

*Searching for*

# THE TRUTH

- ◆ The United Nations and Cambodian Government Share
- ◆ Poch Younly's Personal Accounts

*"Our life was getting worse because we ate less and less. I was sick; all of us worked hard; and we all needed more food. While we did not have enough food, our health was getting worse day by day."*

-- Poch Younly wrote in his personal diary in 1976.

Special  
English Edition  
Third Quarter 2013

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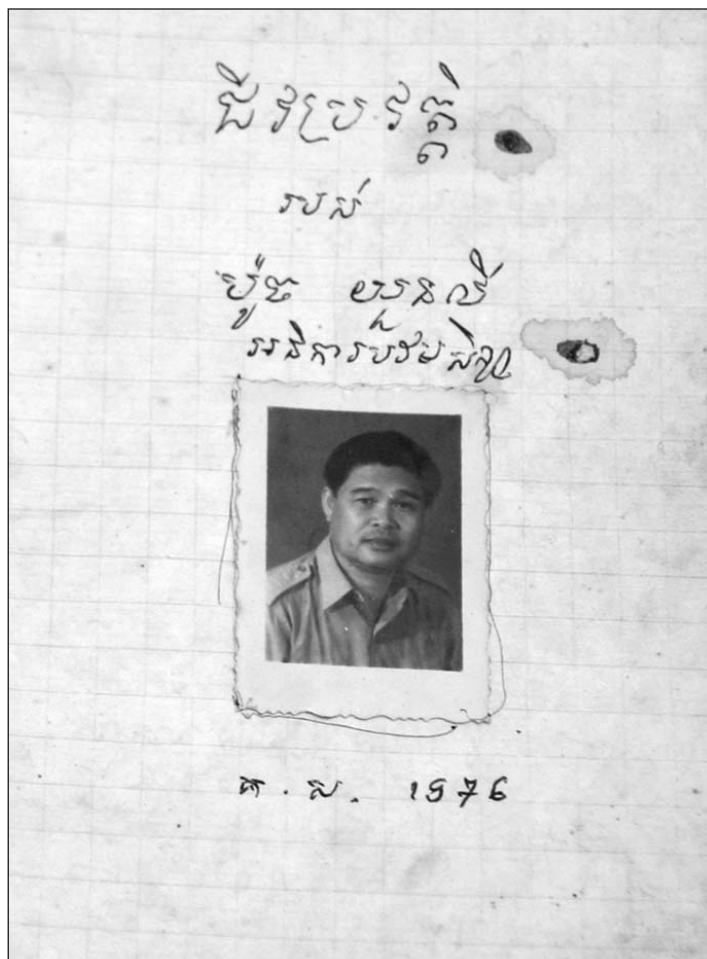
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Cover of Poch Younly's personal diary written in 1976

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# THE UNITED NATIONS AND CAMBODIAN GOVERNMENT SHARE THE OBLIGATION TO FUND JUSTICE

After many years of awaiting the trials of senior Khmer Rouge leaders, Cambodian survivors are now watching as their hopes of justice slip away. Repeated funding crises and political impasses between the United Nations (UN) and Cambodian Government have led to trials that took too long to begin and have taken too long to complete.

The latest crisis involves another strike by unpaid Cambodian staffers. UN officials point to Cambodia's obligation to finance most of its side of the court. Cambodian officials reply that they require donor support to meet those obligations. In the meantime, the tribunal's work stalls again, frustrating the legitimate expectations that millions of victims invested in the process.

While both the United Nations and Cambodian government have been keen to emphasize one another's obligations, they would do well to recall that they committed

jointly to pursue the interest of justice for victims of the Khmer Rouge era. Both sides must contribute to overcome the current impasse and see Case 002 to fruition.

If the tribunal fails due to funding shortfalls, most Cambodian observers will hold both the United Nations and Cambodian government responsible. If the tribunal comes to a strong conclusion, most Cambodians will give both sides credit. Signs of renewed commitment by both sides will help restore public confidence in an ailing process, which will generate momentum for further contributions by both the national authorities and foreign donors. Both UN and Cambodian leaders owe it to the Cambodian people not to miss that opportunity.

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*Youk Chhang is the director of Documentation Center of Cambodia.*



Courthouse of the Extraordinary Chambers in the Courts of Cambodia. (Photo: DC-Cam)



# MEMORY OF MYANMAR

Repression, censorship, and state terror demand a bold response. Indeed, we must stand firm in our position that human rights are an immutable fact that will not be compromised or bent under any circumstance. But while bold action and an unwavering commitment to one's cause are commonly cited as the most necessary elements of the campaign to confront the human rights problem in Myanmar, we must be careful not to overlook the critical element of strategic diplomacy.

While you may have expected a speech that will stir the soul, my goal is not necessarily to inspire or embolden you to assume greater risks or bolder action. Instead, I want to challenge you to address an equally important aspect of your human rights campaign—the art and science of strategic diplomacy. Strategic diplomacy is an important part of your campaign because it will open up opportunities that heretofore have not been seen or were otherwise unavailable. Strategic diplomacy will allow you to gain leverage in your political campaign and it will guarantee your long-term sustainability by way of ensuring your capacity to respond to Myanmar's ever-changing environment.

But what is strategic diplomacy? Strategic diplomacy describes the nuanced approach of communicating and dealing with political stakeholders without compromising strategic objectives. DC-Cam has a long history in using strategic diplomacy to leverage political stakeholders in Cambodia. While DC-Cam is committed to human rights, democracy, and the rule of law, it is sensitive to how this commitment is articulated to various political stakeholders in Cambodia. DC-Cam believes that civil society actors can still work with governments and the elite—without compromising core principles—so as to exploit opportunities for making progress toward one's strategic goals. Under

this approach, the civil society actor may oppose a government in areas that it deems to be clearly in contravention to its core strategic goals but also seek out activities where government and opposition hold a mutual interest.

In addition to managing one's relations with political stakeholders, strategic diplomacy also entails a nuanced communications strategy. A nuanced communications strategy refers to a strategy of using multiple angles

and audiences to influence national discourse and ultimately gain greater leverage in one's strategic activities.

DC-Cam's experience in a post-conflict society illustrates the value of addressing challenges from multiple angles. For example, prior to the establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC), DC-Cam organized a multitude of activities spread out across a variety of media, institutions, and political ideologies to influence the creation of the court. Even today,

DC-Cam continues to use radio, newspapers, magazines, books, films, public education forums, and a host of educational and academic initiatives to influence national discourse. While one must be careful not to sacrifice programmatic quality for the sake of quantity, an organization should always be seeking out new angles and audiences for achieving leverage in its strategic objectives.

