continue to watch every part so that it would know what was happening and intervene if asked.

A week after we arrived, Daniels told me the Americans Navy had gone to Thailand, to Pattaya on a goodwill mission, with an aircraft carrier, a destroyed and destroyer escort, in all about 7,500 fighting men. The ships were to show Thailand that the U.S. was friendly and would give help if needed. In case of a war

with Cambodia or a civil war against Thai communists, the U.S. would help the Thai government with materials, that is weapons, planes, trucks, tanks, etc., and with men to train the Thais in using them, the U.S. ready to help but had to wait to be asked.

The CIA has men all over Southeast Asia to keep up on the political events there. Even though I was caught, there will be some one else to do the job. The CIA must know what is happening. And it must know accurately, to keep the U.S. from making another Vietnam.

Daniels thought that the American Navy being in Pattaya would give me good cover. He thought that the Cambodia war boats would stay close to shore, and that I could get close to Cambodia safely. I was told to hurry.

Otie came to see me the first week of April. He told me that the Thai communists got stronger each year, in mountainous zones, especially about Chiang Mai. He (Otie) added that there was a perpetual tension along the Cambodia-Thai border and there was no contact between the two countries. The Thai government feared that Cambodia might supply the Thai communist with money and weapons. It feared that Cambodia might invade Thailand in case of a civil war. According to Otie's feelings, Cambodia and Thailand will come to fight each other at last. If this is to happen, the Thai government would ask Americans for help in materials. And if things got worse, it would be as the U.S. will help Thailand.

My last meeting with Daniels we talked about the camera, a Mykonos III, with a 35 mm and 80 mm lenses. This special camera works under or above water, in all weathers, dry or wet, and is good around boats. I was to photograph best in the afternoon and things closer than six miles, for islands and high objects I can go to twenty miles.

On April 13, Lance and I left Singapore for Pattaya. Five days later we arrived, on April 18, in the dark. Otie came up to in two small fishing boats and he told me that Cambodia had fired rockets into a small Thai village and had destroyed a jeep. He did

not know how many men were killed, but he said that the Thai soldiers had gone to that place. He said it seemed that Cambodia was testing Thailand. He told me to be very careful when going south to Cambodia.

Lance and I left that night, April 18, and headed to Cambodia. We took many photographs of Thai boats to compare with the Cambodia ones we thought we would see. In two days we were off an island in the middle of Cambodia, which I photographed from a distance. And very soon after that Cambodia gunboat came up to us, I made two photos of that boat and can describe it as a wooden, converted fishing boat, 50 feet long with a speed of 10-12 knots, and armed with a 20mm canon and what looked like a 50 cal machine gun. Soon after that when rifles shot at us I thought it was a pirate. I had been warned that there were Vietnam pirates using war boats from the war, so I thought this was a pirate boat and fired about 15 rounds from my revolver and Lance's automatic, hoping they might go away. The Cambodia boat shot at us with the 20mm canon and my boat was hit. I stopped, and the Cambodia forces caught me.

This finishes my Cambodian job, and with that, we have taken only twenty-two pictures of Cambodia. For this mission, I must receive 30% of the CIA load, and Lance's about 400,000 dollars. This was enough to bring me to this intelligence mission here. As to Cambodia, the CIA will keep on bringing its agents of all kinds to spy upon it.

James William Clark was one of very few American prisoners who was imprisoned and killed at the biggest Democratic Kampuchea's Security Office S-21. According to S-21 chief Kaing Guek Eav alias Duch, all western prisoners were burned with tires in order to destroy the bone and other remains. Duch testified that Nuon Chea ordered him to burn westerners' corpses to ash in order to destroy everything, not to leave any evidence. In August 2009, one of the security guards at S-21, Cheam Seur, testified that he saw a western prisoner being burned alive.

ANTI-GENOCIDE SLOGAN INAUGURATION CEREMONY AT KRON



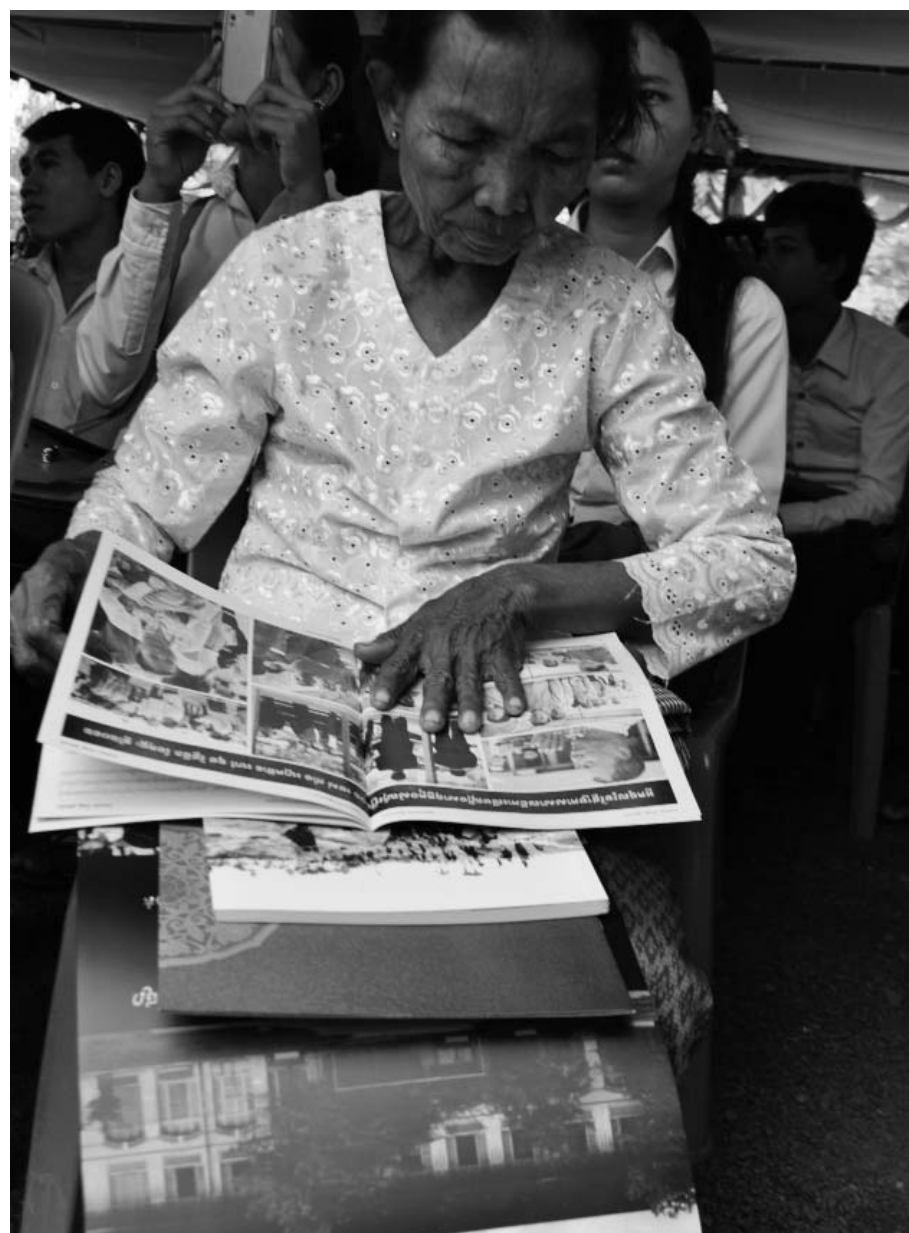
TRONG TEP NIMITH PAILIN HIGH SCHOOLS ON MAY 30, 2012



On June 29, 2012, the Documentation Center of Cambodia installed a Genocide Memorial and distributed the textbook *History of Democratic Kampuchea and Searching for Truth* to 650 students and their parents at Anlong Veng High School, Oddor Meanchey District. The ceremony was the last Khmer Rouge stronghold. Pol Pot died there on April 15, 1978. The ceremony was presided over by her Excellency Ton Sa Im, undersecretary of state of the ministry of education, youth and sport; Yim Phanna, governor of Anglong Veng district; and the director of the Documentation Center of Cambodia.



Genocide Education memorial
Searching for the Truth magazine
 Anlong Veng Province. Anlong Veng
 5, 1998. The ceremony was
 the ministry of education, youth
 of Education Department



A HISTORY CLASSROOM AT FORMER KHMER ROUGE S-21 PRISON

An anti-public education Khmer Rouge slogan stated "there are no diplomas, only diplomas one can visualize. If you wish to get a Baccalaureate, you have to get it at dams or canals." Another stated "Study is not important. What's important is work and revolution." As a result, formal schools were totally prohibited under the Khmer Rouge's dictatorial and murderous rule. The regime turned public schools and pagodas into prisons, stables and warehouses.

Tuol Sleng prison, also known by its code name of "S-21," was created on the former grounds of Chao Ponhea Yat high school, originally constructed in 1962. The Khmer Rouge converted the school into the most secret of the country's 196 prisons. Most of the prisoners taken to Tuol Sleng were Khmer Rouge cadres accused of largely fictitious acts of treason, such as collaborating with foreign governments, or spying for the CIA or KGB. Typically the entire family an accused traitor would be imprisoned. Most often, prisoners had no knowledge of the charges against them when arrested, but they were tortured until they confessed whatever crimes they had been accused of. After having confessed, each prisoner was marked for execution.

Experts estimate that somewhere between 14,000 and 20,000 people were held at Tuol Sleng and executed. Only seven known prisoners survived after the Khmer Rouge regime collapsed. The Extraordinary Chambers in the Courts of Cambodia (ECCC) held that at least 12,273 prisoners passed through Tuol Sleng in its trial judgment against former Tuol Sleng commander Kaing Guek Eav alias Duch. As the number of survivors has received less attention, most Western media repeated the figure of seven survivors and this has been repeated for over 30 years. However, after several years of research, the Documentation Center of Cambodia estimates that at least 179 prisoners were released from Tuol Sleng from 1975 to 1978 and approximately 23 additional prisoners survived when the Vietnamese ousted the Khmer Rouge regime on January 7, 1979.

Today the four buildings in the compound of the prison form the Tuol Sleng Genocide Museum, which was opened to the public in 1980. Within the first few months of its opening, over 300,000 locals and 11,000 foreigners visited the museum (Chandler, 1999). People from all over the world visited the museum and currently, approximately 250 people visit on an average day. Many Cambodian visitors travel to Tuol Sleng seeking information about their relatives who disappeared under the Khmer Rouge.

While the museum has been a success in generally raising awareness of the atrocities of the Khmer Rouge, it still lacks a thorough educational dimension, which could make the experience of visiting more dynamic, educational and memorable. Since its conversion from a place of learning to a place of horror and degradation, Tuol Sleng has never reclaimed its original status. However, in the future, in order to reclaim the positive, educational heritage of Tuol Sleng and add an educational element to the museum, a classroom has been created to provide free lectures and discussions on the history of the Khmer Rouge regime and related issues, such as the ECCC. The classroom will also serve as a public platform for visitors and survivors to share information and preserve an important period of Cambodian history for future generations to learn from.

- ◆ **LECTURERS:** Staff members from the Documentation Center of Cambodia and Tuol Sleng Genocide Museum.
- ◆ **GUEST SPEAKERS:** National and International Scholars on Cambodia and S-21 Survivors
- ◆ **TOPICS COVERED:** Who were the Khmer Rouge? ◆ How did the Khmer Rouge gain power? ◆ The Khmer Rouge Hierarchy ◆ Khmer Rouge Domestic Policies ◆ The Khmer Rouge Security System ◆ Office S-21 (Tuol Sleng Prison) ◆ Khmer Rouge Foreign Policies ◆ The Fall of the Khmer Rouge ◆ The Verdicts of the ECCC.
- ◆ **SCHEDULE:** Monday 2pm-3pm ◆ Wednesday 9am-10am ◆ Friday 2pm-3pm.
- ◆ **VENUE:** Building A, top floor, 3rd room

VOICES FROM ANLONG VENG : FORMER KHMER ROUGE CADRES SPEAK OUT

Sovann Mam

Anlong Veng is a remote district of Cambodia that borders with Thailand. The international border gate between Thailand and Cambodia in this district is called "Cham Sra-Ngam". Before 2001, Anlong Veng was a commune of Svay Leu district of Siem Reap province; however, it is now one of five districts of Oddar Meanchey province. The other districts are known as Samrong district, Banteay Ampil district, Chong Kal district, and Trapeang Prasat district. In the ten past, Anlong Veng was almost inaccessible; however, there is now a newly-paved road from Siem Reap province to Anlong Veng. This allows people to easily commute to Anlong Veng.

Undeniably, people would fall in love with the greenness and nature along the road leading to Anlong Veng. Nonetheless, Anlong Veng was painted with a similar tragedy in the past like other parts of Cambodia. After its downfall, the Khmer Rouge retreated to Anlong Veng, a mountainous area covered with dense forest. In order to fight back for power, the Khmer Rouge guerrilla leaders established their new military base along Dongrek Mountain in 1979.

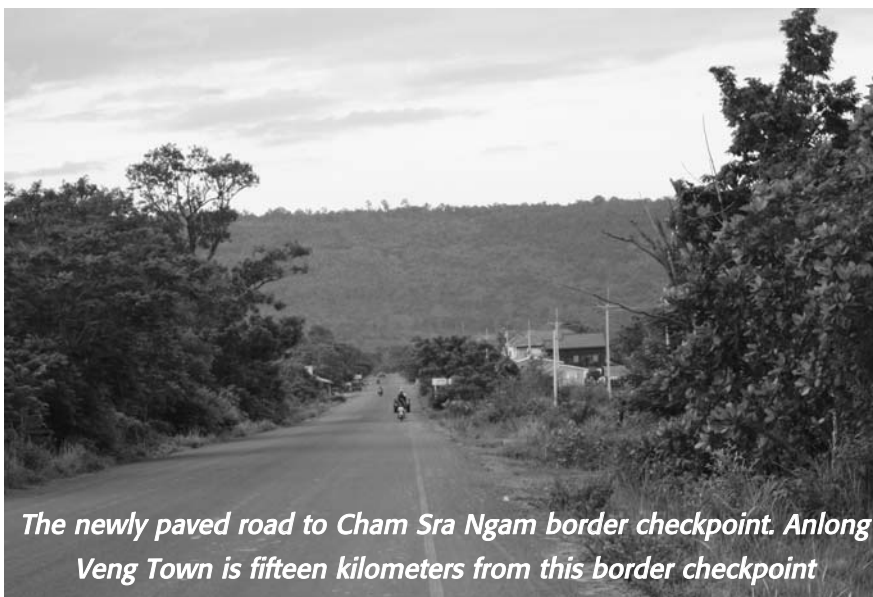
Given its geographical condition, Anlong Veng seems to conceal its history under the twenty years during the Khmer Rouge ruling. Throughout the civil war, Anlong Veng was attacked by pounding and bombardment; as a result, it is infamous for having land mines. This has considerably affected the livelihood of local people in the area.

Phlum Khin, a 63-year-old man, was a former Khmer Rouge militiaman in Siem Reap province who was born to a



Phlum Khin

farming family. Because of destitute living conditions, he had to quit school in order to help his parents with farming. He said "although I attended school, there were no teacher[s] to teach due to intense warfare between the Lon Nol and the Khmer Rouge soldiers." When asked why he joined the Khmer Rouge revolution after the Lon Nol coup to sweep out the King Sihanouk in 1970, Khin looked sad and reluctant to answer the question. Finally, he recalled that one time



The newly paved road to Cham Sra Ngam border checkpoint. Anlong Veng Town is fifteen kilometers from this border checkpoint

in 1973 while he was working in the rice field, a group of the Khmer Rouge militiamen arrested him and sent him to attend military training in the nearby Angkor Thom area. After three-month training, Khin was assigned to fight in the battlefield against the Lon Nol soldiers in Kampong Speu province. Young and inexperienced, Khin was frightened of such violent military confrontation. He sometime thought of running away



Phong Kimyun

from the battlefield.

After the liberation of Phnom Penh in 1975, Khin was again assigned to work in the Oxygen factory in Phnom Penh. He stated that the living standard for workers in the factory was good; people had enough to eat and were allowed to go sightseeing every weekend. However, upon the collapse of the Khmer Rouge reign in 1979, he escaped the battlefield and hid in the area

of Dangrek Mountain. When asked about his life now, he said he was delighted to have survived the brutal regime of the Khmer Rouge. He said "I never thought I could stay alive to see my relatives ever again."