In summary, DC-Cam is encouraged by the great success and commitment of Myanmar's human rights activists. DC-Cam is also eager to assist and advise Myanmar's human rights organizations as they progress in their strategic goals and it looks forward to future opportunities for collaboration.

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*Youk Chhang is the Director of Documentation Center of Cambodia.*



Shwedagon Pagoda in Rangoon Myanmar

LETTER FROM YOUK CHHANG:

# LABOR OF DEMOCRACY AND HUMAN RIGHTS

## THE TRAGEDY OF MAO SOK CHAN'S DEATH

During recent protests in Phnom Penh, another Cambodian has died while demanding improvement to democracy and human rights in Cambodia. The victim, Mao Sok Chan, was just one of many people who took to the streets to voice their frustration with the results of the recent election. Mao Sok Chan was married and is survived by four children, who will now grow up without their father.

It is tempting to discount the tragedy of Mao Sok Chan's death in light of his country's bitter history of human rights abuses and mass killings over the past half-century, however, it is important that past abuses are not allowed to excuse current and future acts of violence and violations of the basic principle of individual human rights and dignity. Mao Sok Chan, his family and all Cambodians deserve to see justice done for this inexcusable act of violence. Just because millions of people who killed others during the Khmer Rouge period or Cambodia's civil wars escaped prosecution, does not mean that the parties responsible for Mao Sok Chan's death should enjoy impunity for their actions.

Although it is doubtful that Mao Sok Chan himself set out to be a martyr for the cause of democracy in his country, his life has nonetheless been taken from him while he was protesting to demand a better future that he will not live to see. Democracy and human rights are causes that, despite their noble aspirations, have sadly required many lives to be sacrificed in Cambodia and elsewhere before being realized. Now, for the first time in its turbulent history, Cambodia is finally installing its own democratic foundations through the efforts and sacrifices of Mao Sok Chan and other Cambodians like him, who have stood up and demanded that their nation do better. While the ultimate goal of establishing a truly democratic nation that fundamentally respects human rights may remain out of reach for the time being, we should not forget Mao Sok Chan who died for us, now or in the future when the ideals he died for are finally attained.

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*Youk Chhang is the director of Documentation Center of Cambodia.*



Riot Police standing guard on the Monivong Boulevard. (Photo: DC-Cam)

# A VOICE FROM HISTORY: AN EXCERPT FROM POCH YOUNLY'S PERSONAL ACCOUNTS

*Forwarded by Professor Khatharya Um*

*On May 31, 2013, following a documentary screening, a middle-aged man quietly approached the Director of the Documentation Center of Cambodia, Mr. Youk Chhang. In his hand was a spiral notebook, yellowed with age—a surviving “journal” of one of the victims of the Khmer Rouge genocide that his daughter and son-in-law hope to entrust to the Center’s safekeeping. Such findings are rare. Though some personal writings done during the Khmer Rouge period did survive, most were in the form of notebooks that cadres had kept of their study sessions. Under a regime that associated writing punitively with the educated, hence politically suspect, few would risk their lives and the lives of their loved ones for the sake of documentation. In fact, the journal’s author, Mr. Poch Younly, a primary school inspector, was arrested and subsequently died in prison, because of some personal photographs the Khmer Rouge discovered that exposed his class background. This written account, as such, was a voice from history that defied erasure. That may have been the very reason why Mr. Poch Younly struggled under the utmost dire conditions, and at grave risk to himself and his family, to document his life. The account, in essence, contains the memories that he knew he would not live to transmit to posterity.*

*Describing his life as “one of education,” Mr. Younly dedicated much of the journal to constructing his family genealogy and charting his educational and professional journey that spanned the twilight of colonial Cambodia through the two decades after independence before the onslaught of war and revolution. He wrote of the struggles against poverty and of his accomplishments, his wedding to his fifteen-year old bride, and the construction of the family home, providing glimpses of life in pre-war Cambodia that were rich in their ordinarieness. Born into a modest farming family in the village of Phnom Dil in Taing Krang commune, Cheung Prey district in Kampong Cham province, Younly was one of three children. Like many Cambodian boys of that generation, and struggling with poverty, he spent his early childhood as a temple boy after leaving his native village to attend school in the capital before going on to complete the teacher training program, specializing in physical education. He joined the Ministry of Education in 1943 and went on study tours to the Philippines in 1957 and to the United States in 1961. In 1945, he married Som Seng Ieth, a native of Sangkat Baray, in the Baray district, in Kampong Thom province. They had 10 children, namely 1) Poch Sanity 2) Poch Siveanea 3) Poch Soriya (deceased) 4) Poch Sonimith 5) Poch Soreaksmey 6) Poch Sovicheth 7) Poch Visethneary 8) Poch Vadhaneakar 9) Poch Sochendamony and 10) Poch Vibolcheat. It was his daughter Visidhneary who brought the journal to light over 35 years after his disappearance.*

*Mr. Poch Younly began documenting his personal experiences after Khmer Rouge forces relocated his family from Kampong Chhang to Phum Chumteav Chreng. On August 1, 1976 he was summoned by Angkar to go help lift a palm tree that had fallen on the paddy, and disappeared. In his accounts, first written on 9th February, 1976 in Phum Chumteav Chreng and addressed to his “beloved and dearly missed Sanity and Siveanea,” followed by two additional entries dated February 29th and August 1st, 1976, Younly wrote of his separation from his two children and of the family’s losses and sufferings under the Khmer Rouge. The accounts are excerpted and summarized as follows :*



Poch Younly

I, your mother and the rest of our family left Kampong Chhnang on April 20, 1975 at 10 pm on the order of revolutionary soldiers. Your mother had just recovered from her serious illness three days earlier. Your mother

had a fever and temperature for more than a month from March 11, 1975 to April 15, 1975. Two doctors came to cure her and they charged us 50,000 riels. Persons who left Kampong Chhnang with us were: Lim Leav, Sar Samchoam, Leang, Leav Kimheng and his family and Leav Yumeng.

Your mother and I brought some clothes, food and medicine and a few other things with us to support our life for a short period of time. Eang and Leng and her family were separated from me and your mother as they needed to go to other places.

Leaving, your mother and I used two cars to carry some stuff with the help of Samchoam. Your mother and I were hesitant to leave because during the war time, life was dangerous, but during peace time, as what it was claimed by the Khmer Rouge now, life was also dangerous. It was completely contrary to what I experienced for a period of 50 years.

The city dwellers and other villagers left in two different directions. However, all needed to go to Romeas. In the first direction, they traveled past Prey Khmer toward Romeas. In another direction, they traveled past Trok village towards Romeas. So many people walked. I had never experienced such a crowd. They packed the road, which was full of cars, big and small vehicles, motorbikes, bikes, Romork and oxcarts. Our family traveled past Trok village, Kram Tromom, Romeas town, Khlong Popok, O Chi Prorng, Damrei Sar and Rokar Tong. The journey took eight days. Then, we traveled past woods and mountains, rocks where no people were living, no villages. What we heard was the sound of crying birds and the sound of leaves in the

wind. It was pitiful and miserable. We were very scared, happy and nervous. For three days and two nights, we traveled past these quiet woods by traveling past O Chheurteal, Rolong, Chumreay Mountain, Prey Veav village, which was 100 kilometers total. When we arrived at Rolong, a group of men stopped us and confiscated any property we all had. They confiscated a camera from our family. For other families, they confiscated clothes, medicine and other items.

There were two reasons why your mother and I decided to walk past these woods.

First, because lots of government officials in Kampong Chhnang province such as provincial governor, doctors and others had traveled this road before we did.

Second, we heard that when we left Kampong Chhnang, we would meet with the Angkar Revolution in the new city in the woods, and that once we got there; the Angkar Revolution would give us some land so that we could grow and farm on our own. On the way, one guide directed us as we traveled along the way. It was a long journey; it was extremely difficult for us as we carried young children in the woods. There was great suffering. During the trip, only the family of Mr. Chamroeun, who was a provincial official, could use his mini Land Rover to carry his stuff and children on a bad road. Other cars, small and big vehicles, all got punctured, empty fuel, stuck in mud and could not be moved. Lots of cars were left behind, regretfully and pitifully.

I, your mother and the rest of the family traveled with Thaem, Mith, Chron, Ung, and Phon, twenty total members including the young. We traveled for eleven days and nights after we left Kampong Chhnang with great suffering because we did not have food to eat; we were sick; the weather was very hot; we traveled through the sand, through the woods, mountains, streams, paths and zigzag roads. Shortly after we arrived at Chrey Veav, the group of Mr. Chamroeun, Dev Mov and Thaing Saing arrived and then we all traveled to Damnak Ampil village and then arrived at Chumteav Chreng village on May 1, 1975 at 9 am.

Why we came to live at Chumteav Chreng



village, Kraing Lvea commune, Kampong Tralach Leur (district 12), Kampong Chhnang province.

Between the days we left Damnak Ampil village and May 1, 1975, we traveled on a big road that expanded from Salalek 5 to Kampong Speu province. When we arrived at Chumteav Chreng at around 9 am, we stayed at the Chortean Sala rest area by a big reservoir. Our family stayed and cooked there while waiting for other instructions. At 2 pm, a villager came to call us and others to go inside the village. On that day, lots of people stayed in that village. A large crowd of people went to get rice rations. Your mother and I saw an assembly of ten families, and then they were brought to a place—to the west—where Chumreay Mountain was located. As we slept at night at that village, your mother and I heard lots of rumors about how people were brought to be killed

in groups. Your mother and I were very concerned about our safety. We intended to travel farther, but we were worried that we would be killed. At farther places, we heard that soldiers were very cruel. We also heard that some soldiers killed passengers cruelly. Therefore, we decided to stay in that village with deportees. For the first three days, we slept on the floor of a villager's house. Then, we were told to sleep on the first floor.

What was the life of our family like in that village?

Angkar told us to build a house made of wood roofed with tiles, where six other families lived with forty total members. The house was too small to stay with a complete lack of hygiene. Three months later, our family moved to another house where we stayed

until the end of the year. On May 9, 1975, Angkar told all deportees in the village to work. There were two groups at the time and our family worked in Group 1. The village chief often held meetings and he told us the idea of the revolution and communist ideology. Our family worked with others by using our physical force every day. Later, we worked day and night. We worked from ten to thirteen hours per day. Our task was clearing wood to make arable land, uprooting the trees, digging canals, building roads and dikes, growing vegetables and digging ponds, etc.

Soreaksmey was assigned by Angkar to work in Chrok Sdech Youth Unit and worked the whole year, making him seriously sick. I was assigned to build Anglong Chrey Dam for a period of ten days. Sovicheth farmed in the village and sometimes farmed about ten or twenty kilometers from the villages. Sonimith, Vadhaneakar, Visidhneary and your mother worked in the village. In July 1975, Visidh got seriously sick for a month. Sonimith stole chicken and potatoes belonging to others, which spoiled our family reputation badly. Starting from June 28, 1975, I got seriously sick for four months. Samchoam fell from a palm tree and died on June 29, 1975 at 11 am.



Poch Younly with his wife, Som Seng Ieth, and their three children.  
(Photo: Courtesy of Poch Younly's family)



All clothes were to be dyed black, according to Angkar. Most of Soreaksmey's and Sonimith's clothes were stolen when we asked someone to keep an eye on them while we traveled to this village. So they lost most of their clothes. When I got sick, many of my clothes were exchanged for chicken, rice, sugar, salt, potatoes and medicine to cure me. Some of your mother's clothes were exchanged for food to eat because we lacked lots of food.

After Samchoam died, he did not have many clothes left as he had a small number. Choam owed me 50,000 riels which he borrowed from me and the price of food that he owed me.

We brought a little medicine from Kampong Chhnang. It was just enough to treat Visidh only. I suffered from liver and stomach diseases and did not have medicine. What I could do was to sleep alone on the bed and wait for it to heal itself, with much suffering. There was little medicine and was not enough. I got sick since June 1975. By now, my body was getting skinnier and weaker and when my stomach got sick, I

was not hungry at all. Therefore, I slept without food for three to five days. Between October 1975 and February 1976, I got sick very often. My body got weaker and weaker day by day. You mother and your brother and sisters grew more concerned about my health because I could not walk far and could not get downstairs. Soreaksmey also got thinner. The group chief took him to the commune hospital in March 1976 because he had stomach aches and had worms in his belly. He had always been a naughty child. He never quit his habits. When he was building a dike, he stole sugar, fish and cow's leg cover. He was bitten as punishment until he bled and was taken to the hospital. Viseth was also assigned to build dikes in February 1976 and also attracted some disease and was taken to the hospital. Your mother got stomach aches too, which she suffered from twice a year. She had eye aches and suffered twice a year as well. Vadhaneakar actively herded the cows. He worked tirelessly without breaks. Even when his eyes got infected and he had stomach aches, he never asked for a break. He could hunt for fish, snails,



Poch Younly (center), with his wife, children and relatives at Pochetong Airport (present day-Phnom Penh International Airport) before his departure to the United States of America in 1961. (Photo: Courtesy of Poch Younly's family)

crabs and mushrooms for me and others who were sick at home. Neakar attended education sessions from January 1976. In the morning, he attended these education sessions and in the afternoon, he herded the cows. Your mother worked very hard. She cut woods, tree trunks; watered the plants; built dikes and dug ponds. She also farmed and harvested rice. In July 1976, she was assigned to mill rice in the village. Your mother worked carefully and actively and never carelessly. Sovicheth worked as hard as her mother, but she worked far from us. Lots of people loved her.