Phong Kimyun is a 61-year-old man and was a former Khmer Rouge militiaman. He was born in Sre-Ambil district, Koh Kong province. Yun recalled that after he joined the Khmer Rouge revolution in 1973, he was assigned to stand by at a military base along National Road No. 4 in Veal Rinh region. Since then, he never had any chance to visit his family. After the collapse of the Khmer Rouge regime in 1979, Yun still served for the Khmer Rouge Regional Military Company stationed nearby at the border crossing between Cambodia and Vietnam in Kampong Cham province. Later on he left the Khmer Rouge Company and defected to the new government in 1998. He then became a primary school teacher. At the time, there were no proper classrooms; they were open-air spaces where students sat on the ground under the trees. He said that the United Nations sponsored the study program at the time. Moreover, he added that the surviving Khmer Rouge revolutionists traded wood with the Thai people for a living. They cut down large amounts of valuable woods and traded this wood for food and military equipment.

Given such luxurious trading with Thailand, people faithful to the Khmer Rouge revolutionary had enough food to eat and they received food supply once or twice a month. As emphasized, after the defection to the new government in 1998, Yun was able to reunite with his family in Sre Ambil district, Koh Kong province. Sadly, he learned that his parents had already passed away while he was fighting to regain power for the Khmer Rouge, but he could reunite with some of his relatives. He said some of his relatives could almost not recognize him because they had thought Yun might have died in the battlefield.



This abandoned house was previously used as a meeting place where former Khmer Rouge guerrilla leaders discussed with each other about integrating with the government in the 1990s.



Ien Chinh

Ien Chinh is a 50-year-old woman. She said after the Khmer Rouge retreated to Anlong Veng in 1979, she lived in a region under Ta Mok's ruling. She recalled that Ta Mok lost his left leg because of a land mine. She remembered him as violent leader who often threatened the people in the area. She also recalled an instance of which she and some of the unit members were scolded because they caught fish in a nearby dam.



Sok Rin and her daughter

Sok Rin, a 49-year-old woman, also shared her memory with Ta Mok. She stated that Ta Mok was verbally and physically violent. He was, however, somewhat a kind person because people could ask him for some money or rice when they were in need of it. Ta Mok was always willing to help these people. Between 1979 and 1998, people residing in Anlong Veng were able to do some farming activities for a living. Some had gone into the wood trading business

with dealers and Thai businessmen. Rim added that people in Anlong Veng area would use Thai Baht to sell or purchase commodities. She said she started using "Riel" currency once a defection to new government had completely taken place in Anlong Veng area.



Khim Kheng

Khim Kheng, a 73-year-old man, was a former Khmer Rouge soldier. He was born in Kampong Svay district, Kampong Thom province. Kheng decided to become the Khmer Rouge soldier because he wanted the King to lead the country again. He believed that the US bombardment on Cambodia and the coup of the Lon Nol regime were the root causes that enabled the Khmer Rouge to strengthen its resistant movement across the country.

Chhuo Rim, a 55-year-old man, was also a former Khmer Rouge soldier. Rim was born in Kong Meas district, Kampong Cham province. He recalled that he volunteered to join the Khmer Rouge revolution in 1973 as many young men in his village strongly supported the Khmer Rouge movement. The situation at the time was really chaotic. Rim shared his personal experience escaping the war for safety nearby Dongrek Mountain. He said "I have to overcome a lot of hardship. I had to climb up the mountain. It took me two months to reach Dangrek Mountain." Rim and some soldiers had to sleep on the ground in the forest. They often ran out of food and had to pick up some wide fruits and steal rice from local people residing in Dangrek Mountain. He continued that he and other soldiers also had a confrontation with Vietnamese

troops.

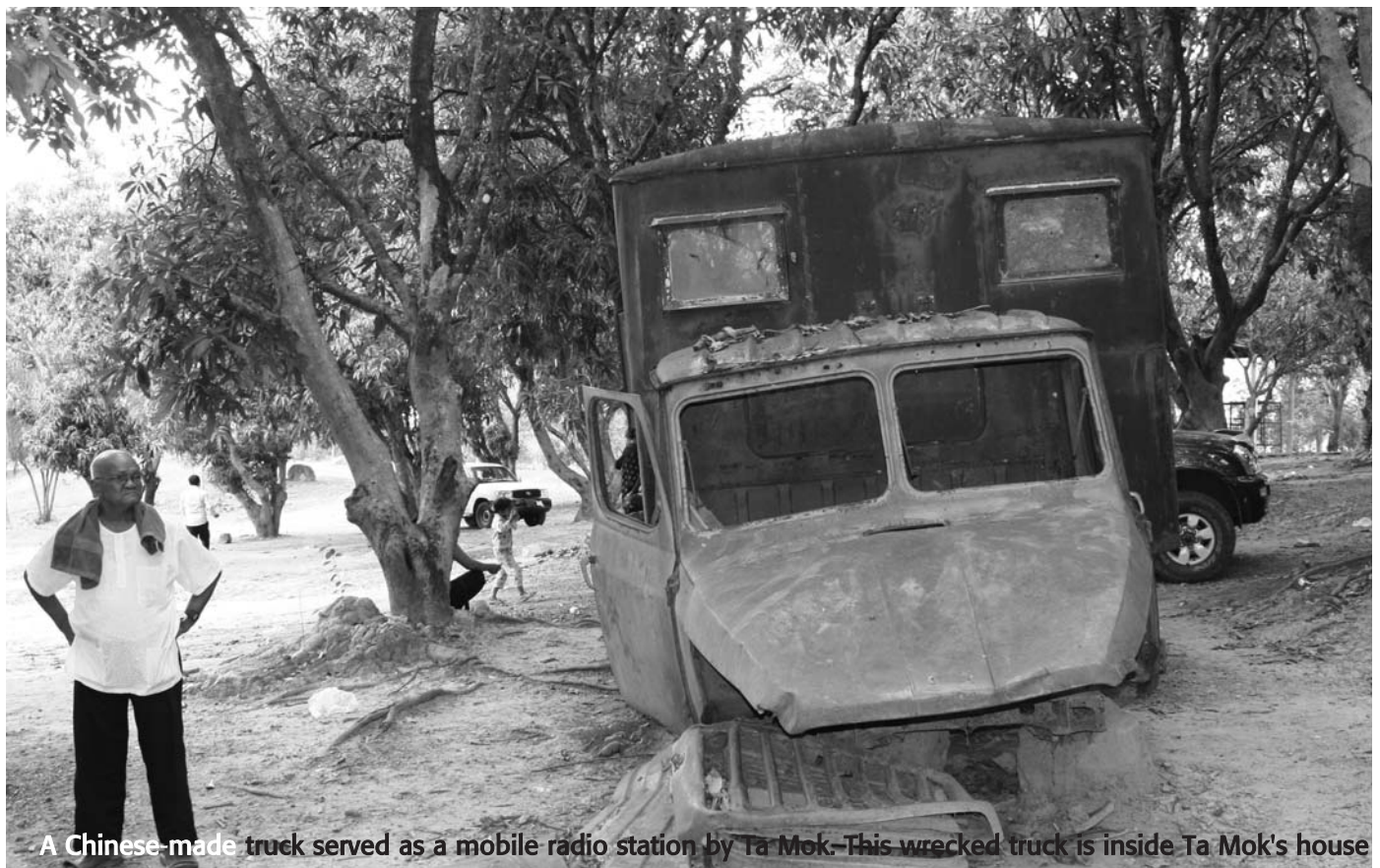


Kong Bun, a 52-year-old Khmer Rouge soldier, lives in Tapeang Tav commune, Anlong Veng district. He was born in Kong Pisey district, Kampong Speu province. Bun claimed that he decided to serve the Khmer Rouge without pressure from anyone. He wanted to become a brave soldier. Nonetheless, all Cambodians particularly the soldiers, treasure their nation and its territory, and thus they aimed to liberate the country from warfare.

However, not all dreams can come true despite tremendous sacrifice. Upon its successful liberation on April 17, 1975, the Khmer Rouge put a very strict communist policy in place for people to follow. Four years later, the Khmer Rouge leaders plagued the country into starvation, killing, and widespread disease. These are the main reasons why the regime declined and that people joined the United Front for the National Salvation of Kampuchea, which was supported by the Vietnamese troops.

In summary, these former Khmer Rouge soldiers desire peace and harmony after all of their innocent sacrifice was taken advantage of by the Khmer Rouge leaders. As emphasized earlier, the former Khmer Rouge soldiers decided to defect to the new ruling government in order to bring peace to the country. Eventually, their fear has turned into peace and harmony, while a fearful discussion has become a harmonious dialogue.

Sovann Mam is the team member of Genocide Education Project.



A Chinese-made truck served as a mobile radio station by Ta Mok. This wrecked truck is inside Ta Mok's house

ROS HOEUN NEVER BELIEVES WHAT KR LEADERS SPOKE IN THE COURTROOM

Sarakmonin Teav

While participating in the live screening of Duch's testimony organized by the Documentation Center of Cambodia (DC-Cam) at a mosque in Chraing Chamres district, Res Hoeun, a Cambodian-Muslim, exclaimed that "I never thought the court would ask Duch to testify as a witness." She doubts that Duch would tell the court every piece of information within his knowledge. Thus, she urges Duch to speak the truth to every Cambodian about the killing and suffering inflicted by the Khmer Rouge on victims and survivors.

Recalling her experience of loss and suffering would provoke her to cry because roughly fifty members of her family were either killed or died of disease and starvation. Hoeun routinely watches the trials of the former Khmer Rouge leaders on TV because she desires to hear what these leaders would say about the killings before the Trial Chambers. She questions who else these leaders would put blame on despite that they themselves were in the top echelons. She believes the truth is too far contradictory to the story these former Khmer Rouge leaders said when they told the court. She recalls on April 17, 1975, people in her village were chased out of town by the Khmer Rouge guerrillas with a promise that they would return home within the next few days. The Khmer Rouge asked that those who were the former regime officials be in their uniforms. Unfortunately, some students, doctors, and soldiers disappeared on the first day of evacuation. She claims that such incident is completely different to Nuon Chea's so-called propaganda that the city dwellers were evacuated to the countryside due to the threat of American bombardment and absence of sufficient transportation routes to transfer food. Hoeun continues that the main purpose of evacuation was to ensure the safety of people, but to eventually slaughter the Cambodian people by overworking,

starvation, and disease. For instance, her three-year old child died of a disease even though she exchanged her jewelry for medicine to save her child's life. A year later, she lost another child because there was none of the hospitals that existed had real medicine except rabbit-dropping medicine to save her child from severe diarrhea.

Regarding Duch's one week testimony, Hoeun does not think Duch has provided a truthful account of the real situation under the DK, particularly when Duch claimed that the CPK policy states that each individual would receive two cans of rice per day. In this sense, Hoeun strongly condemned Duch because if each person received two can of rice everyday,



Hoeun reading Searching for the Truth Magazine

thousands of them would not have died of starvation. She recalls that there were forty people in her work unit and together they received only two cans of rice per day, which meant they would easily face death. She was shocked to hear Duch describe that the CPK policy to disperse the Cambodian-Muslim community among the Cambodian people was to eliminate the Cambodian-Muslim identity. She says the Khmer Rouge militiamen in her village treated the Cambodian-Muslims cruelly; for instance, the Cambodian people would be provided with two scopes of gruel while the Cambodian-Muslims would receive only one. Personally, the Khmer Rouge cadres starved her for three days when she refused to eat pork, and she was punished by having to join other Cambodian-Muslims working in the dense forest. Furthermore, she painfully describes how her husband was killed. One day, they realized that they had lost a photo of her husband. In the photo, her husband was in military uniform. They believed while they were working in the field, the Khmer Rouge militiamen would search for personal property and that they had found the photo. Despite of the disappearance of that photo, they stayed calm and quiet. She says, however, at dusk the Khmer Rouge militiamen in her village came to their hut and asked for her husband. She asked why they wanted her husband, and they simply said he was being asked to join a meeting. On the contrary, she saw her husband was tied up and walking along with other men. Later in March 1977, she learned from a man who had been arrested along with her husband that her husband was burned with his body hanging upside down because the Khmer Rouge believed her husband was protected by incantation. As she continues, she bursts into tears when she describes how her younger brother was killed when the Khmer Rouge hit his penis.

Upon the death of her husband, Hoeun says she was forced to be wedded with a sixty-year-old base man. When she refused the order, she was tied and left to stay in the water for a whole day. She emphasizes that the Khmer Rouge militiamen would spy on the newly-wed couples' hut to make sure they were having sexual intercourse. In this regard, Hoeun dismisses Nuon Chea's claim that it was useless for Angkar to do so. She says the former Khmer Rouge leaders did not speak the truth to the court and to the Cambodian people who survived the regime. She claims that many women were killed and then raped because they refused to get married as assigned by Angkar.

Nowadays, Res Hoeun lives with her eighty-eight-year-old mother in the suburb of Phnom Penh. Hoeun says that the legacy the Khmer Rouge inherited for her is pain and loss. Therefore, she would like to request that the Khmer Rouge tribunal renders a sentence that can appropriately compensate the pain and suffering of the deceased. In the quest for the truth and reconciliation, Hoeun asks that the witnesses speak the truth for justice to be achieved.

Sarakmonin Teav is the staff writer for Searching for the Truth Magazine.



Muslim women reading documents provided by DC-Cam staff during the screening of a live broadcast of Duch's testimony at the courtroom

YEB ROKY'S HUSBAND DIED OF TAQIYAH

Bunthorn Som

Yeb Roky, a 52 year-old woman, watched the live broadcasting from a mosque in her community when Kaing Geuk Eav, who goes by the alias Duch, was testifying. Shortly after she listened to the testimony she reacted: embarrassed and even angry and she



Yeb Roky

said that she would never get any clear information about the Khmer Rouge leadership. However, she stated that Duch's sentence and the on-going trials against the former Khmer Rouge leaders could never make up for the loss of her own husband and family members under their brutal regime. She recalled the incident of her husband's execution at hands of blood-thirsty Khmer Rouge executioners. They killed her husband because he refused to give away his favorite taqiyah (a short, rounded cap worn by observant Muslim men). After that, she had to shoulder a heavy responsibility looking after her own children and the surviving family members.

Roky was born in Popeal Khe village, Duong commune, Ponhea Leu district, Kandal province. She was the oldest child among her four siblings. Her father, Tes Yeb, was a fisherman and a farmer. Her mother, Ith Kas, was a fish seller. At eight years of age, she attended the Muslim school in her village. However, she quit

school upon the death of her mother because she had to be in charge of household chores and taking care of her younger siblings.

Because of the 1970 coup and frequent violent attacks by the Viet Cong soldiers and the Lon Nol soldiers in the village, her father decided to abandon their house and take refuge in Chrang Chamres village. She also recalled an incident in which a Viet Cong soldier was killed by a Lon Nol soldier directly in front of her grandmother's house.

Roky was helping her father with the fishing business until the Khmer Rouge guerillas occupied the Phnom Penh Capital on April 17, 1975. Three days later, the Khmer Rouge proclaimed a three-day evacuation plan to restructure a new system in the city, and as a result, Roky's family was forced to abandon their house again. Such sudden forced eviction made her unable to bring along all of the necessities of life. She was able to take only two cooking pans, some spoons, a water bucket, and some clothes.

Her father led Roky and her brothers and sisters to Oudong district. Three days later, the Khmer Rouge soldiers transported all families including Roky's to settle in Haong Samnam commune, Aoral district, region 27, Kampong Speu province. The region was under supervision of Chhaem, a Khmer Rouge district council member. As Roky recalled, Chhaem was a kind man.

All families were divided into groups and each group consisted of ten families. Roky was assigned to work in a mobile unit. Her main duty was to build dikes and work in the fields. She stated that at first the village chief of the region did not confiscate personal property from each family. Moreover, people were not forced into harsh labor or prohibited from religious practices, particularly important for the Cambodian Cham Muslim people like Roky's family. Also, they

were provided with rice, food, and meat. It was astonishing to Roky to see that Chhaem, a district chief, personally oversaw the work of the people in the fields and shared his lunch with the local people. His caring and supportive character won over the hearts of people in the village, and everyone respected him.