Starting May until December 25, 1975, we stayed and ate privately in our house and we received daily rice. At first, we were given eight cans of rice per day and then it decreased to seven cans. From September to December 1975, we received only four cans of rice per day. Our life was getting worse because we ate less and less. I was sick; all of us worked hard; and we all needed more food. While we did not have enough food, our health was getting worse day by day.

On November 27, 1975, your uncle Sreng and Eang visited me at 8 pm. They were not allowed to stay with us, but stayed at other places. We were not allowed to meet at our house, but at the group chief's house. I did not know how to find words to thank Eang and your uncle Sreng. I was just crying. I asked Sreng and Eang to find a way to take me, your mother and the rest of us to live at Phnom Dil or Baray. Your uncle Sreng and Eang left our house the next day at 11 a.m on November 28, 1975. Sreng gave us sixteen cans of rice, four rakes of smoked fish, twenty eggs, some prahok, some salt, 800 milligrams of tobacco and 200 milligrams of areca. With this areca and tobacco, your mother exchanged with salt and sugar to fulfill our shortage at the time. Angkar in the village gave us some potatoes, sugar, salt, fish, beef and vegetables, only occasionally, and little at a time. Your mother and I were physically and mentally hurt. Therefore, we exchanged our clothes more often for food to eat. Sometimes, your mother and I kept some rice and cooked it to mix with papaya trunks and potatoes in order to cook for your brothers and sisters. We did this once or twice a week. Whenever

we made soup, we put much water, about three and a half liters, with some zucchini, bamboo, water glory, Trach and we made soup once just for one day's use. With this soup, your young siblings were simply healthy and did not get sick often. Neakar and Seth needed to fish everyday by pulling nets. They caught some Changvar fish with which we could salt for long-term use. I caught some cats, snacks, frogs, Cheas (a kind of gecko), gecko and dogs, etc. Mostly, it was me and Seth who made this kind of food because we were at home. During meal time, I shared some porridge, rice, soup and fish if we had it. I could eat only after your siblings ate. Sometimes, there was no food left for me. Sometimes there was none left for your mother. We had little food and we kept it for your siblings.

Every time my illness got worse, your youngest sister Vibol often came to sleep nearby and hug me. She wanted to have all kinds of conversations with me. When I was quiet and closed my eyes, she called me "daddy" and touched my eyes to make them

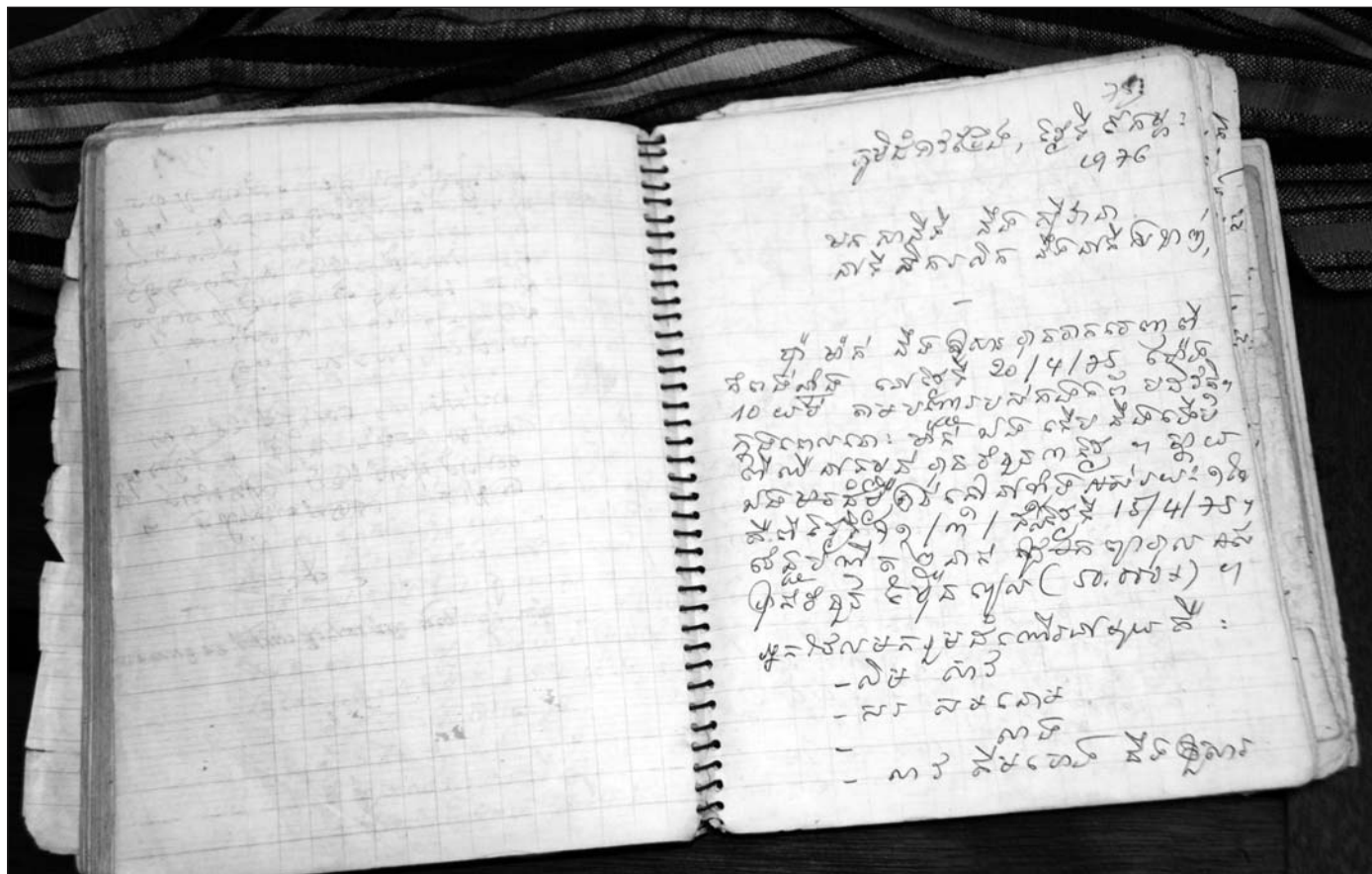


Poch Younly (sitting right) with his co-workers in Kampong Cham province in 1972. (Photo: Courtesy of Poch Younly's family)

open. When I was tired and did not talk to her, she opened my mouth and forced me to speak. She did not allow me to stay quiet. I was tired, but she lifted my hands and legs and did not let me stay still. I took much pity on this daughter as she called me “daddy” almost every time. Sometimes, my illness made all the children cry; sometimes it made them grow worried. Seth and Neakar worked hard to look for fish for me—all the time.

At the end of this letter, I wanted to remind both of you that I am not afraid of my death, but I wanted to meet with your uncle Sreng and both of you as well as my grandchildren. Let me die. I could not live in this dark house without a lamp. I could not live in darkness without knowing anything, and all of our belongings were confiscated, such as camera, watch, radio, bike, motorbike, rice cooker, plates, spoons and glass, etc. Let me die. I am satisfied with my life. When I have been alive, I have seen the world which was bright enough for me. For your life in the future, continue to

live with dignity, having a peaceful place with complete comfort. Both of you and all my children, do not forget to take good care of your mother whenever she lives by your side. Your mother was a great mother; a mother who has an enormous, generous heart; she has a wonderful and nice attitude and a good heart. It was hard to find such a wonderful mother. In my life, I would never be able to find such a good person as your mother. She was very nice to me and to all children. Your mother cried in her heart, cried in her mind, cried in her feelings and cried in her sentiments every day. She thought and took care of you all each night and always. She missed you all so much; she worked so much. I told her to stop, but she did not listen to me. I was worried that your mother would get sick, because if she got sick, we would not have medicine to treat her, not at all. We did not know where to get medicine. When I was sick, your mother took her lockets to exchange with eighteen tablets for me to take at one time. Yes, these medicines could not decrease my illness because my illness was



The diary of Poch Younly written in Chumteav Chreng village between February 9 and August 1, 1976, the day he was arrested by the Khmer Rouge militias. The diary was donated to the Documentation Center of Cambodia in June 2013 for historical preservation.



stronger than the medicine that I took.

Sanity and Siveanea, my dearest children, your mother was a woman with generosity; she has a nice heart. In her life, she devotes all things to all children. Even how naughty Sonimith and Siveanea were, your mother still has pity for her children; she loves her children. Reaksmeay had been away for seven months now and your mother cried endlessly. Reaksmeay is not far from her, but she could meet her. In her heart, she was very pained—endlessly. Your mother and I were very pained for such a separation of our family. If I die before your mother does, your mother and your siblings would simply live a good life because your mother leads a patient life; she could take care of her children as she is always a mother. She is a great housewife and could find food for children better than me. However, if your mother dies before I do, your siblings would live in difficulty because I am not very active in looking for food for my children. If I and your mother die in this unknown village, my and your mother's body would be similar to that of a dog or cat which nobody would help take to bury, and children are not even allowed to know where the bodies of their parents are buried. My sons and daughters, we are psychologically pained. Your younger sisters and brothers were separated from you. You no longer see your younger sisters and brothers. Your younger brothers and sisters live in poverty. They were blamed very often. They were accused all the time. My children, we do not know what their future will be like.

Sanity! Siveanea!

Let me die. I am happy to die, but I want to die to live with your grandfather and grandmother and other relatives at Phnom Dil. However, how sad I am to die in a place that does not belong to us. Let my destiny take me wherever it goes. Let destiny judge my life. My children, I miss you; I love you; I want to live near you and help advise you so that you can lead a nice life with honesty and generosity to fit with the circumstance of our scientific and technological world which is progressing at the moment and in the future. I also want to advise my grandchildren and make their future

brighter to see if they are smarter than me and you. I always want my grandchildren to be more intelligent than me. I want that so much. I want to say goodbye. I die happily!

Writing completed on July 29, 1976 at Chumteav Chreng Village.

The writing of this diary does not extend long. Because I am always sick, I cannot write regularly. I can write only when I am well enough.

### **Family situation in 1976**

Chumteav Chreng on June 29, 1976: Communal eating began on December 25, 1975. Eating rice for a month, Angkar forced us to eat porridge in the morning and rice in the evening. We did this for five and a half months. Starting June 5, 1976, Angkar told us to eat porridge both morning and evening.

So far, Sonimith remains at the hospital. So does Soreaksmeay. Sovicheth was assigned to join the Young Female Unit at Kraing Leav commune. Visethneary is sick, staying at home, but she will hopefully get better soon. She was put in a children's unit in which she works at the commune office as well. Vadthaneakar is still herding cows, but she attends education sessions in the morning. Chendamony looks after her daughter Vibol every day. Your mother was assigned to work in a rice milling unit. I am sick, staying at home. We eat porridge every day, but it is not enough. We try hard to find something more to eat.

Every one of us is sad because of this shortage. On August 19, 1976, Soreaksmeay was assigned to build houses along the way from Kraing Leav to Salalek 5. She builds houses only in this commune. Angkar plans to build 1,000 houses for people living in Kraing Leav commune. Sonimith was arrested at the hospital on the evening of June 27, 1976. We do not know where he was taken. Your mother returned to farm in the village on June 28, 1976. Visethneary resumed education sessions. Every day, they all farm and grow vegetables.

*Chumteav Chreng  
August 1, 1976*

Sanity! Siveanea!

Whenever this biography reaches your hands,

please edit and publish it so that my relatives, your mother's relatives, my nephews and nieces, my children, you, your children and your grandchildren can read it and you can introduce me to them all. If I die during this harsh storm, you can do as I requested whenever your time allows.

If I do not die yet, I will continue writing by whatever means I have. What I have written, please take good care of it. Do not be afraid to do whatever you think it is useful for your beloved father and our

beloved family in any circumstance.

Poch Younly

Inspector of Primary School

***Note:** Poch Younly was taken away by Angkar on Thursday August 1, 1976 at 4:30 pm. According to the lunar calendar, it was on the ninth day of moon day in the month of Photraboth. He was told to help lift a palm tree which fell on the rice field. However, he was instead sent to be detained at Ak Prak security office and he disappeared ever since.*

## WHO WAS POCH YOUNLY?

Poch Younly was born in 1924 in Phnom Dil village, Taing Kraing commune, Cheung Prey district, Kampong Cham province. His father was called Poch Kimhy and his mother was called Tuy Sam, both were farmers. In 1933, Younly's parents moved to Baray town, Kampong Thom province, where they ran a small grocery store. As a second child in the family, Younly had another brother and a sister. His brother's name was Poch Lysreng and his sister's name was Poch Kimleang.