However, the top Angkar became irritated by Chhaem's popularity in the village and removed Chhaem from his leadership position. Angkar appointed Sem to take over Chhaem's position. Under Sem's administration, people's personal property was confiscated. Sem ordered the Cambodian Cham Muslim families eat collectively with their Cambodian fellows in a cooperative where most of the food was served with pork. The worst was that the Cambodian Cham Muslims were forbidden to conduct religious practices. Such unreasonably harsh restriction provoked the Cambodian Cham Muslim people to protest against the policy. Some refused to eat collectively while some hid in the forest to pray to their Allah. The people who insisted on praying were warned by the cooperative chief.



A Muslim boy in Kampong Cham province riding a bike in the village with his Taqiyah

Later, Roky's father was transferred to grow sugar palm, papaya, and vegetables in Champei Dei Meas village. He was also assigned to do fishing for the whole cooperative. After a few months working in the mobile unit of region 27, Roky was reassigned to work in mobile unit of region 15 (later on, region 27 was integrated into region 15). Roky had to work in Damnak Smach under supervision of Yeay (grandmother) Meas. Yeay Meas was a one-eyed old lady and a former female militia. At the time, Yeay Meas was appointed as chief of the mobile unit of region 15.

After six months doing heavy labor work, Roky was called by a Khmer Rouge cadre to go to the regional office at Kruos pagoda. She was suspicious of this call. However, the unit chief told her that Angkar ordered Roky to get married. Although she was shocked, she dared not resist Angkar's order.

Roky had never known her husband. However, upon their marriage, she learned that her husband's name was Loh Sae. Actually, he was her cousin on her father's side. He lived in Prey Andet village, Ponhea Loe district. He proposed marrying Roky with permission from Yeay Meas. During the Lon Nol regime, Roky's husband was a student of Khmer literature and planning to pursue his studies in Malaysia.

Roky and Loh Sae became husband and wife after organizing a small traditional celebration in Kruos pagoda and committing themselves to the revolution before the unit chief. After their marriage, Roky used her hidden light-green fabric and sewed it as a taqiyah for her husband. Fortunately, Roky and her husband were allowed to be off from work for three days immediately after their marriage. However, after all this relaxing time, both Roky and her husband were forced to work in Haong Samnam commune, Aoral district. Both of them had to plant the rice seeds, dig the dikes, and collect natural fertilizers.

Roky remembered that her husband wore his taqiyah every day. Both the people and the Khmer Rouge cadres in the unit and cooperative wanted to have his taqiyah, but he always refused to give it to them. He said his taqiyah was a very important thing

to him because his wife made it for him. Roky continued relating that some unit chiefs were mad at her husband because he refused to give away his taqiyah. Some planned to threaten his life.

One day Roky's husband was about to run away from the cooperative because his life was threatened, but his father asked him to stay calm. Otherwise, Angkar would arrest and kill the whole family. Nonetheless, the time had come, and one day during harvest season, Heng, the unit chief, sent his militiamen to her husband. They ordered him to transport zinc and some medicines to a hospital in the village. He obeyed the order and told Roky that he would be back at lunch time.

One day later, the cooperative chef who was kind to Roky's husband told her that her husband and another old man were killed at Taing Dambang hospital. The chef asked her to hold her tears and maintained her commitment to work for Angkar for the sake of her whole family. Roky could not help shedding tears for the loss of her beloved husband. She also dared not ask further about her husband's death.

As time passed, she observed that the Khmer Rouge soldiers had transferred hundreds of new people from Svay Reing province to build their own huts in

the village. However, one day later she witnessed the Khmer Rouge cadres escort these new people and kill them somewhere near the village. After such a massive execution, the chief of region 15 decided to integrate any new people into the existing base population of villagers. Roky stated that, although her status changed to base population, she was still forced to do heavy labor.

In late 1978, the people in Roky's unit were anxious because of the news of a Vietnamese invasion into Kompong Spue province. Despite the confusion of the invasion, she managed to meet her father in Champei Dei Meas village, and finally they were able to return to their home village in Chrang Chamres commune, Russei Keo district, Phnom Penh.

Nowadays, Roky is a widow living with her four children. Roky said with great emotion that whenever she recalls the tragedy that happened to her husband, she feels great pain and often weeps. She reiterated that her husband died just because of his favorite taqiyah.

Bunthorn Som is the staff writer for Searching for the Truth Magazine.



People in a Cham community in the suburb of Phnom Penh reading books provided by DC-Cam staff.

A CHAM-MUSLIM WOMAN WHO STRUGGLED TO SURVIVE

Ten Soksreinith

A proverb goes "Women are the backbone of the family's economic core." Zily Khor's life of struggle reflects the essence of this proverb. Covered by dust, charcoal, and powder, Zily Khor works vigorously and cleverly in her business. Too quick a look at this small lady might lead some to conclude that she is fragile physically and economically. However, she is strong, smart, and alert, a real businesswoman. While continuing to work on the cake she was making, she asked me and my senior colleague to explain the purpose of screening live in her community Duch's testimony at the Khmer Rouge Tribunal. While still being attentive to the day's business, Zily Khor voluntarily shared her life experience, a moral model for Cambodian women who have survived the Khmer Rouge regime.

Prior to the Khmer Rouge regime, Zily lived a happy life in a rich family as the oldest sister among nine siblings. She received good care from a gentle and intelligent father and a caring mother. The prosperity of her family was largely based upon her father serving as a part of the Central Intelligence Agency (CIA). However, when the Khmer Rouge guerrilla forces took over the country in 1975, Cambodian families in the cities, including her family, were forced out of the cities into the countryside. Due to the mass evacuation and chronic disease, Zily's mother died soon after they reached Kampong Speu province. At the same time, her two younger brothers died of disease and her third-younger brother disappeared and has not been seen since.

A few days after resettling in Kampong Speu, her father's identity was discovered by the Khmer Rouge militiaman. At dusk one day, three Khmer Rouge militiamen, Lim, Latt, and Yuon, came to her hut and asked for her father. They said to him, "You are sick, so Angkar asks you to receive treatment at the hospital." Her father's body had become very

swollen, and although he did need treatment, Zily actually believed that her father would be killed. While packing some clothes including a Krama, he said to Zily, "I'm extremely hungry. Could I sell my diamond ring in exchange for some food?" His question broke her heart, and she began to cry because she wanted to keep this ring as a family heirloom. She suggested that he sell his watch instead of the ring. When her father left that day, he left the ring for her.

The next day, her fourth-younger brother asked that he be treated at the hospital because he was suspicious of how his father was summoned. He learned that his father was dead. Zily later heard the heart-breaking news from patients treated at the hospital that her brother had starved to death there. These unfortunate incidents did not weaken or frighten her. She did not give up hope of her own survival. Instead, she maintained her spirit and strength, and she assumed responsibilities as parent of her surviving siblings. In late 1975, due to widespread epidemic and starvation, her siblings along with other villagers in a village of Kampong Speu province were evacuated to Sala Lek Pram, district 18 (Kampong Tralach), Kampong Chhnang province.

In district 18, Kampong Chhnang province, her surviving siblings were dispersed to work in separate units. Zily was placed in the female unit, while her younger brothers and sisters were placed in the children's unit. At this point in her story she said with anger in her voice, "Even though there were many infectious diseases endangering most Cambodian people under the regime, the Khmer Rouge's term "Consciousness Illness" could take our life just in a blink." Therefore, she was careful and worked hard at the Khmer Rouge harsh labor camp. Although she did become ill and her body did swell, she continued working in the field as usual in order to avoid the accusation of consciousness illness.

Months later, she was told that her 14-year-old brother had died because he did not know how to plant the rice seed. He was hit in the head with a sickle, and eventually became ill and died. One such horrible piece of news emerged after another. A few days later, her younger sister fell out of a palm tree. She was forced to collect palm juice by the Khmer Rouge female militiamen despite the fact that she had never climbed a tree. The fall put her in severe pain, and eventually she died. In addition, her six-year-old youngest sister's hip was broken by a Khmer Rouge who hit her on the back. Days later she died due to the injury and starvation. Finally, among her nine siblings only she and a younger brother survived.

After all these tragic incidences, Zily became stronger physically and emotionally. She put this painful past behind her and retained her strength despite the fact that these ugly times and events haunted her from time to time. After liberation day, Zily returned to her home village where she spent two years as a housemate in her neighbor's family before she was able to lead an independent life. She explained, "I earned some money for my business by selling bananas." She made steamed-banana cakes wrapped in banana leaves and sold them to her villagers. Zily eventually married. Slowing slightly her cake preparation, she leaned toward me and whispered, "as a single woman, you would be humiliated by your neighbors."

Being a mother and a wife was a heavy burden for Cambodian women in the aftermath of the Khmer Rouge genocide. It was not easy for Zily. After she gave birth to a son her husband had a love affair and left her. She later learned that her husband died after falling off a truck. As a widow, she devoted her labors to rearing her son. She recalled nostalgically, "I had to keep my son in the rice box while selling cakes. I rushed home once the cakes were sold out in order to breastfeed him. Sometimes, I needed to tie his leg to our bamboo-wooden bed when I fetched water from the river."

It is obvious that every surviving Cambodian woman in the aftermath of the Khmer Rouge has

undergone immeasurable hardships. Personally, Zily takes lessons from her painful past life. Today, she is the breadwinner in her family, running a small grocery business to support her married son, daughter-in-law, and three grandsons. Despite her age and deteriorating health her first priority remains her business.

Although she devotes most of her time to her business, she spends her nighttime listening to news on radio. She learns about on-going development at the Khmer Rouge tribunal and knows that Duch, the former chief of S-21, was sentenced to life imprisonment, while the four aging Khmer Rouge leaders are standing trial. Sometimes, she thinks to herself that she had created bad karma in her previous life and as a result might be undergoing hardship and suffering in this life. None-the-less, she is delighted to see the former Khmer Rouge leaders being tortured by the rule of law during their present life for the crimes they committed.

This is a true story that reflects the resilience of a Cham-Muslim woman. Her story parallels those of thousands of strong Cambodian women who survived the cruel Khmer Rouge regime. This painful past remains in hearts of these women but their resilience and strength are the keys to the future of their families, their communities, our culture, and the Kingdom. Lessons for all of us are to be found in their lives. Coming generations of Cambodian women take strength and learn from Zily and those like her who not only survived but prospered.

Soksreinith TEN is the translator for Searching for the Truth Magazine.

READING HISTORY OF DEMOCRATIC KAMPUCHEA

DC-Cam's publication History of Democratic Kampuchea written by Dy Kamboly and teacher guidebooks can be downloaded with free of charge at http://dccam.org/Projects/Genocide/Genocide_Education.htm

PUBLIC INFORMATION ROOM

DC-Cam's Public Information Room (PIR) is open to students, researchers, government and non-government organizations, and interested members of the public who want to learn more about the history of Democratic Kampuchea and the developments of the coming Khmer Rouge tribunal.

DC-Cam is the largest repository of primary materials on Democratic Kampuchea. The materials in its archives are consequently of the utmost historical interest and has served as important evidentiary materials in any accountability process relating to the DK regime. To disseminate the truth about the DK period and to promote lawful accountability and national reconciliation, it is imperative that materials be made available to historians, judicial officials, and other interested members of the public. Through the PIR, the public can read the documents and use them for research. The documents in our possession include biographies, confessions, party records, correspondence, and interview transcripts. We also have a database that can be used to find information on mass graves, prisons, and genocide memorial sites throughout Cambodia.

The PIR offers three services:

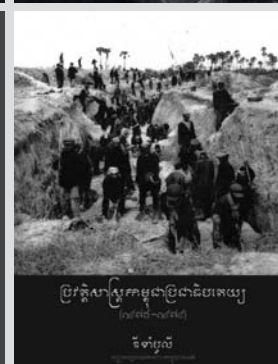
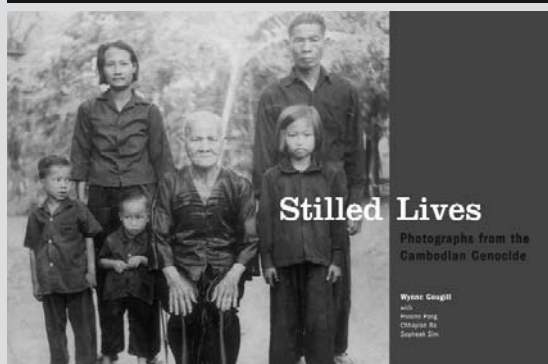
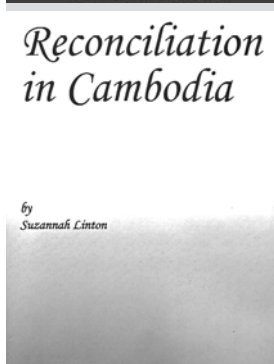
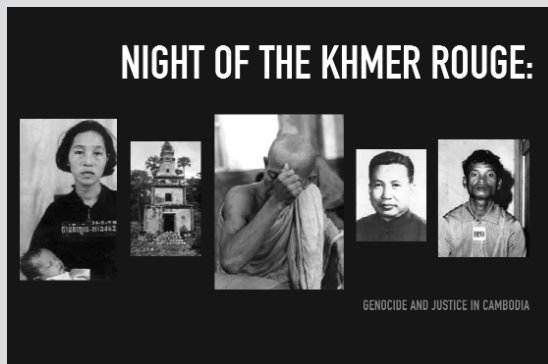
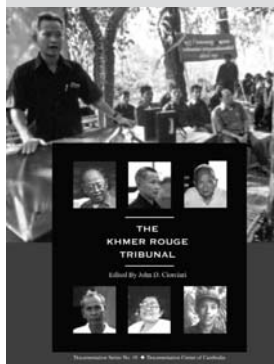
1. Library: Through our library, the public can read documents, books and magazine, listen to tapes, watch documentary films, and view photographs held at DC-Cam, the Tuol Sleng Genocide Museum, National Archives and other locations.

2. Educational Center: DC-Cam shows documentary films and offers lectures on Khmer Rouge history, the Khmer Rouge tribunal, and other related subjects.

3. Tribunal Response Team: Our document and legal advisors have provided research assistance to the tribunal's legal experts from both Cambodia and the United Nations, as well as to the public.

Khmer Rouge documentary films are shown everyday upon request.

The PIR is located at House 66, Preah Sihanouk Blvd, east of the Independence Monument. It is open to the public from Monday to Friday, 8 a.m. to 5 p.m. For more information or if you want to arrange a group event, please contact our staff, Savina Sirik, at truthsavina.s@dccam.org or at 023 211 875. Thank you.



THE DUTY TO PROVIDE PUBLIC INFORMATION DURING ECCC JUDICIAL INVESTIGATIONS

Tessa Bialek

I. Introduction

Last year, the Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia (ECCC) publicly announced the close of the judicial investigation into Case 003. The Case 003 investigation is reported to have lacked "basic investigative acts" such as interviews with suspects and witnesses and field investigations. Concomitantly, the Co-Investigating Judges have been silent about the scope of the investigation and have never officially released the names of suspects or information about alleged sites or crimes under investigation, thus depriving potential Civil Parties of the information necessary to exercise their rights to participate in the investigation and related proceedings.

The absence of public information throughout the judicial investigation prevented victims from participating as Civil Parties to Case 003. The ECCC enables victim participation as Civil Parties to the Court's proceedings, and the role for victims as parties is provided for by the Internal Rules and emphasized in the rhetoric and action of various bodies of the ECCC. Civil Parties are a fundamental element of the French criminal justice system, upon which the Cambodian criminal justice system and the ECCC, in turn, are modeled, and international standards and jurisprudence support the values underlying robust victim participation.

The Court's duty to provide basic public information is immediately relevant to the ongoing Case 004 investigation. In an attempt to ensure a "reasonable opportunity" for victims to file Civil Party applications in Case 004, the International Co-Prosecutor filed a request on July 28, 2011 asking the Co-

Investigating Judges to "issue a public statement by 5 August 2011 describing the crimes and offenses under investigation in Case 004." Nonetheless, the Co-Investigating Judges have remained silent. The failure to provide necessary information about the ongoing judicial investigation effectively precludes Civil Party participation, violates the participatory rights of victims, factually weakens the judicial investigation, and undermines the Court's commitment to the victims it purports to serve.