Younly's wife was Som Seng Ieth, who was born in Baray commune, Baray district, Kampong Thom province. They had ten children: Poch Sanity, Poch Siveana, Poch Sorya, Poch Sonimith, Poch Soreaksmey, Poch Sovicheth, Poch Visethneary, Poch Vadhaneakar, Poch Sochendamony and Poch Vibolcheat. At the age of twenty-one, Younly continued his studies in Phnom Penh, initially attended the Khmer Institute and then School of Pedagogy. During his school vacation he attended a training school to become a gymnastics and sports coach at Sisowath High School.

After completing the School of Pedagogy, Younly became an inspector of a primary school and taught in several schools in Kampong Thom province, Kampong Cham and other places. He also worked at the Ministry of Education.

Between March and May of 1957, Younly went on a mission to visit the Philippines with the other education ministry officials. In 1961, Younly visited the United States where he visited the Education Department in Washington D.C. Younly's personal diary narrated and described in great detail about his visit to each place in the Philippines and the United States.

His diary divided into two parts. In the first part, Younly wrote about his family, his way of life, activities, and work experience from the early days of his life until the end of 1975. He began to write his diary on October 28, 1975 and completed it on November 7, 1975 during the Khmer Rouge regime.

The second part of his diary was written in the form of a letter in order to send to his two children who were living away from him during the Khmer Rouge regime. In this second part, Younly wrote about life under the Khmer Rouge regime, during which he and his other family members were forced to work hard and were separated from each other. Younly wrote this diary until the day he was asked to leave home, but instead was arrested and imprisoned after the Khmer Rouge cadres learned that he was a former teacher and education ministry official.

Younly completed the second part of his diary on August 1, 1976 at 4:30 PM, the day that the Khmer Rouge cadres asked him to help remove a palm tree that had fallen down on the paddy field. However, this was just a pretext to arrest him. He was sent to prison at Ak Prak security center and disappeared ever since.

The surviving family members of Poch Younly secretly kept this diary. In early June 2013, this diary was donated to the Documentation Center of Cambodia. *Socheat Nhean* and *Bunthorn Som*

# CONFESSION OF CHUO CHAN SARI, A FORMER MEDICAL STUDENT

*Bunthorn Som*

Chuor Chan Sari was a freshman at the Medical School in Phnom Penh in 1974. Sari was arrested in June 1977 at Bantat Bos cooperative of Tan Kam commune, Preah Neth Preah district, Region 5, Northwest Zone. Below is his confession:

My name is Chuor Chan Sari aka Chin Hour. I am twenty-three years old and I was born in Ang Snuol village, Peuk Commune, Ang Snuol district, Kandal province. I am a freshman at the Faculty of Pharmacy of the University of Health Science in Phnom Penh.

In 1964, I studied in grade 9 at Ang Snuol School. In 1966 I passed my exam to study in grade 6 at Baek Chan Junior High School. In 1969, I continued onto grade 3. Because I did well at school, Professor Am

Chuon gave me a book about the culture and civilization of the free world as a gift. At that time, Professor Am Chuon introduced me to Po Asnarith who was a former editor-in-chief of Rastr Sachah (Honest Population) Newspaper. It was Asnarith who introduced and enlisted me into the CIA agency.

In 1970, I passed my junior high school exam and continued to grade 2 at Yukunthor High School where Professor Am Chuon was teaching there too. In 1971, I got to know Professor Chum Narith, who was teaching at Yukunthor, and he introduced me to Ung Ty who was the president of the students' association at Providence School.

In 1973, I passed another exam to attend



A former clinic abandoned during the Khmer Rouge regime. (Photo: DC-Cam)



Sisowath High School. There Ung Ty introduced me to Kuy Chan Vuthy who was a final year student. The same year, Ung Ty assigned me to put out announcements and distribute leaflets with Kuy Chan Vuthy in several areas such as business centers, residents of business people, and in the public places. In the leaflet, it was written: Angkar Khmer Rouge killed Khmer students, Khmer Rouge killed people and cut open the wombs of pregnant women, and Angkar Khmer Rouge is a non-religious group.

The same year, Ung Ty also introduced me to Nheuk Dim and Kaing Heng who were running a cloth store. In mid-1973, Kaing Heng and Nheuk Dim assigned me to look for outspoken people who were also looking for well-paid jobs. I encouraged my friend, Hay, who was a driver at the Ministry of Air Force and who was also from Ang Snuol to meet with Nheuk Dim. At that time, I travelled to Ang Snuol very often to spy on Hay's wife and to look for people from Khmer Rouge liberated zone. I also bought food and other stuff at Ang Snuol market so that it was more convenient for them to join the CIA.

In that same year, Angkar liberated Ang Snuol town and evacuated my family and Hay's family into the liberated zones and I had no idea where they were sent off.

In 1974, I attended the Faculty of Pharmacy. Not until early 1975 did I hear from Kaing Heng and Nheuk Dim that my family was evacuated to District 54, Region 33 of the Southwest Zone.

In February 1974, Kaing Heng and Nheuk Dim assigned me to enter the liberated zone to search for some information such as names of people who were controlling the liberated villages, rice storage area, armed forces, and arsenal. In the liberate zone, at first, I met with Prum, who was a militia special member in Samrong district, Region 33. I met him at Kantuot Bridge and then he took me to meet Hay. Then, Hay took me to meet my family at Ta Khoy village, Cheung Kuon commune, Samrong district, Region 33. Hay also took me to inform Ta Bou, who was a social affairs cadre, and told him that I was Hay's nephew.

After living in the liberated zone for a month and a half, Angkar assigned me, Ta Bou, and Lor to build boats. I intentionally cut the woods into small pieces in order to destroy the plan. When I was building a dike in June 1975, I shouted at group chief, “Why do we need to build dikes that high since the water would never rise as high as our chest?” This area suffers from terrible shortage of rain water. Why are we wasting time to build such high dikes to prevent water from flowing?

Later, I persuaded New People not to grow vegetable and that if they did grow they would not be able to eat because Angkar will cultivate it and persuaded them to dismantle the wall of their house to make fire wood.

In July 1975, during the rice transplanting reason, I encouraged villagers to destroy rice stalks because they would risk being evacuated and sent to other place at anytime. When plowing the field, I got up late and during doing my work I stopped plowing rice and allowed cows to eat the rice plants. When the group chief told me to plow the field faster, I responded, “ unless you give me enough food to eat, I would not plow faster.” When Angkar told villagers to carry fertilizers made of human feces to put in the paddy fields, I objected by taking those fertilizers and piled at one place. At the same time I told to villagers, “since our ancestors' generation and since we all were born, we had never carry human feces on our head.”

At the end of 1975, Angkar evacuated me to live in the Bantan Bos cooperative, Tean Kam commune, Preah Neth Preah district, Region 5. In early 1976, Angkar assigned me to harvest rice. When harvesting, I destroyed rice and stepped on the rice plants in order to receive rice grain from the plants.

Then I met with Eung, a committee member of Tean Kam commune, when he came to do biographies of former students in the cooperative. After Eung and I got to know each other, Eung asked me to look for cassette-tape player for him and then he assigned me to work as his assistant in doing the biographies. Next, he appointed me as chief of group, which I led villagers in building dikes and also assigned work for the villagers too. When doing my work, I did some tasks such as:

◆ I told villagers not to build straight dikes and the dikes would be not be big enough.

◆ I told them to use violence and arrested villagers. Even if the villagers were sick, I still forced them to work.

◆ I deprived any villagers of rice who could not complete building five-meter of the dike within a day.

◆ Then, I told villagers that I do not make mistakes.

Then Angkar assigned me to plow the paddy fields at Sre Roneam where I met Kanh, the chief of plowing unit. Kanh told me that without the revolution, his life would not be that hard. Before the revolution he did not work very hard, but he still got high yield of rice. I responded to him that if the Khmer Rouge had not captured Phnom Penh, my life would have not been this hard also and I would not be separated from family like I was then.

In mid-1976, I returned from Sre Roneam. Later that year, Angkar assigned me to carry harvested rice plants by boat to another place. When rowing the boat, I sank rice plants in the water and soaked the rice plants in water to make them rot. Then I persuaded

people to go home immediately after harvesting.

In early 1977, when Angkar assigned me to work as statistic assistant, I persuaded villagers to make complains about abolishing communal eating and work and make demands to own private property, cows, and other stuff. I also did activities that make trouble and prevent villagers from working properly to discourage them from going to the harvest. I also left a cow to die.

The same year, Angkar assigned me to lead villagers to destroy old dikes to build new ones and to dig ponds also. I did not follow the assignment and told the villagers to make even smaller and zigzag dikes. In digging ponds work, I told villagers to dig but then would tell them to stop in order to disobey Angkar's assignment. I told the villagers, "Angkar revolution would never have its end. Angkar do not let you eat enough but forces you to work hard, building dikes in the morning and digging ponds in the evening." I led people in building dikes until June 1977, when Angkar arrested me and sent me here.

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*Bunthorn Som is a staff writer of Searching for the Truth Magazine.*



# NHEUK VENG HOUR, A LON NOL SOLIDER WHO WAS SENT TO TRAIN IN THE UNITED STATES

*Bunthorn Som*

Nheuk Veng Hour, a military lieutenant of the Lon Nol regime, was sent to the United States in September 1974 for military training. When he returned to Cambodia in June 1976, he was arrested by the Khmer Rouge and was sent to S-21. Below is the summary of his confession.

I am twenty-seven years old Cambodian, single. I was born in Sangkat Prey Sniet, Pea Raing district, Prey Veng province. Between 1964 and 1968, I attended Pea Raing Junior High School and continued to Preah Ang Duong High School in Prey Veng town. During my studies at Ang Duong, I transferred to Phnom Penh and attended Preah Yokunthor High School. Between

my 1969-1970 school academic years, I stayed with a religious emissary in Chroy Changva area.

In 1970, I passed my high school exam, majoring in experimental science. Then I joined the Lon Nol Khmer Women Military. In February 1971, I completed my studies in Chroy Changvar Navy School and was given the title of Major Lieutenant of the Navy. I worked with South Vietnam Army (Thieu Ky) and the United States Air Force where my duty was to escort ships along the Mekong River from the South Vietnamese border to Phnom Penh. I worked there for a year.

In 1972, I was transferred to work at logistics



Military police of the Lon Nol regime taken during military training in Phnom Penh sometime during the Khmer Republic period. (Photo: DC-Cam)



transportation office at Chroy Changvar Navy Base. I worked there until early 1974 until I was sent to study English at the military headquarter in Phnom Penh.

After completing my English course, I was sent to the United States, along with other nineteen colleagues, on September 23, 1974. I flew to Bangkok and stayed there overnight. In Bangkok, I met with an American who waited and gave us some stipends for our two-day stay.

Then we all left for Texas and took English course at an English institute for three months. After completing the English course, I attended the Navy School where I was trained to command ships in Rhode Island. The course was completed in May 1975.

When the Khmer Rouge soldiers successfully liberated Cambodia, I told my sponsor that I needed to return to Cambodia. My sponsor sent me to a camp in California, where me and my three friends, Phuong Phan, a Major in artillery unit; Ung Chuy, a Major in artillery unit, and Srey Nam, a navy man of underwater unit, met with Kari Kareth who was chief of an organization called AKFA, living in California. [We also met] Sar Buon, a former Brigadier General in the messenger unit of the Lon Nol regime.

I finally arrived in Cambodia on 1st June 1976. Upon arrival, Angkar sent me to stay in the Khmer-Soviet technical school. I met up with Phuong Phan, Ung Chuy and Srey Nam later when they arrived in Cambodia earlier in February. Phuong Phan told me to do my duty well as ship sailing expert in the sea.

Later, Angkar revolution sent me and Phuong Phan to work at Ta Lei office. There, I worked very hard to win the heart of a veteran who was responsible for what I did. Also, I worked extra time in order to gain more credit.

However, because I faced a lot of hardship while doing my job, I devised a plan to flee to Thailand, where I would go through Phnom Srang in Kampong Speu province. I prepared for my trip and packed some malaria tablets and other stuff such as vitamin tablets, machete and axe. At the same time, I prevented myself from doing anything that would give

off any suspicion to my friends about my escape plan. While I was doing my work as usual, I heard from my friend, Prum Sokha, a former lieutenant of the Cambodian Air Force, complained about the hard work that he was doing and who also wanted to flee.

My plan came to a halt because two months later, Angkar sent Sim Silena, a former lieutenant of Cambodian Armed Forces, other friends and me, a total of thirty people, to work at Prek Pra. When I arrived at Prek Pra, Sim Silena and I intended to flee to Vietnam by floating along the flowing Bassack River.

Later, Sim Silena and I decided to travel along the Mekong River. At the time, I asked Sim Silena to climb up a coconut tree to check and inspect the situation before we walked to the Mekong River because we wanted to avoid residential areas.