II. Victims' Role as Civil Parties during Judicial Investigations

Victims have the right to participate as Civil Parties at the ECCC. Civil Party participation is the primary and fundamental means by which victims are intended to meaningfully engage with the Tribunal's proceedings. Civil Party action before the ECCC has two primary purposes: first, participation as Civil Parties enables victims to seek collective and moral reparations; additionally, Civil Parties are able to participate in criminal proceedings by supporting the prosecution. Victims can exercise their right to Civil Party participation from the earliest stages of judicial proceedings, as affirmed by the Pre-Trial Chamber in 2008, which stated that the Internal Rules "make it clear that Civil Parties have active rights to participate starting from the investigative phase of the procedure."

Civil Party participation at the ECCC, as at other civil law-based courts, is predicated on the ability of Civil Parties to contribute to judicial investigations. Because Civil Party applications must "specify the alleged crime" or "show the guilt of the alleged perpetrator," they by their very nature support the prosecution as provided for in Rule 23(1)(a). In addition to providing potentially pertinent information in Civil Party

applications, Civil Parties may also support the ongoing investigations through interviews or by requesting investigative acts that reveal information about the alleged crimes. Civil Parties might be uniquely positioned to offer certain information pertinent to ongoing investigations, and their participation can bring to the Court "first-hand knowledge" about events and inform the Court about issues that are "directly relevant to the pre-trial proceedings."

III. Information is Essential for Civil Party Participation in Judicial Investigations

Victims must receive certain information during ongoing judicial investigations in order to seek reparations and support the prosecution through Civil Party participation in the proceedings. If victims and potential Civil Parties do not have sufficient or meaningful information during the investigative phase, they are precluded from exercising fundamental participatory rights provided for in the ECCC's Internal Rules. The failure to provide information to victims, precluding their participation as Civil Parties, thus legally harms the judicial investigation by violating the process provided for in the Court's Internal Rules, factually harms the investigation by preventing Civil Parties from fully contributing, and suggests that the Court's stated commitment to victims and belief in their value to the proceedings is disingenuous.

Although Internal Rule 56(1) provides that judicial investigations shall not be conducted in public and that confidentiality shall be maintained, the Co-Investigating Judges are not precluded from providing certain information to the public. Rule 56(2) enables the Co-Investigating Judges to issue information regarding ongoing investigations that they "deem essential to keep the public informed of the proceedings, or to rectify any false or misleading information" and to "jointly grant limited access to judicial investigation to the media or other non-parties in exceptional circumstances." The Pre-Trial Chamber recently asserted the importance of reading all Rules, including Rule 56, in the context of "the fundamental principles of procedure," specifically Rule 21(1)(c), which states that the Court "shall

ensure that victims are kept informed and that their rights are respected throughout the proceedings." Throughout the Case 003 judicial investigation, various Court actors have recognized the right to Civil Party participation and alluded to the necessity of information to facilitate this participation. However, the Co-Investigating Judges have prevented victims from realizing their right to participate in the proceedings by failing to provide the information necessary for successful Civil Party applications and victim participation.

IV. Victims Should Receive Timely Information to Enable Meaningful Participation in and Contribution to the Judicial Investigation

At a minimum, public information during the judicial investigation is required early enough to enable victims to meet the Civil Party application deadline. In addition, Civil Parties have pre-trial participation rights that they are prevented from exercising if they are unable to complete their Civil Party applications sufficiently early in the investigation. Victims are most likely to be able to contribute meaningfully to a judicial investigation—both as Civil Party applicants and Civil Parties requesting investigative acts—during the early, active stages of the investigation, as opposed to shortly before or after receiving notification of the investigation's closure. ECCC jurisprudence emphasizes that information should be provided in a timely manner, and that Civil Party participation is possible before formal charges have been issued.

1. Civil Party Participation Is Possible Before Formal Charges Have Been Filed

Rule 23 bis(1)(b) states that a Civil Party applicant, in order to be admitted, shall: "[D]emonstrate as a direct consequence of at least one of the crimes alleged against the Charged Person, that he or she has in fact suffered...." ECCC jurisprudence and recent practice make clear that any persons named in the prosecutor's initial submissions are automatically Charged Persons under Rule 23 bis (1)(b). According to the ECCC Internal Rules' Glossary, 'Charged Person' "refers to any person who is subject to prosecution in a particular case, during the period between the

Introductory Submission and Indictment or dismissal of the case." Indeed, an order by the Office of the Co-Investigating Judges affirmed that any person named in the Introductory Submission is a Charged Person, stating: "If the person is not named in the Introductory Submission, he or she acquires the status of a 'Charged Person', which is the case for all persons named in the Introductory Submission." Similarly, Co-Investigating Judges have noted that: "Any person named in the introductory submission is referred to as 'the charged person,'" in accordance with French Criminal procedure. Thus, Civil Party participation may begin before formal charges have been filed against the persons under investigation.

2. Information, at a Minimum, Must Be Provided in Sufficient Time to Meet Civil Party Application Deadlines

Public information during the judicial investigation is necessary for the Civil Party application process to function as envisioned by the Court's Internal Rules. Under the new reforms to the Court's Internal Rules, Civil Party applications must be submitted during the judicial investigation phase. Specifically, Rule 23 bis (2) requires that victims submit Civil Party applications "in writing no later than fifteen (15) days after the Co-Investigating Judges notify the parties of the conclusion of the judicial investigation." This necessitates that certain information be available to Civil Parties sufficiently in advance of this deadline to enable them to build an application that demonstrates "as a direct consequence of at least one of the crimes alleged against the Charged Person, that he or she has in fact suffered physical, material, or psychological injury upon which a claim of collective and moral reparation might be based."

3. Information Must be Provided Early Enough for Civil Parties to Realize their Right to Pre-Trial Participation

In addition to the Civil Party application process, which necessarily takes place during the judicial investigation, Civil Parties have pre-trial participation rights that victims are precluded from exercising if they

do not have sufficient information to join the proceedings during the judicial investigation stage. Civil Parties may, at any time during an investigation, request the Co-Investigating Judges "to make such orders or undertake such investigative action as they consider useful for the conduct of the investigation," or "to interview him or her, question witnesses, go to a site, order expertise, or collect other evidence on his or her behalf." Additionally, Civil Parties have Pre-Trial Appeal rights that they cannot exercise unless they have been joined as Civil Parties prior to the deadline for these appeals. Depriving victims of their ability to participate in the pre-trial proceedings is a violation of the Court's Internal Rules.

4. Civil Parties Must Receive Information in Time to Meaningfully Contribute to the Investigation Itself

The Internal Rules depend on Civil Party participation to "support the prosecution" and contribute to ongoing investigations, and Civil Parties must be sufficiently informed about the ongoing investigations to contribute in a timely and meaningful manner. Public information coming at or after the conclusion of the judicial investigation would preclude Civil Parties from meaningfully contributing.

5. Public Information During Case 003 Does Not Meet the Standard for Timely Information Created by Case 002 and Related Jurisprudence

In contrast to Case 003, victims received basic information about the ongoing investigation throughout the Case 002 judicial investigation. Nevertheless, a recent Pre-Trial Chamber decision found that "the Co-Investigating Judges did not keep the victims informed in a timely fashion" and "that the fundamental rights of victims have, as a consequence, not been duly safeguarded." Thus the Case 002 judicial investigation, despite providing public information earlier and more regularly than that of Case 003, offers an example of public information released too late and/or too infrequently to meet ECCC requirements.

V. Sufficient Information Should Be Provided to Enable Successful Civil Party Participation and Relevant

Contributions to the Ongoing Investigation

Victims must have enough information about ongoing judicial investigations to enable them to meet the requirements of the Civil Party application process and to substantially participate in and contribute to the ongoing judicial investigation. Targeted victim and Civil Party participation preserves Tribunal resources and promotes efficiency. To be sure, the rights of all parties must be considered during the judicial investigation. Providing basic information during judicial investigations, however, is consistent with the rights of victims and Civil Parties and is not unduly harmful to the other parties to the investigation.

1. Victims Must Have Enough Information to Exercise their Right to Serve as Civil Parties

Successful Civil Party applications depend on information about the ongoing investigation in order to connect each applicant's unique situation to the suspects and alleged crimes under investigation, as required by the Internal Rules. Rule 23 bis(4) requires that Civil Party applications: provide details regarding their status as a victim; specify the alleged crime; offer evidence of the injury suffered; and "tend to show the guilt of the alleged perpetrator." A successful Civil Party application necessitates that the applicant demonstrate that as a direct consequence of at least one of the crimes alleged against the Charged Person, he or she has in fact suffered injury upon which a claim for reparations might be based. Thus, prospective Civil Parties depend on specific information about the persons and crimes under investigation.

2. Victims Must Have Sufficient Information to Enable Meaningful and Relevant Contributions to the Judicial Investigation

When victims lack sufficient information about ongoing investigations, their applications are less likely to be pertinent to the ongoing investigation. Applications submitted without knowledge of the ongoing investigations are unlikely to provide information targeted to the specific allegations under investigation. Sorting through applications that are not relevant to the scope of the investigation is a waste of time and

resources for VSS and the Co-Investigating Judges. Additionally, victims might have unrealistic expectations about their ability to participate as Civil Parties that will not be fulfilled without sufficient information to build a successful application. The investigation itself will be factually harmed when victims are not given the opportunity to provide information relevant to the ongoing judicial investigations. Precluding victim participation in this way is counter to the Court's Rules and the values underlying them, which provide that Civil Parties should contribute to ongoing investigations.

3. The Rights of Victims and Civil Parties, Which Depend on Certain Public Information, Are Not Incompatible with the Rights of Other Parties

The ECCC's Internal Rules recognize the need to balance the rights of all involved in the judicial investigation, including and without diminishing the rights of victims and Civil Parties. Rule 21, describing the Court's fundamental principles, reminds that all ECCC Law, Rules, Directions, and Regulations "shall be interpreted so as to always safeguard the interests of Suspects, Charged Persons, Accused and Victims and so as to ensure legal certainty and transparency of proceedings." Furthermore, the Court must "preserve a balance between the rights of the parties" in all proceedings. This balance is essential to the determination about which information to make public during a judicial investigation and is emphasized in the Court's Rules regarding public information during ongoing proceedings. Because the rights of victims and Civil Parties cannot be overshadowed by the rights of other parties, it is therefore necessary to provide sufficient public information for those rights to be realized.

VI. Conclusion

During the Case 003 judicial investigation, the Co-Investigating Judges failed to fulfill their duty to provide victims with timely and meaningful information, which effectively precluded Civil Party participation and violated the right of victims to participate as Civil Parties to seek reparations and support the prosecution. Furthermore, the lack of public information factually harmed the investigation by preventing potentially

relevant victim and Civil Party contributions. The Co-Investigating Judges must provide a meaningful amount of information in sufficient time to enable victims to participate as Civil Parties and contribute to the ongoing judicial investigation. With the ongoing judicial investigation into Case 004 likely coming to an end, the Co-Investigating Judges have a pressing obligation to provide the necessary information to

enable victims to participate as Civil Parties to the proceedings. Otherwise, the Civil Party participation process envisioned in the Internal Rules breaks down, and the Court's stated commitment to victims and belief in the value of their participation appears insincere.

Tessa Bialek was DC-Cam Legal Associate in Summer 2011.

CAMBODIA TRIBUNAL MONITOR

The Cambodia Tribunal Monitor (www.cambodiatribunal.org) provides extensive coverage throughout the trial of three former senior Khmer Rouge officials accused of atrocity crimes. The Monitor provide daily in-depth analysis from correspondents in Phnom Penh, as well as complete English-translated video of the proceedings, with Khmer-language video to follow. Additional commentary is provided by a range of Monitor-affiliated experts in human rights and international law.

The Monitor has been the leading source of news and information on the Extraordinary Chambers in the Court of Cambodia (ECCC) since its inception in 2007. The website hosts an archive of footage from the tribunal and a regularly updated blog containing analysis from expert commentators and coverage by Phnom Penh-based correspondents.

An estimated 1.7 million Cambodian citizens died under the Khmer Rouge regime between 1975 and 1979. The former Khmer Rouge officials to be tried in the ECCC's "Case 002" are Nuon Chea, former Deputy Secretary of the Cambodian Communist Party's Central Committee and a member of its Standing Committee; Ieng Sary, former Deputy Prime Minister and Foreign Minister of Democratic Kampuchea and Khieu Samphan, former Chairman of Democratic Kampuchea State Presidium.

The Cambodia Tribunal Monitor was developed by a consortium of academic, philanthropic and non-profit organizations committed to providing public access to the tribunal and ensuring open discussions throughout the judicial process. The site sponsors include Northwestern University School of Law's Center for International Human Rights, the Documentation Center of Cambodia, the J.B. and M.K. Pritzker Family Foundation and the Illinois Holocaust Museum and Education Center. The concept for the website was conceived by Illinois State Senator Jeff Schoenberg, a Chicago-area legislator who also advises the Pritzker family on its philanthropy.



**CAMBODIA
TRIBUNAL
MONITOR**

Follow our daily coverage of Case 002,
beginning with opening statements
on November 21.

www.cambodiatribunal.org

EQUALITY OF ARMS AND JUDICIAL INDEPENDENCE IN THE INVESTIGATION OF CASE 002 IN THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

Valerie E. Stranieri

The arguments by the defence teams regarding transparency and investigative independence are based on the accountability of the Co-Investigating Judges to focus their work on ascertaining the truth. The defence teams have filed numerous requests and objections often accusing the Office of the Co-Investigating Judges (OCIJ) of bending to political manipulation and acting incompetently. The majority of their arguments on political interference and bias appear implausible and their requests for investigative action superfluous. For example, the Ieng Sary defence team requested an inquiry be conducted of investigator Stephen Heder to determine whether or not he is a secret agent working for the Central Intelligence Agency; and the Nuon Chea defence team requested all government employees who were officials in Democratic Kampuchea be interviewed to ascertain whether Prime Minister Hun Sen is obstructing the investigation to protect certain political figures. There have been several occasions, however, that do warrant apprehension regarding the quality and depth of the investigation in Case 002.

The ECCC is derived from what is called an inquisitorial civil law system, as opposed to the common law adversarial system that most international tribunals use. The key difference is that inquisitorial systems give complete authority of all investigative matters to the investigating judge. This judge is tasked with uncovering the truth behind the allegations and is expected to act in the interests of all parties impartial to prosecution or defence. At the ECCC, the defence are not allowed to participate in the interviews of witnesses and are only allowed to make suggestions for investigative actions. At trial, the judges will only consider evidence collected by the investigating

judges and entered into the case file. Because the judge is given complete discretion, inquisitorial systems are premised on highly competent, impartial judges who are above reproach.

The fundamental principle of equality of arms guarantees each party a reasonable opportunity to present his own case and not be placed at a disadvantage with his opponent. This principle is especially crucial in a complex and politically charged legal environment such as the ECCC. The judges must go beyond ensuring the defence is merely not disadvantaged and instead make certain the prosecution and defence are equal before the Trial Chamber.

The defence teams argue, however, that the OCIJ has shown a general lack of regard for the interests of the accused. They suspect that almost all the evidence to be included in the case file was collected before the Court was officially established, and the ECCC was designed for the purpose of convicting the accused in Case 002 based on that evidence alone. The defence teams argue the OCIJ has failed to verify sources, authenticate documents, corroborate witness statements, and seek evidence favorable to the accused. Instead of being allowed the opportunity to supplement or resolve these deficiencies, the defence has been barred from conducting any investigative actions or attending any interview. Furthermore, the defence teams complain that nearly all of their requests that the OCIJ undertake investigative action have been denied.

In response to all complaints by the ECCC Defence teams, the Prosecution argues the teams have had ample opportunity to sculpt a defense with the evidence already entered in the case file, to which all parties have equal access. The Co-Prosecutors argue it is the duty of the defence teams to assess

which material is advantageous to their respective clients. Some trial observers with inside knowledge have suggested there is, in fact, evidence favorable to the accused, but the co-lawyers have not performed a competent evaluation of the materials available. Moreover, the Co-Prosecutors contend the investigation has been so thorough, in fact, witness statements should be admitted as evidence without according the accused the absolute right to cross-examine the witnesses at trial. In the opinion of the Co-Prosecutors, the accused were allowed to participate in the investigation by filing requests for investigative action and had the opportunity to contest all evidence and witness statements through their right to appeal, which would have been decided at the discretion of the Co-Investigating Judges.

In considering such arguments, it must be stressed that the Co-Investigating Judges have complete authority over investigations, and there has been no specific violation in excluding defence participation in the investigation. If their accusations are true, however, the defence teams are entering the trial phase unarmed. They have not yet been granted an opportunity to challenge the witnesses and evidence against them, the investigation has not been sufficiently transparent, and they have not been granted fair consideration in supplementing the investigation with evidence to their favor. Further, there may be a lack of resources at trial to properly remedy any defects in the investigation. It is not possible for those outside the judicial chambers, however, to ascertain whether these accusations are true because the entire investigation was executed by the OCIJ in complete confidentiality.

This is precisely the type of scenario opponents call attention to when criticizing the inquisitorial criminal justice system for its weakness in equality of arms. Since the trial of the accused in the ECCC depends almost completely upon evidence gathered under the absolute and confidential authority of the CIJs, judicial competence, independence, and impartiality are paramount to preserving the right to a fair trial. However, there have been numerous accusations that the CIJs have not afforded the accused fair and impartial

consideration in the investigation and that the investigation has been tainted by incompetence, partiality, and political meddling.

As early as 1999, during the negotiations to form the ECCC, United Nations officials expressed serious concern regarding corruption and political interference found to pervade the Cambodian judiciary: judges were paid unbearably low wages, leading to bribery and side deals; there was an understanding that all judges, even those not involved with the Cambodian People's Party, kept their positions based on their political affiliations; pure incompetence obstructed justice; and law enforcement acted almost without restraint. Even today, it is commonly understood that membership in the Cambodian People's Party is an unofficial prerequisite for aspiring judges. Although no direct evidence has been made public that National Co-Investigating Judge You Bunleng has acted inconsistent with the duties of his office, the notorious lack of independence in the Cambodian judiciary, allegations against other ECCC judges, and politically suspect decisions on his part have cast doubt on his impartiality.

In perhaps the most blatant instance of alleged political interference, Judge You Bunleng apparently refused to sign letters requesting interviews of King Father Norodom Sihanouk and six government officials. His actions, or inactions, in this instance resulted in chastisement by the International Pre-Trial Chamber Judges arguing that, in the absence of any legal reasoning explaining his decision, no reasonable judge could have failed to consider a possibility of government interference. Judge You Bunleng also decided to remove his signature from letters initiating investigations in Cases 003 and 004 one day after a government spokesman articulated the government's opposition to bringing additional suspects before the Court. To date, there has been neither a dismissal nor an indictment, and the Co-Investigating Judges have denied the International Co-Prosecutor's requests for further investigative action.

These examples, not by any means the sole deficits in the investigation, have serious implications

for the fair trial rights of the accused in Case 002. They insinuate the national judges have been making decisions as a direct response to the political motives of the Cambodian government. The Pre-Trial Chamber has repeatedly held that Judge You Bunleng has not violated any specific rule or law, and there is no evidence he followed specific directions from the government. However, when viewed in context with the public statements by government officials, the nature of the Cambodian judiciary, and the allegations against other national judges, behavior by Judge You Bunleng raise many observer's suspicions as to the quality and impartiality of the investigation in Case 002.

In light of the suspicions regarding the national judges, and the fact that the ECCC was designed to include international participation, it is all the more important the international judges be above reproach. However, in one of the more publicized accusations of judicial bias, Judge Lemonde received much criticism for allegedly stating at an informal meeting that he would prefer the investigation uncover more evidence favorable to the prosecution than to the defence. Whether Judge Lemonde meant his words to be taken lightheartedly or as a direct instruction, remarks of this character are wholly unacceptable and should be weighted heavily. Judge Lemonde's successor, Siegfried Blunk, has received even greater criticism for his performance in the investigations in Cases 003 and 004. From the date Judge Blunk took office to the close of the investigation in Case 003, no field work was performed. This highlights the concerns that the legitimacy of the ECCC is deteriorating due to a questionable judiciary.

The inquisitorial method itself is a legitimate and respected criminal justice system and is in many ways efficient for such a complex tribunal as the ECCC with multiple defendants being tried for the same event. For the system to work, however, the judges must be above reproach. When considered separately, each allegation of inequality in the investigation in Case 002 does not prove a breach of judicial independence. However, when viewed comprehensively, the allegations

raise concern as to the quality of the investigation, respect for equality of arms, and judicial independence. This brings into question the legitimacy of the Court and sets a negative example for the developing Cambodian judiciary.

The Trial Court has the ability to rectify any deficiencies in the investigation by ensuring equality in the examination of evidence at trial. In particular, the accused must be afforded the opportunity to challenge all witness statements and documentation that attest to an act, conduct, or position of the accused. Furthermore, the Judges of the Trial Chamber must act in complete transparency, including fully reasoned decisions, to avoid creating an appearance of bias. As Judge Silvia Cartwright has forewarned, every activity by the Trial Chamber will be under public scrutiny, and the Judges must keep in mind their role in the legacy of the ECCC: "to restore a system that gives Cambodian people confidence that they will receive justice from their courts" and "to show the international community that Cambodia is making efforts to put in place a system that meets international standards."

Valerie E. Stranieri was a DC-Cam legal intern in Summer 2011 when she was studying at Tulane Law School.

SIGNIFICANCE OF GENOCIDE EDUCATION

- ◆ *Your questions empower and give meaning to those who have suffered. Asking your parents and grand-parents about the Khmer Rouge will further the reconciliation of the Cambodian nation.*
- ◆ *Teaching children about the Khmer Rouge regime means teaching students the difference between good and evil and how to forgive. Broken societies must know their past in order to rebuild for their future.*
- ◆ *Teaching children about the history of the Khmer Rouge regime, as well as stimulating discussion between children and their parents and grand-parents about what happened, are important to preventing genocide both in Cambodia and the world at-large.*

ECCE's TARNISHED LEGACY AND THE UN

Peter Maguire

After spending more than three years and \$200 million, the Khmer Rouge war crimes court—the Extraordinary Chambers in the Courts of Cambodia (ECCC)—is making significant progress in their trial against senior Khmer Rouge leaders Noun Chea, Ieng Sary, and Khieu Samphan.

However, all is not well in Phnom Penh. Laurent Kasper-Ansermet, a Swiss ECCC reserve judge who resigned in March over the Cambodian refusal to support investigations for cases 3 and 4 blasted the court's "egregious dysfunctions." UN chief Ban Ki Moon announced that the organization would not tolerate "impunity for the crimes committed during the period of the Democratic Kampuchea." United Nations brass and their advocates in the human rights industry have decided to take a principled stand, rather than complete one the most significant war crimes trials since Nuremberg. However, it is too late for the UN to reclaim their political virginity in Cambodia as they entered this Faustian "mixed tribunal" arrangement with open eyes. Rather than express "concern," "serious concern," or "grave concern," the UN should make good on years of hollow threats and withdraw once the second trial is complete and relegate the "mixed tribunal" model to the dust bin of history.

The UN has not earned the right to such sanctimony given their history in Cambodia: A short history lesson is in order. After the Vietnamese toppled the Khmer Rouge in 1979 and it was clear that the Chinese-sponsored Maoists had committed the worst atrocities since World War II, the UN

allowed the genocidal regime to retain Cambodia's seat in the General Assembly. During the UN's remarkably unsuccessful, two-year multi-billion dollar occupation (1991-1992) that sent more than 20,000 troops and 5,000 civilian advisers to Cambodia, there was no mention of war crimes or any form of accountability—the 1991 Paris Treaty did not contain the word genocide of crimes against humanity, only a single Orwellian sentence that vowed "the nonreturn to the policies and practices of the past." However, in stark contrast to the successful reconstructions of Germany and Japan, this one would be run by civilians, and the Khmer Rouge would be treated as one of four legitimate political parties in an effort to create "a neutral political environment." According to the UN's "expanded peacekeeping" model, neutrality was the highest political virtue; military affairs were viewed dismissively as another facet of police work. The UN made no effort to disarm the Khmer Rouge, much less collect any evidence of war crimes or provide any form of accountability; in fact, they did the opposite and



The UN chopper and truck (Photo: Benny Widjono)

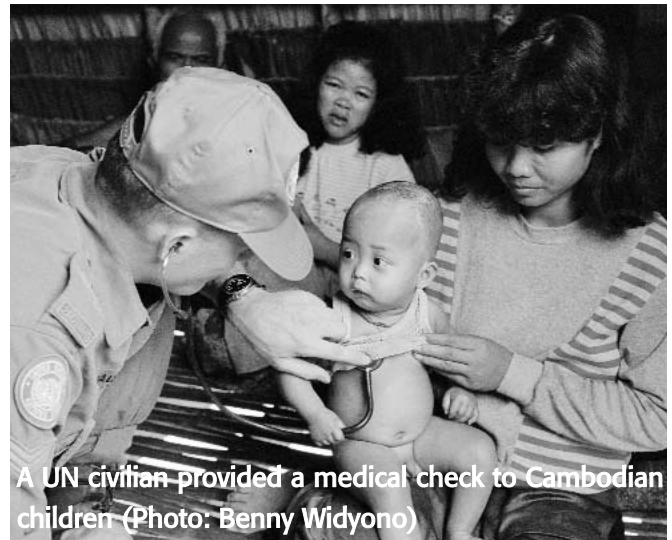
treated them like a legitimate political party.

The job of collecting evidence during this unresolved conflict fell to a number of disparate NGOs like the Campaign to Oppose the Return of the Khmer Rouge, the Photo Archive Group, the Yale Genocide Project, and finally the Documentation Center of Cambodia. The only goal these groups shared was a desire to preserve historical evidence of the Cambodian genocide. Why was this so important during the 1990s? Because the Khmer Rouge remained a potent political and military force and they were successfully revising their history by blaming the atrocities on Vietnam. In the end, the Khmer Rouge was not destroyed by fear of the long arm of "global justice" but a deft combination of military force and diplomacy carried out by Cambodian strongman Hun Sen. It was only after all the heavy lifting was done that the UN reentered the picture and, after years of negotiations, formed an incredibly complicated mixed Cambodian and UN court that granted the Cambodians a majority at every level. It comes as no surprise that the Cambodian government refuses to support more trials—Cambodia Prime Minister Hun Sen has never wavered from this position. However, due to the revolving door between the United Nations and international humanitarian law NGOs, upper tier UN officials appear more intent on appeasing foreign "international legal experts" and upholding so-called "international standards" than completing the trials.

During the 1990s, the UN proved unwilling to stop crimes against humanity and genocide in civil wars throughout the globe and instead shifted their efforts from war-crimes prevention to war-crimes punishment. War crimes, human rights, and post-tragedy justice have become an industry—complete with stars like David Scheffer, power brokers like Arie Neier and even a Don Corleone—George Soros. All aggressively advance the idea that a Nuremberg-derived system of international criminal law would soon take root. The only consistent thread between the post-Cold War and post-9/11 periods is the disproportionately large role played by civilians in rewriting the laws of

war. For centuries war crimes trials were the domain of the professional soldiers.

If the UN's leadership insists on making the perfect the enemy of the good, they will not complete Case 002. Cambodia's "mixed tribunal" should be deemed

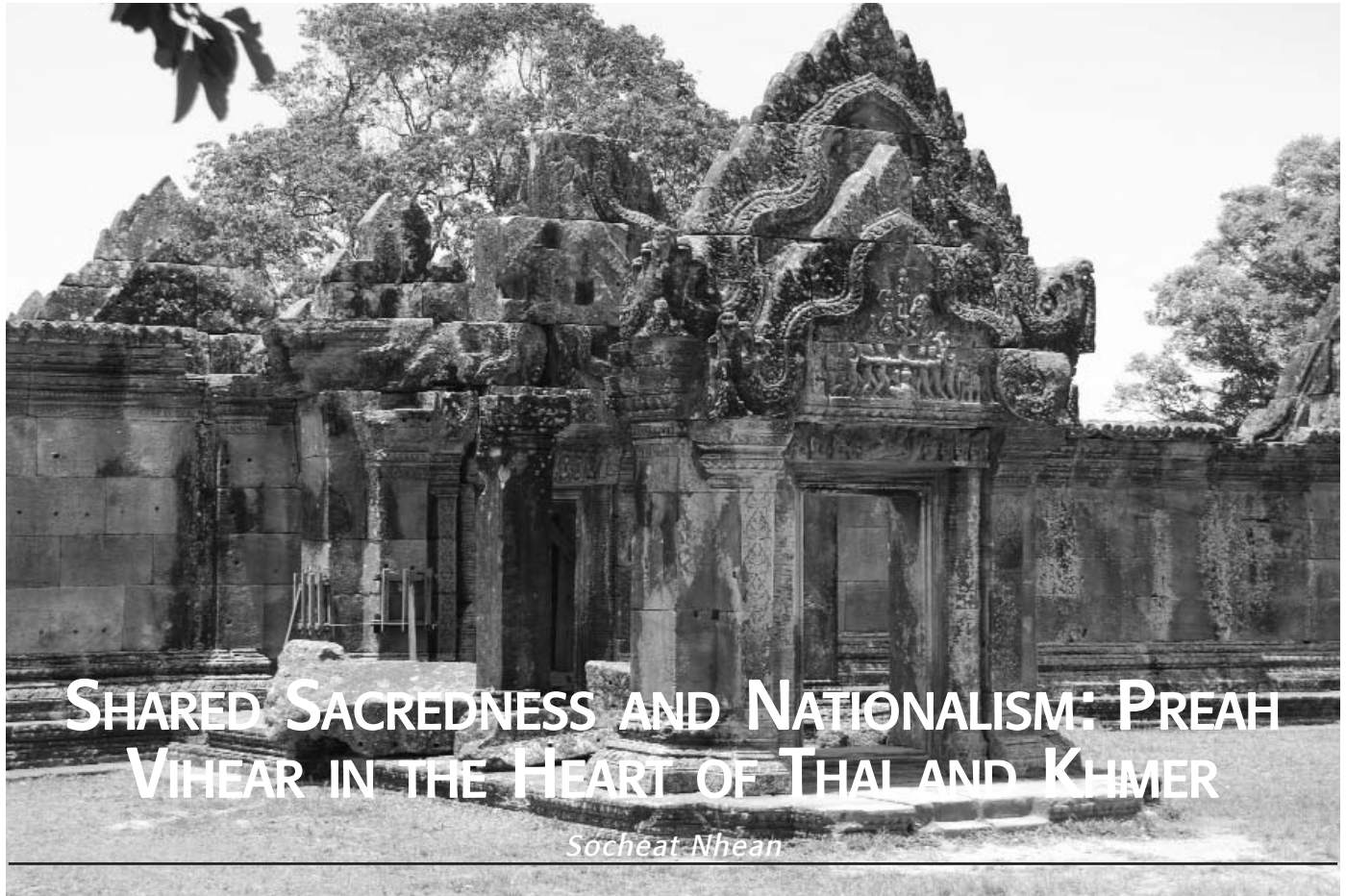


A UN civilian provided a medical check to Cambodian children (Photo: Benny Widono)

an expensive, overcomplicated experiment that should never to be tried again. International criminal law is messy by its political nature; it is anything but the simple application of laws to facts, and no amount of time, money, or procedural correctness can change this fact. Just as the Nuremberg trials were tainted, but not discredited, by the Soviet courtroom presence, their bogus Katyn Massacre charges, and the secret release of convicted war criminals, the ECCC's legacy has been tarnished by dueling investigative judges, the chaotic "victim's unit," and incredibly naive false assumption that Cambodian and international judges would work in good faith to safeguard the court's integrity.

The court's reputation can be salvaged if they can complete the case against the senior Khmer Rouge leaders while they are still alive. The ECCC will end on a high note that even longtime critics like myself will concede.

Peter Maguire is the author of "Facing Death in Cambodia" and "Law and War: International Law and American History." He is currently teaching law and theory of war at Columbia University.



SHARED SACREDNESS AND NATIONALISM: PREAH VIHEAR IN THE HEART OF THAI AND KHMER

Socheat Nhean

The Preah Vihear Temple, or Khao Prah Viharn in Thai, is located on the top of Dangrek Mountain Range along the Cambodian and Thai border, lying on the north-south axis. The main structural building of the temple is on the highest top of the mountain near the end of a steep cliff called Ta Dy (Grandfather Dy) cave. The temple building goes down towards the foothills, passing water moats and staircases, before ending at the foot of the mountain near the border gate. From the Cambodian geographical view, the site is really a mountain with a high cliff on Cambodian soil. However, from the Thai side, the mountain is a plateau through which it is easily accessible.

Thailand and Cambodia took turns over the ownership of the temple for the past century—until 1962, when the International Court of Justice (ICJ) ruled that the temple was in Cambodian soil. However, as the ICJ ruling did not mention the 4.6 square kilometer land area surrounding the temple, Thailand and Cambodia continue to have competing

claims for the temple, which has been the cause of conflict between the countries until today. Although this piece of land is claimed by Thailand as a disputed zone, Cambodia claims to possess this land on which Cambodians have lived for years before the recent conflict occurred. The disputed land includes the only main road to Cambodian Preah Vihear Temple.

The temple has been an important place for Thais and Cambodians and, prior to the conflict which forced the border to be closed, both countries had enjoyed economic benefits from tourism to the temple for years. The temple has been the common religious center and sacred site for the two countries as they share similar cultures, traditions, and religious beliefs. Both Cambodians and Thais value the temple and its surrounding areas for its historical and architectural beauty.

Thai and Cambodian governments agreed that the temple has "Outstanding Universal Value" and needed to be recognized as a world heritage site. However, internal political conflicts with the nationalist group

caused the Thai government to abandon its support for listing the temple as a World Heritage Site, while the Cambodian government continued its proposal and submission process. Finally the temple was enlisted as a World Heritage Site on July 7, 2008 by UNESCO, which sparked nationalistic protests across the two countries.

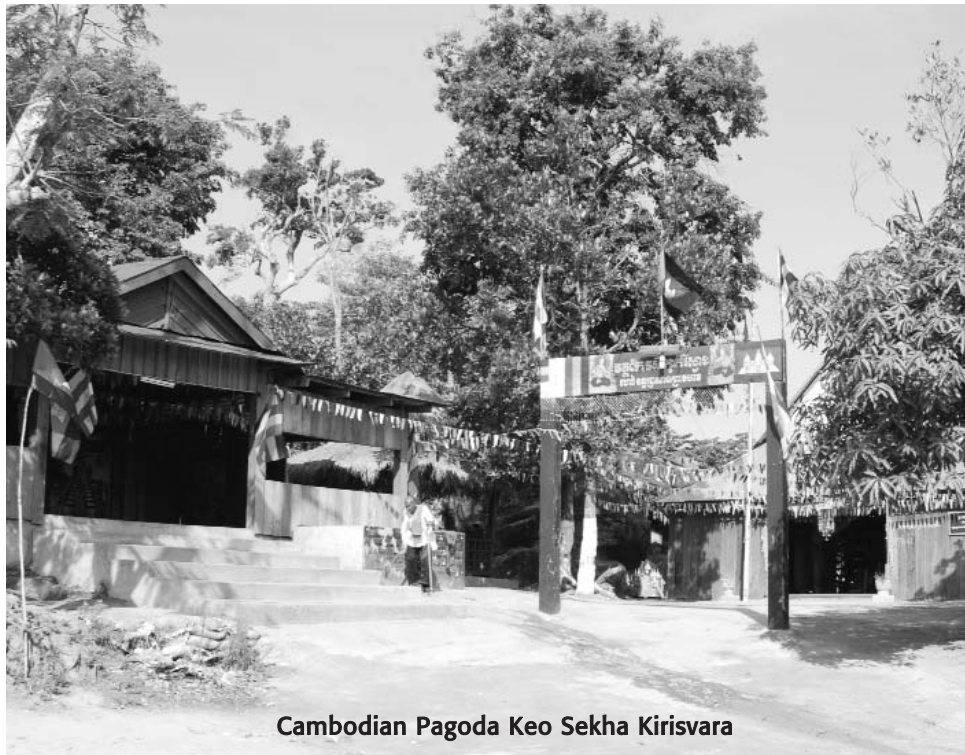
History of Preah Vihear

The Preah Vihear Temple was not built at one certain time. The construction of the temple began in the early ninth century during the early phase of the Angkorean period of the Khmer Empire. The king's successors continued to worship the site and viewed the area as religiously sacred. Over time, the construction

south and by the late eighteenth century, the current Cambodian provinces—such as Battambang, Siem Reap, Sisophon, and Preah Vihear Temple—were controlled by the Siam.

There is little recorded history from the time when Siam controlled the temple. In 1863, the weakened Cambodian king asked the French to become a protectorate due to the fear that Siam was more powerful and intended to control the country.

In 1904, France and Siam reached an agreement on the demarcation of the border by stating that the boundary line of the two countries would run along the watershed of Dangrek Mountain, which according



Cambodian Pagoda Keo Sekha Kirsvara



The gate to the temple of Preah Vihear temple
"Determination to protect P

of additional buildings spread to other areas on the mountain, until the twelfth century, when the last structure was built by Suryavarman II, the king who built Angkor Wat Temple.

The Khmer Empire declined in the fifteenth century following several attacks from Champa Kingdom and Siam (nowadays Thailand), which eventually caused the administrative capital to move southward from one place to another before it finally settled in what is now known as Phnom Penh. The Siam gained control over some Khmer Empire territories and kept moving

to this; the temple of Preah Vihear was within Siam soil.

The treaty was followed by the establishment of a mixed commission of French and Siamese in order to work on the demarcation of the border line. The mixed commission conducted surveys and measured the boundary near the temple. In 1907, the French-produced maps demarcated that Preah Vihear Temple was in Cambodian territory. The maps were rejected by the Siamese on the mixed commission, but they did not have clear objections to the existing maps. Since there had been no clear protest, according to

history professor Charnvit Kasetsiri, Siam accepted that the temple belonged to the French. In early 1929, Siam Prince Damrong Rajanupad visited the temple, where he was welcomed by the French commissioner, and he witnessed the French flag fluttering on the mountain representing that it belonged to the French, which was Cambodia's protector.

Dispute over the ownership of the temple continued. When France temporally withdrew from Cambodia in the 1940s, the Japanese took over the country and allowed Siam to gain control over the temple. When Japan was defeated, the French returned to Cambodia and Cambodia resumed ownership

as being in Bhumsrol Village, Bueng Malu Sub-District, Kantharalak District, Si Saket Province, while in Cambodia the temple is located in Svay Chrum Village, Kantuot Sub-District, Choam Khsant District, Preah Vihear Province.

Common Sacredness

Preah Vihear Temple was a vast common community enjoyed for years as a center of religious celebration, commerce, and community for Thais and Khmers. The temple stands as a common religious site for the two countries. In 1963, a year after the ICJ ruled that the temple belongs to Cambodia, Prince Sihanouk held a ceremony on the mountain to celebrate



er temple. Near the gate was a sign which says "protect Preah Vihear forever"



A Cambodian soldier sitting and watching Thai soil to oversee activity in Thai territory. This soldier reports to his boss every activity he witnesses.

of the temple.

Cambodia gained independence from France in 1953. A year later, the Siamese troops controlled the temple. In 1959, Cambodia unilaterally filed complaints to the ICJ over the ownership of the temple. Finally, on June 15, 1962, the ICJ ruled that "...the Temple of Preah Vihear is situated in the territory under the sovereignty of Cambodia."

One Site of Two Villages

The two countries claim that the temple is within their own territory. In Thailand the temple is enlisted

this decision and at the time he encouraged the Thai citizens to visit the temple without visas and also decreed that all the relics and statues taken from the temple during the Thai occupation could remain in Thai custody, even though the ICJ had ruled that all relics needed to be returned to Cambodia.

The border gate has been frequently closed in the last decade. However, Thais and Cambodians agree that the temple has religious value and is sacred and located on a sacred mountain. When the border gate opened in the early 2000s, more Thais than

Cambodians visited the temple, as there is better access from Thailand. Indeed, the temple seemed to be very far from Cambodia due to the difficult-to-access road. According to the vendors and guards who have settled at the temple since 2000, Thais and Cambodians alike visit the temple, pray, burn incense, and conduct religious ceremonies at the temple. "The elderly Thais sat and Sampeah (place their palms together to respect) towards the gate of the temple as they entered; while young Thais Sampeah the temple before they entered," said a policeman, who has been stationed at the temple for more than a decade, and who was sitting at his post a few meters from the border line.

Thai local residents view the temple and mountain as an important religious center. Some said that almost all residents in their village went to the temple to pray as the temple is sacred. The fifty-seven-year-old Thai, Aphiwat Sukapattana, said that when the border opened, he visited the temple on a regular basis. "I went there to pray as I learned that the temple is sacred and it is where God lives," said Aphiwat. Sumalee Namvong went to Preah Vihear with her parents when she was young in the 1960s. Her mother told her that the temple belonged to Cambodia. However, she went to the temple because the temple was in her neighborhood and because she valued the temple. She continued to visit when the border opened in the early 2000s. "I want the border to re-open so that I can go to visit and pray again. The temple is nearby, but it seems very far from us," said Sumalee. Sumalee has never been to the temple again after the border closed.

Nationalism over the Temple

Both Thai and Cambodian nationalistic sentiments run high over the Preah Vihear Temple conflict. However, the countries view the temple differently. In Thailand, the conflict over the temple seemed to be more political. In Cambodia, the conflict sparks high nationalism in the sense that Cambodians, with a history of losing territory to Siam, are committed and determined to prevent any military invasion from neighboring countries. This commitment to national sovereignty has helped Cambodians experience a sense of national reconciliation.

Cambodian Nationalism Spurs Protectionism and Reconciliation

The inclusion of the temple as a World Heritage Site on July 7, 2008 was a source of national pride for Cambodia as a whole. The Cambodian government felt proud for this success, which they had worked toward for many years. Cambodia's Prime Minister Hun Sen issued a statement to congratulate this achievement, which Cambodians welcomed and greeted with smiling faces and joy. The negotiating team led by Deputy Prime Minister Sok An was warmly welcomed at the airport as the team arrived in Phnom Penh from Canada where the decision was made. National television stations broadcasted live the arrival of the Cambodian delegation. Buddhist monks rang bells in the pagodas; government officials cheered in their workplaces; students at school were joyous; young men held flags while driving on the street; vendors closed their stores; and people attended concerts organized in the city waving, dancing, singing, and clapping. Flags were posted in front of each house in the cities and other areas throughout the country. The Olympic stadium hosted one of the biggest celebrations ever, which was attended by thousands of people from all backgrounds. Cambodians cheered and felt proud. July 7 marks the important day for this temple and has been celebrated each year since 2008.

The inscription of the temple upset Thailand amid its own political crisis. On July 15, a week later, Thai troops took position at the Buddhist pagoda of Keosekha Kirisvara, the site within the 4.6 square kilometers disputed zone claimed by the Thai, although this area is recognized to be inside Cambodian territory. Keosekha Kirisvara is a Cambodian Buddhist pagoda built in 1998 or 1999 and home to monks and some clergymen. Two days later, Cambodia's prime minister called the Thai military presence at the pagoda compound an act of "encroachment into our territory" and sent experienced Cambodian soldiers to the site.

The Preah Vihear Temple is the most common interest uniting Cambodians. While the Thai government claimed that Keosekha Kirisvara was within a disputed

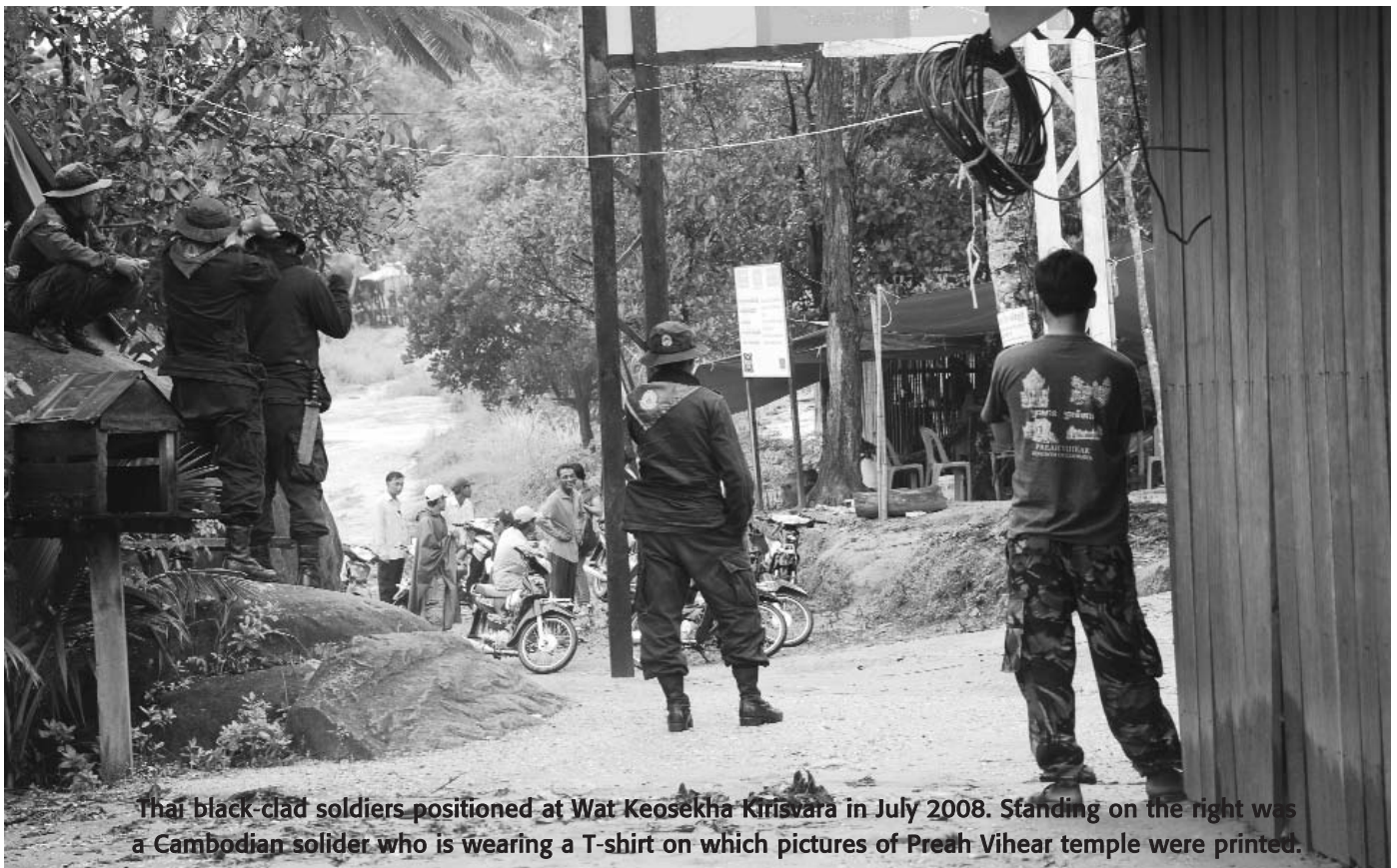
zone, Cambodian people strongly reacted and condemned the encroachment of Thai troops. Cambodians have fresh memories about Thai ambitions to take Cambodian land, and as Thai soldiers did not pull out from the areas as Cambodia requested, nationalism ran higher and higher among Cambodians throughout the country.

The media has played an important role in provoking nationalism and unity among the public. During the armed conflict, television, radio, and newspapers broadcasted and published news from the temple igniting and flaring anger, hatred, and national unity across the country. Cambodian media used the term "Siam," which is meant with less respect, in order to replace the term "Thai." The first clash between the Cambodian and Thai troops occurred in October 2008 and caused Cambodians to lose trust and express anger towards what was now called "Siamese thieves." The media published that more Thai soldiers were killed during the skirmish than it was reported by Thai media. Cambodian journalists claimed that Thai government prevents journalists from entering the

conflict zone, unlike Cambodia, in order to hide the number of soldiers killed at the border in order not to provoke anger among the Thais.

Some soldiers who were sent to the border were former Khmer Rouge soldiers, who at this time were committed to supporting the government to protect the territory and were determined to die for the sake of the nation. Manh Kith, who was at the frontline during the conflict, said that he would do anything to defend the temple as well as Cambodian territory. "My duty is to protect our land; I will always support the government to project [our] territory," said Kith. Mab Noch also had similar feelings as Kith. "I hate the Siamese invaders; I keep my gun ready and wait for the order to open fire," said Noch.

The Cambodian public provides psychological and material support to the troops to help protect the sovereignty of the nation. The conflict sparked more and more nationalism and a movement to raise resources in support of the troops at the border. A fundraising campaign by television stations raised thousands of dollars from the Cambodian public, who



Thai black-clad soldiers positioned at Wat Keosekha Kirsvara in July 2008. Standing on the right was a Cambodian soldier who is wearing a T-shirt on which pictures of Preah Vihear temple were printed.

donated money and resources because they were angry with the encroaching Thai troops and want to protect Cambodian territory. After the conflict erupted, more and more Cambodians began to visit the temple and the troops, and to bring their own resources to support the troops. Dr. John Ciciari said that it was only after the Preah Vihear conflict broke out that reconciliation and unity at the national level has been achieved among Cambodians.

Site and Date Remembered

The site and date that Thailand took position at the Keosekha Kirisvara will never be forgotten by Cambodians. The events of July 15, 2008 are engraved on several big stones in order to condemn the Thai invasion and ensure that all Cambodians remember and will not allow this to be repeated. Several carvings were engraved in an arrogant manner towards the Thai troops who invaded Cambodian territory. One of the engravings reads "At 11:35 a.m. on 15 July 2008, the Siamese sent 350-380 troops led by a one-star general to encroach Cambodian territory at the location of this pagoda Keosekha Kirisvara." Another engraving reads "We Khmer together protect the golden land." Undoubtedly, the engravings created more nationalism and anger towards Thais.

The Cambodian government continuously supported the troops stationed at the temple. Prime Minister Hun Sen made a first visit to the temple on February 6, 2010, conducting the ceremony on the temple, where he accused Thai soldiers of invading Cambodia and encouraged the Cambodian troops to protect the territory. "...we will use forces if Thai troops are invading Cambodia," said Prime Minister Hun Sen. On the same occasion, Thai General Veerawit Kajornrith and other colleagues were invited to join the Buddhist ceremony conducted at the temple. Both Thai and Cambodian leaders conduct the Buddhist ceremony on the top of the temple.

Thai Nationalism and Divisive Politics

The listing of Preah Vihear Temple as a World Heritage Site coincided with internal political conflict within Thailand. At the time the Anti-Thaksin

Shinawatra group, or People's Alliance for Democracy, known as the yellow-shirt group, had been protesting against the Pro-Thaksin government. Initial support for listing the temple as a World Heritage Site by Thai Prime Minister Samak Sundaravej, a pro-Thaksin figure, was later withdrawn due to domestic issues in Thailand and concerns that the listing would result in Thailand losing territory around the temple to Cambodia.

After the decision was made to enlist the Preah Vihear as a heritage site, the yellow-shirts accused the Samak Sundaravej administration of backing the Cambodian request and causing the loss of territory to Cambodia. The yellow shirt protestors, who call themselves nationalists, have politicized the issue for domestic political gain, creating division between the yellow-shirt group and red-shirt group, which is pro-Thaksin. They are strongly opposed to the pro-Thaksin government and to the enlisting of Preah Vihear Temple as a World Heritage Site.

The conflict was again ignited when the Prime Minister Hun Sen appointed Thaksin Shinawatra as a special economic advisor to Cambodia. The anti-Cambodia sentiment ran high and later the yellow shirts demanded that the borders with Cambodia close, Thai investors withdraw from Cambodia, and ban all flights between the two countries. Anti-Cambodia sentiment has grown stronger due to the efforts of the yellow-shirts, who created hatred and anger toward Cambodians. While the nationalism ran high, each Thai was provoked to claim the land around the temple at Preah Vihear. "If you do not agree with them [the yellow shirts], you are deemed a traitor to the nation," said Phueng Kruapu, a Thai journalist and news anchor.

Thai journalists who reported the facts about the conflict at Preah Vihear Temple were considered unpatriotic for not reporting that Cambodia was taking Thai soil. The journalist Thuanthong Maneepong called this act of nationalism as "bruised", and stated that the yellow-shirts were creating an unnecessary dispute that stimulated the feeling of hatred between Thais and Cambodians. According to Thuanthong, Cambodia has



Trenches and bunkers of Cambodian soldiers just ten meters from border with Thailand

legal rights and authority to have the temple listed as a World Heritage Site because it is within Cambodian territory, but when he reported this fact, he was considered being in favor of Cambodia. "They [yellow shirts] called my cell and scolded and blamed me for writing in favor of Cambodia," said Thuanthong.

When asked if the Thai government intended to hide the truth about the number of soldiers killed at the border during the armed conflict with Cambodia, Thuanthong said that journalists never knew exactly about the casualties during the border skirmish and that information that the journalists obtained was only from Thai military, as journalists were not allowed access to the frontline of the battle. "The Thai military, with collaboration of the Thai media, inflated the number of casualties of Cambodia soldiers and tried to deflate the number of deaths and injuries on the Thai side. I think the Cambodian military also did the same thing during the border clash," concluded Thuanthong.

Opinions toward the World Heritage Site and the conflict with Cambodia vary within Thailand. Phueng

Kruapu, who had initially been a strong supporter of the yellow shirt group, also had a similar opinion as Thuanthong. Phueng said that Thai nationalists use nationalism in the way that if one does not follow the yellow-shirts, one is considered as a traitor to the nation. In contrast, Chalida Sanemueang, a Chulalongkorn University student, had a different view from Phueng and Supalak. As a student of Economics, Chalida said that the heritage should be awarded to both countries while the surrounding land was in dispute and that UNESCO should make the decision again. Another student, Apapan Kittisilpa, said that "I am doubtful if Preah Vihear is in Cambodia or Thailand, but I want to protect this land." The local Thai villagers living adjacent to the temple hold a different view from the nationalist yellow shirts. There have been several clashes between the local people and the yellow shirts, who travelled to the border with the intention to reach the foothills of Preah Vihear Temple to ask Cambodia to return their land. This group was blockaded by the police and local people who did not want to worsen

the tension with Cambodia.

Conclusion

Politicians in both countries use nationalism over the Preah Vihear conflict for political gain. In Thailand, the conflict was driven by Thailand's domestic political issues of the yellow-shirt group, who strongly objected to the pro-Thaksin government and the Cambodian inscription of the temple as a World Heritage Site. The arrival of Thai soldiers into Cambodian territory was considered an "encroachment" upon Cambodia's sovereignty. Some Cambodians viewed the Thais as thieves who never give up their ambitious desire to steal Cambodian land. Van Hong, a soldier stationed at the border, hardly trusts Thais and views Thais as tricky. "In front of us, they [Thai soldiers] are sweet, but behind us, they want to kill us," said Van Hong, "while the two government is negotiating, they fire at us at the border."

Despite the political rhetoric and ongoing conflict,

the Preah Vihear Temple and its listing as a World Heritage Site can be of mutual benefit. Both Thailand and Cambodia share similar religious beliefs and this temple could be a common place for the two countries. Further, the site could be a source of much-needed economic activity. Both local Thais and Cambodians agree that good cooperation between the two countries is the most important step to gain economic and trade benefits. Both Thais and Cambodians living adjacent to the temple wish that the border gate would open so that tourists could once again visit the site and, thus, help to improve their livelihood. If viewed in this light-as the physical representation of shared culture, religion, and economic vitality-the site could serve as a unifying force between the two nations.

Socheat Nhean is the team leader of Searching for the Truth Magazine



A visitor lighting incense near Ta Dy cave and praying that her family finds happiness

A SORROWFUL LIFE

Mey Moniroth

My name is Mei Monyrath, the oldest sister among six siblings in my family. My father Mei Sam Ol was a doctor at Preah Ang-Duong Hospital. My mother Men Malin was a teacher at the Peou Oum Primary School in Phnom Penh.

Phnom Penh Capital City

In 1975, I was twelve years old and in the 6th grade at Boeng Kak High School. As I recall, the school principal was Aom Borei. At the time, I witnessed repeated explosions of grenades and bombs every day in the capital city. This caused hundreds of deaths and severe injuries throughout the city, particularly along the streets. As a result, people abandoned their homes and took refuge mostly at pagodas and in public halls. Due to the frequent pounding of explosives, my family decided to abandon our house in Phsar Daem Kor and seek shelter at Preah Ang-Duong Hospital.

My Father's Workplace

Every building of the hospital was crammed with all kinds of patients. Their painful screams and sobbing mingled with the overall tension inside the hospital. What broke my heart was seeing a baby which could not have been more than a few months old crying next to the dead body of his mother. At that same time I was suffering with muscular dystrophy and had to rely on my walking stick to walk. I watched that tragic scene through the pain of my physical condition.

In the morning of April 17, 1975, there was an increase in the number of patients, people who had been wounded by the gunfire and explosions. The sound of gunfire was constantly clattering throughout the city, frightening people. I noticed that along the street, Lon Nol's soldiers were fleeing; some were in civil uniforms while some others were shirtless. Just in an instant the hospital was surrounded by soldiers. Suddenly, my father and his colleagues tore off their uniforms, tied those white pieces of fabric together,

and made a flag to signal the end of war.

The End of War

At ten o'clock next morning, the city's main roads were awash with trucks and tanks, and people were cheering the arrival of the Khmer Rouge soldiers. I was standing in front of the hospital with the crowds echoing "Hooray! Peace! Hooray! The end of war!" I was absorbed by the scene but suddenly my mother grabbed my hand and dashed me to the hospital. She said "You need to eat now. The situation is going to become chaotic very soon!" All too soon that would be true. As soon as I had eaten my lunch gunfire erupted on the ground floor of the hospital.

An old man ran to my father who was on the second floor and told him that the Khmer Rouge soldiers were breaking the windows, searching for Lon Nol's soldiers and demanding to see the supervisors of the hospital. My father, still in his clinical uniform, went down stairs despite the fact that my mother asked him to stay quiet. He insisted, "If I do not intervene, they will destroy all the property in this hospital."

Strict Order

Once they saw my father, one of the Khmer Rouge soldier pointed a gun at his head, and asked where Lon Nol's soldiers were. My father replied that there were none of Lon Nol's soldiers hiding in the hospital. My father started opening every door of each room to prove that to the Khmer Rouge. As I recall, one of the soldiers advised my parents to leave Phnom Penh for a few days because he believed that the Americans would bombard the city. My father simply responded, "If I leave, what would be the fate of these patients, Sir?" The soldier was furious and shouted at my father, "Do not use the word 'Sir' to me. Use the word cadre! You hear me?" Then he gave orders, "Those of you who can walk leave the hospital now! But for those who are disabled Angkar will provide

special assistance to get you out of here! Everyone should bring his own rice and medicines as soon as possible." After that he walked away. It was obvious that people did not dare look at the soldiers. They glanced away. Later we learned that these soldiers were destroying the medications and killing the patients who were confined to their beds.

First Day

We fearfully left the hospital in an emergency ambulance. Along Pochentong main street, I saw a huge swarm of people carrying their clothes. Children too young to sense the insecurity around them were playing behind their parents and relatives as usual. Along the square opposite the Preah Kosamas Hospital and up to Pochentong Street bodies of dead paramilitary officers were scattered. Farther, along National Road 4, cars were prohibited. The Khmer Rouge soldiers there were forcing people to abandon their cars and proceed on foot.

At the time, my family had no means of transportation other than our own energy to carry the rice and other necessities which we had brought along. There was absolutely no way I could help my family because of the severity of my muscular dystrophy disease. So, using my walking stick to steady my movement I walked behind an elderly man. We had gone a very short way when night fell. We had to stop, rest, and make dinner. That night I was so exhausted that I dozed off after seeing sparkling stars and rockets.

Sdok Village

After six days of long-distance travelling without particular destination, we finally arrived at Sdok village, Peam Sla commune, Am-Laing, Kampong Speu province. The local people in this region were very friendly and generous. They often gave me palm juice and gave palm sugar to everyone who had come to the village. There were many small streams and lakes in Sdok village, and my father assigned me the task of digging for earth worms to bait hooks so that we could fish. We had more than fifty hooks on every fishing pole, and with that we could get several fish at once. Unfortunately, three months later we were

transferred to a different place.

Preah Ma-Lou Village

At five o'clock in the morning hundreds of ox carts were transporting the villagers including my family to the bus stop where Angkar provided each family ten cans of rice and some palm sugar. Not until five in the evening did the bus arrive at Pursat. Finally, we arrived at Boeng Khnar station in Bakan district, Pursat province at dusk. Three months later, my family was again moved to another village just opposite the Preah Ma-Lou village, separated by a lake. Everyone worked very hard to complete tasks assigned by Angkar. My parents worked in the rice paddies with other elders while young people were forced to build dams; some aging people babysat young children. Children were also tasked to collect animal excrement and guard the animals.

New Angkar

At the time I was assigned to guard animals. In addition, I was required to attend livelihood meeting every day. Sometimes the meeting would last until midnight. I cannot forget some of the Angkar sayings, "Build up yourself to become as strong as a horse's neck. Without learning, you would become as fragile as the glass." I met several young Khmer Rouge cadres about my age. They taught me to call everyone, "Met" and my parents "Met Mae and Mit Pok, Met Ta and Met Yeay (comrade mother, comrade father, comrade grandfather and comrade grandfather)." They would condemn us if we used the common titles from the previous regime to address one another.

All kinds of books were banned. It was clear that young children like me would never be allowed to read. However, I had brought some English and French books with me when we left Phnom Penh. I would read those books sometimes when I was out of the soldiers' sight. I really wanted to go back to school at the time.

Unlucky Cousins

In early 1976, having lost their parents, my three female cousins moved to live with my family. One day that year Angkar demanded that these three

cousins marry Khmer Rouge handicapped soldiers. The cousins strongly objected to this order. Sadly, a few days later Angkar sent them to be re-educated (to be executed).

The next day I overheard a group of soldiers conversing about what they had done the evening before. They said it was fantastic to sleep with three young ladies from Phnom Penh (my cousins). The worst part of it was that they tortured my cousins by pushing the handle of a hoe into their private areas until they died. They laughed and bragged about their brutal and despicable acts. I was stunned and could hardly breathe as I learned the details of this tragic incident which befell my cousins. I could do nothing but share this heart-breaking news with my family. Everyone shed tears and hoped that they were now resting in peace.

Thkoul Office

A week later, my family was transferred again. This time it was to live at the Thkoul Office, a detention center. It had two different divisions, the Northern Office where prisoners who had committed minor crimes were detained and the Southern Office where those who had committed serious crimes were detained. The two offices were separated by a stream and were strictly guarded. If a prisoner dared move from one office to another, he would be immediately captured and executed.



People working in the field during the Khmer Rouge regime

Innocent Prisoner

Angkar sent my father to the Southern Office while the rest of us lived in the Northern Office. All children were ordered to live collectively in a hall of the Northern Office, just one kilometer away from where the older members lived. All prisoners had to be awake at dawn and standing in line waiting to be given their individual tasks. We lived collectively. Any fish or meat we caught had to be given to the cook to be used for the collective welfare. In addition, Angkar required everyone give away valuable materials such as clothes, wrist lace, necklaces, and particularly watches. Anyone who resisted this order would be accused of being C.I.A or KGB, and/or an enemy of the revolution and as a result would disappear.

Starved to death

My younger sister was killed because she stole an ear of corn. My dear sister was hit behind her head with a hoe and her body buried in the corn field as a warning. During that time my mother was exhausted due to her harsh labor, and as a result she fell ill. I was also dismissed from the kitchen because Angkar accused me of being an enemy.

The Body of My Father

One afternoon while I was guarding animals I was met with the terrible smell of dead bodies coming from a bush about five hundred meters away from Road No 5. As I walked around I found the body of my father lying under a big tree. His neck had a huge gash. I held his body tight and sobbed in pain. When I looked nearby, I saw the bodies of two men; their heads were chopped off from their shoulder.

When the night fell, I asked permission from my unit chief to visit my mother. I also brought along a piece of dry rice and potato for my mother. I told her the news of my father's death, and she burst into tears in pain. I embraced her skeletal body to comfort her. She asked me to

love and take good care of my surviving brothers and sisters. Meanwhile, my grandmother and my aunt also shed tears and prayed that my father would rest in peace.

My mother gave the potato to my grandmother while she ate a piece of the dry rice I brought for them. The two of them were silent but their hearts were painted with sorrow and pain. I did not return to my unit until late at night. Everyday children in my unit died after one another due to widespread swelling of their bodies. Some lazy children were brutally tortured.

A Young Traitor

One day, Baky, the daughter of a foreign officer who was killed the year before, got a high fever and was not able to work. While we were having lunch break, a few Khmer Rouge cadres dragged her away and killed her in front of the other children. It was a pity that she was accused of being C.I.A. They hit her twice with a handle of a rifle. She wobbled back and forth before falling dead. The children who witnessed it were so frightened that one boy, Song, was crying out loud. Suddenly, the Khmer Rouge cadre whipped him and accused him of showing sympathy to the enemy. Every day in the Thkoul Office older people and children were found to be missing.

Bad News

Two months later, while receiving my food, I was told that my grandmother had passed away. I ran quickly to ask the unit chief for permission to leave, but she refused because it was time for me to work. Feeling sorrow because of her death, I ran away from work to see her face for the last time. Arriving there, I saw some elderly ladies gathering around her grave. I knelt down and prayed in front of her grave that she would rest in peace.

A Lost Mother

After my grandmother's death I was worried because I was afraid that I would lose my mother. Eventually she did fall seriously ill. When I found out, I cried out loud, not even afraid of arrest or torture. My unit chief yelled at me saying, "You are not a miracle worker! You can't bring your mother back to life!"

After begging her, my unit chief allowed me to go to see my mother. I moved as fast as I could with my walking stick to reach my mother's hut as soon as possible. When I arrived, I saw my mother. She was trying hard to keep breathing but within seconds her body stopped moving entirely. I held her tight and cried in pain. She was tragically gone before being able to say a single word to me. Finally, the neighbors helped me wrap her body in her blanket. We carried her to the burial site. I was alone, wailing in my grief.

One Last, Remaining Life

After all these tragic events, I collected my mother's belongings and returned to my unit. Not long after that, my four younger brothers and sisters died of starvation. Their bodies were swelled due to lack of nutrition and salt. I felt lifeless. I sobbed uncontrollably! In that one day more than five other adults and children died.

Later, I learned that one couple was trying to keep the dead body of their son in their hut so that they could share their son's food ration. One day this secret was leaked, and as a result both of them were killed. Because they were so hungry, one set of parents even cut their children's stomachs open and ate their lungs. Consequently, both parents were executed by having their throats cut. Also, Angkar found out that two people had committed moral offense. During the livelihood meeting where hundreds of people were gathered, Angkar executed the two offenders. They killed the man by squeezing his penis with wooden forceps and the lady by pushing a stick into her private area.

A Sorrowful Life

While surviving in the Thkoul Office, I have lived through and witnessed countless brutalities and inhuman actions by the Khmer Rouge. In the blink of an eye I lost every member of my family. Only I remain. This Khmer Rouge regime brought pain, sorrow, and separation that I cannot forget all the rest of my life.

Mey Moniroth is a survivor of the Khmer Rouge regime.

THAT'S MY LIFE

Ly Monisak

On the morning of April 17, 1975, the black-clad Khmer Rouge soldiers arrived and captured Phnom Penh. At the time, I was eight years old. Today this event on April 17 remains firmly embedded in my mind. Although I will be reborn into a new life, I will always remember the crimes the Khmer Rouge committed against me and my family. We were considered to be "April 17" people, capitalists, and oppressors and therefore were the main targets of the Khmer Rouge. Their aim was to eliminate us saying "to eliminate the grass is to pull it up and dig out the roots completely."

The Khmer Rouge soldiers evacuated my family to Chroy Ampil village, Kandal Province. When our

family first got there, a Khmer Rouge soldier asked for a car belong to my grandfather. We could not refuse. We therefore gave up whatever was demanded. We stayed at Chroy Ampil village for two nights, then were transported by boat to Trapeang Snoa village, Suong Commune, Thbong Khmom District, Kampong Cham Province. At that village a kind family provided rice to us every morning and evening. About three months later my family was evacuated to Svay Tieb village, Svay Tieb commune, Chamka Leur district.

About a month after we arrived there I got diarrhea and was sent to a hospital in Speu Commune. Knowing that I was sick and at the hospital, my father asked for permission from a Khmer Rouge cadre to



Monisak standing in front of the picture of Khmer Rouge soldiers entering Phnom Penh on April 17, 1975

visit me but he was not allowed to do so. Still worse, he was berated by that cadre who said, "We have physicians to cure your son; you do not need to visit him!" I stayed in the hospital alone, and no one came to visit me. One and a half months later my illness became worse, and I was sent home to Svay Tieb village. When I arrived in the village, I found that the only member of my family still living in the village was my Aunt Mach! Other family members including my parents, grandparents, aunts, uncles and siblings were transferred to live at Thmey village. Auntie Mach told me that my parents said that they would come to see me one day. Not long after that a middle-aged woman who had been allowed to remain in the village and who knew my parents kindly told me that when Angkar assigned my parents to work at the new village, my mother cried so badly because she did not want to go without me, saying that she would not go unless I went with her. However, sometime later because my father was extremely worried about my mother's safety, he encouraged her to change her mind and go. That same middle-age woman then said to me, "You do not need to wait for your parents. Now Angkar will be your parents. Your parents will never return."

Auntie Mach asked me to live with her, and I agreed because I had lost my parents. A month later

I got sick again and was sent to the same hospital in Speu Commune. At the hospital I met with an old woman named Phorn who was there to look after his son who was sick. She wanted to adopt me, and I accepted. After four months in the hospital I fully recovered. Then I moved to live with Auntie Phorn whose house was in the nearby commune of Ta Krong. One day when I returned home from herding cows Auntie Phorn told me that Auntie Mach, who was my aunt by blood, was killed by the Khmer Rouge. Auntie Phorn told me to call her "mother" in order to keep my life safe. Because I was new to that commune I was observed most of the time even when I was eating with others.

One evening in late 1978 around five o'clock in the afternoon when I returned home from herding cows, I found my adopted mother Auntie Phorn very sad and sobbing. When I asked her why, she said that I was not allowed to live with her any longer. She then told me to go and look for a good place to live. At that time I began to miss my parents very badly. I had lost everything and was alone.

Fortunately, the Vietnamese soldiers attacked and the Khmer Rouge fled. In 1979 I was taken by the Vietnamese soldiers to live in the orphanage in the town of Kampong Cham. I lived and studied there until I reached seventeen when I joined the government armed forces to fight against the Khmer Rouge guerrillas who had taken the lives of my twenty-one relatives including my parents and siblings. I became an orphan when I was nine years old and am now forty-five. I am homeless and have no one. I currently live in the state hospital. My life is very tenuous and uncertain.

Ly Monisak is a survivor of the Khmer Rouge regime. who contributed his personal story to Searching for the Truth magazine.



Khmer Rouge soldiers entering Phnom Penh on April 17, 1975

"MY UNCLE WAS BURNED DOWN"

Joshua Rothschild

My uncle, James William Clark, was arrested off the coast of Cambodia, imprisoned at Tuol Sleng (S-21), and ultimately executed at that prison. I first learned of my uncle's death in March of 1980. My mother, Sherry A. Clark, showed my brother, Jeffrey James, and me the March 1980 issue of Life magazine, which featured an article about Khmer Rouge atrocities. The article included a terrifying photograph of my uncle, showing him disheveled and nearly starved to death in a cell at Tuol Sleng, the S-21 prison. The article detailed his torture and coerced confession as a CIA spy. In April and May of 1978, he was tortured, starved, beaten, and electrocuted. He was eventually executed and his body burned to ashes in a tire fire. He signed the coerced confession with a thumbprint which is currently on display at the Tuol Sleng Genocide Museum.

On April 23, 1978, my uncle's sailing boat had

drifted into Cambodian waters. His boat was fired upon by a Khmer Rouge gunboat with a 20mm cannon and subsequently sank. James William Clark survived the attack, only to be taken prisoner by the Khmer Rouge. He was transported to Tuol Sleng Prison on April 25, 1978, and executed there one month later.

I have had recurring nightmares and feelings of deep loss ever since I first learned of my uncle's death. Because the bodies of Westerners captured by the Khmer Rouge were burned and never returned to their families, I feel I may never have proper closure.

There are many articles and websites detailing this horrific event. Hopefully the Khmer Rouge Tribunal will hold the monsters responsible for this crime accountable, and bring some degree of justice and closure for me, my family and the people of Cambodia.

COME TO HOMELAND TO SEARCH FOR LOST RELATIVE

One day in March in France, Cheng Chhun Eang was watching a live broadcasting of Kaing Guek Eav alias Duch's testimony in the courtroom back in Cambodia. Duch, who was sentenced to life in prison, was summoned as a witness against the accused in case 002. While watching Duch's testimony, Chhun Eang heard Duch mention that his sister and brother-in-law were prisoners at S-21. This information attracted him instantly and he intended to come to Cambodia immediately to search for more information about his sister's family whom he has been searching for three decades. A month later, just before Khmer New Year, Chhun Eang made the immediate trip to Cambodia; the first place he visited was the Documentation Center of Cambodia (DC-Cam) to search for the information about his lost sister and brother-in-law as well as his nieces and nephews. For decades, Chhun Eang tried very hard to find the information about his sister's family. But now, the light had been found.

Chhung Eang migrated to France in 1973, but his family members were still behind in Cambodia. While in France alone, Chhun Eang lived in great sorrow and concern about his family back home while all kinds of communication and connection were cut. Even after the country was freed in 1979, Chhun Eang still could not locate the information of those family members who disappeared.

Only recently did he get some news about his lost sister's family. He came to DC-Cam and began talking to its staff and immediately; Chhun Eang was offered some biographies of his sister and brother-in-law. With emotion, Chhun Eang looked at biographies with the feeling that he was losing something and he could not get it back. After he found some news of his sister, however, he could feel more relieved.

The biography that he found indicated that Chhun Eang's sister, Cheng Chhun Sreng and her husband, Nguon Eng, an engineer, along with their five children were sent to S-21 and that Chhun Sreng was arrested at the Department of Public Affairs on December 4, 1978.

Before going back to France, Chhun Eang said that he would organize a Buddhist ceremony to commemorate his sister's family who lost their lives at S-21 and he wished that their souls would rest in peace. **Sothida Sin**

SEARCHING FOR MINORITY ETHNIC GROUP WHO WERE EXPELLED FROM FRENCH EMBASSY IN PHNOM PENH IN APRIL 1975

The Khmer Rouge soldiers, shortly after they captured Phnom Penh on April 17, 1975, evacuated everyone living in the city, forcing them to travel to the countryside. During the chaos, foreign and local journalists, some Cambodian citizens, and some ethnic minority groups sought asylum inside the French Embassy in Phnom Penh where they could be protected. They were looking for a safe place in order to avoid arrest or being evacuated by the Khmer Rouge soldiers.

Bham Enuol was the head of the United Front for the Liberation of Oppressed Races (French acronym FULRO). Of all the people living in Phnom Penh who could be classified as such, between 150 and 300 chose to take shelter in the French Embassy. However, four days later on April 20, 1975, under pressure from the Khmer Rouge, Bham Enuol convinced those individuals to flee the embassy. It was reported that Bham Enuol was arrested immediately by the Khmer Rouge soldiers. As for the rest, some were brought later to S-21, and others disappeared without trace.

The relatives of those who disappeared are now looking for their whereabouts and any information relative to them. Anyone with information related to the present whereabouts of any of those people or about what happened to any of them please contact the Documentation Center of Cambodia at (855) 23 211 875 or at dccam@online.com.kh.

The following are some of those individuals, grouped according to families, who might be alive today:

- ◆ Y Huer Buon Ya (boy, once a student at Lycee Descartes)
- ◆ H'Lan Buon Ya (girl)
- ◆ H'o Buon Ya (girl)
- ◆ Y Van Buon Ya (boy)
- ◆ H'dak Buon Ya (mother of the first three)
- ◆ Y Dhik Buon Ya (uncle of the first three)
- ◆ Y Nam Buon Ya (uncle of the first three)
- ◆ Y Ju Buon Ya (boy)
- ◆ H'Ngiem Buon Ya (girl)
- ◆ Y Huan Buon Ya (boy)
- ◆ H'Nut Buon Ya (mother Y Ju, H'Nhiem, Y Huan)
- ◆ "Bernard" Eban (boy)
- ◆ H'Dua Eban (mother of Bernard)
- ◆ Y Goc Buon Ya (boy)
- ◆ H'Nguom Buon Ya (mother of Y Goc)
- ◆ Y Paul (boy)
- ◆ H'Diat (a medical nurse, a mother of Y Paul)
- ◆ H'Rec (daughter of Y Dhun Nie)
- ◆ H'Ni (daughter of Y Bham Enuol)
- ◆ Y Be
- ◆ Buon Krong, a teacher
- ◆ H'Ri Buon Ya
- ◆ Y Phut (son of Y Wun Nie)



LOOKING FOR MY LOST DAUGHTER

In Sai Hun



In Sai Hun

My name is In Sai Hun. I am 73 years old living in Preah Prasob commune, Ksach Kandal District, Kandal Province. I would like to search for my daughter; her name is Meas Marady, with whom we parted since 1975. My husband's name was Mean Horn; he just died recently. We had ten children. During the Lon Nol period (1975-1979), we lived in Phnom Penh. In late March 1975, my sister-in-law visited my house in Phnom Penh. She loved my daughter, Marady, very much. Then, she asked me to bring Marady, who was seven or eight years old, to go to her house in Kampong Cham province for four or five days. During that time, the Khmer Rouge forces were approaching Phnom Penh. Shortly after that, the road connection between Kampong Cham and Phnom Penh was controlled by the Khmer Rouge, which my daughter could not return to Phnom Penh.

In April 1975, the Khmer Rouge soldiers captured Phnom Penh and our family was evacuated to other province and I never see my daughter again. In January 1979, after the Khmer Rouge regime collapsed, I listened to the radio and heard that there were two orphan performing groups, one of which was sent abroad to perform. In the two groups, one of the orphans' name was similar to mine—Marady. Since then, I kept listening to that radio channel, but I never heard that program again. I am writing now to looking for information about my lost daughter—Meas Marady. Those who can locate my daughter, please contact me at 089 463 234 or the Documentation Center of Cambodia at 023 211 875 or 016 876 692.

LOOKING FOR LONG-LOST UNCLE



Jonathan Tan

My name is Jonathan Tan. I live in Toronto, Canada. I am looking for information about a long-lost relative, my uncle. We last saw each other when the Khmer Rouge soldiers captured Phnom Penh in April, 1975. My uncle's name is Tang Nam Sae, and his wife's name is Chuy Nai. They had seven children, five sons and two daughters. They were: Tang Kim Kuong, Tang Soythi, Tang Kim Hay, Tang Kim Sung, Taing Eysei, Tang Amuoy, and Tang Meng Ngek.

My uncle's family lived near Kap Kor market in Phnom Penh before April, 1975. When the Khmer Rouge captured the city on April 17, 1975, his family was evacuated to Sa-Ang district, Kandal Province. I have not received any information from them or heard anything about them since.

I am requesting that anyone with any information at all about my uncle's family please contact me at jon7888@gmail.com or contact the Documentation Center of Cambodia at #66, Preah Sihanouk BLVD, Phnom Penh, Cambodia. Tel: 023 211 875 or 016 876 692.



THE BOOK OF MEMORY OF THOSE WHO DIED UNDER THE KHMER ROUGE

The Documentation Center of Cambodia is writing and compiling a book of records of names of those who died under the Khmer Rouge regime from 1975 to 1979 and those who disappeared during the period, who are still not known by their relatives. It also includes a section for family tracing purposes.



DC-Cam already has in its database up to a million names of those who may have died under the Khmer Rouge. If you would like to have your relatives' names, who died under the Khmer Rouge or disappeared then, appearing in this book.

Please contact Kok-Thay ENG Tel: 012-955-858

Email: truthkokthay@dccam.org

Website: www.dccam.org or www.cambodiatribunal.org