At 1AM on 18th August 1976, Sim Silena woke me up and we left through banana plantation and walked in the eastern direction, passing through the woods and several lakes. At around 4AM, we arrived at National Road 1 and crossed the road, heading towards the Mekong River. Before reaching the Mekong River, we hid in the woods near the bank of the river until dawn and realized that we were hiding in Chroy Ampil. On that day, we kept hiding in the woods and could not get out. When dark came the next night, we both went to cut down banana trunks, two for each, to make a raft. At 9PM at night, we continued our travel with our rafts, but Sim Silena was not well that night. This caused us to halt our journey for a while. We got to Dei Ith before dawn and could not continue our journey. We hid ourselves on the bank of the river. There, we picked the corns that were growing on the riverbank and ate them raw.

On that day, I saw a lot of villagers who came to work near the place that we were hiding. Seeing this, I left the place and climbed up a tree to hide. At 6:30 PM, Sim Silena and I were about to continue our journey, but unfortunately were arrested by villagers.

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*Bunthorn Som is a staff writer of Searching for the Truth Magazine.*

# ROS PHAT, A FORMER SECRETARY OF SEREY SOPHOAN DISTRICT

*Dany Long*



Ros Phat (right) with his wife and one-year-old daughter

This was a photo of Ros Phat, his wife, and their one-year-old daughter. Ros Phat was a former secretary of Serey Sophoan district, Region 5, Northwest zone, during the Democratic Kampuchea. Ros Phat's wife, Phal, was a secretary of Teuk Thla commune of Serey Sophoan district during the Democratic Kampuchea. During the research in Phnom Preuk district, Battambang province, staffs from the Documentation Center of Cambodia (DC-Cam) visited Ros Phat's house, but found that he had passed away on May 12, 2013 of illness. DC-Cam researchers found this photo hanging on the wall of the late Ros Phat's house that is currently occupied by his second wife, Pronh Tum, 54. Tum was a former messenger of Phal.

Tum said that Ros Phat was born in Samlanh commune, Angkor Chey district, Kampot province. In 1970, Ros Phat volunteered and joined the Khmer Rouge revolution as a soldier. In 1974, Ros Phat was wounded in the eye fighting in the battlefield and was blinded. After the Khmer Rouge victory over the country in April 1975, Ros Phat was assigned to work in the Disable Unit in Tramkok district. Ros Phat married Phal in 1976. In 1977, Ta Mok, the secretary of the Southwest Zone, sent Ros Phat and his wife to work at the Northwest zone where Ros Phat served as a secretary of Serey Sophoan district while Phal was appointed as secretary of Teuk Thla commune.



Pronh Tum

Tum added that one day, in 1977, a group of Chinese delegation visited Serey Sophoan district. The delegation took several pictures of Ros Phat and his family and then gave them to Ros Phat.

When the Vietnamese forces attacked the Khmer Rouge in early 1979, most of the photos were lost, except this single one.

Phal and their daughter died near the Cambodian-Thai border of malaria in late 1979 when they fled the Vietnamese attack. A year later, in 1980, Ros Phat married Tum. They lived with each other until Ros Phat's death in May 2013. Ros Phat was survived by his second wife, Tum, and their three daughters and four sons.

*Dany Long* is a team leader of Promoting Accountability Project.

# FORCED MARRIAGE TO AVOID THE DEATH

*Chan Pranith Phuong*

In a skirt and crewneck blouse like a peasant, Lin Thea is looking at the courtroom and putting her hands down in a waiting position. Wearing grief-stricken face, Thea wanted to tell her experiences during Khmer Rouge regime that almost put her to death.

56-year-old Thea farms for a living in Tbeng Meanchey, Preah Vihear province. She is the fourth child among five siblings in a family. Both of her parents are peasants. She recounted her experience under the Lon Nol regime and said that there were bombings in her villages in Choam Ksan district, Preah Vihear province when she was only ten years old. After the coup that ousted Prince Norodom Sihanouk from power in March 1970, all of her relatives separated and fled to Thailand but her family remained and struggled to live in the village because they fear that they would lose their property. After, her family fled to Prome commune, Tbeng Meanchey district, Preah Vihear province.

In that particular moment, Thea remembered her family hid in the trench to avoid the bombing. While the Khmer Rouge soldiers took control over the country, she was separated from her family and later joined the Khmer Rouge mobile unit.

She was assigned to do one task to another

endlessly. The cooperative leader Ta “grandfather” Bong, whose jobs was to assign everyone to implement the cooperative plan, was mean and intolerant.

Later, Thea was assigned to build a dam at Chaeb for two months. She recounted, “Everyone were not allowed to rest on the job”. Her unit had to build the dam both during the day and the night. In return they only received a little ration of watery gruel for food. She added, “No one dared to challenge what they were given even if the food ration was not enough to provide the energy for what we did.” After the completion of the task at Cheb, her 40-member unit was sent back to the village to grow rice, working throughout the day and night. She added, “The Khmer Rouge cadres planted ten spiked bamboos in the field for her unit to plant.” They removed the spiked bamboos to the next fields after Thea’s unit completed the task.

Due to over exhaustion, some members of her unit had some rest under a tree and the next day they were sent to be reeducated. Thea, herself, was once taken away for reeducation but luckily it was just a warning. After working there for a long time, she was allowed to visit her home. At the time, her father welcomed her and cooked papaya tree with some rice that was given by the cooperative. He went to cut the papaya tree and chopped it up to put it in the gruel.

One day, the village chief, Det, assigned fifteen people (five men and ten women), which included Thea, to dig manioc to cook for the entire cooperative. After spending ten days in the jungle, her unit returned to the village. To compensate for their efforts, the village chief Det gave her unit two cans of rice and he said, “This rice is for comrades’ hard work”.

Thea was forced to get married but she firmly refused because she was only sixteen years old and was not aware of the affection. She refused the marriage



Lin Thea during the interview at the Khmer Rouge tribunal in June 2013. (Photo: DC-Cam)



proposal repeatedly. When the Khmer Rouge cadres summoned the men and women to commit to Angkar, they asked Thea to commit to the marriage proposal but she refused to get married again. After learning that, a Khmer Rouge cadre threatened and pointed to the burial pit if she refused. The cadre “If you do not get married, you will be killed” and “You [either] agree to get married or love this pit.” For fear of being killed by the cadres, she agreed to get married and said, “I [would] agree to get married even to a dog or a cat [if it was] proposed by Angkar.”

The wedding took place the following day. Thea never saw her husband. She only knew her husband on the wedding day. At the time, her husband was sick in the village and had to come to get married even with his illness. Her husband was a medic. The wedding started at 5 O'clock. There were three couples that also got married on that day. In the festivity, people enjoyed the variety of food such as beef, Khmer noodles, and traditional cake along with the dance. In the wedding, the village chief Det asked Thea and her husband, “Do you love each other or not?” Thea and her husband replied “Yes.”

Even though they were married, her family did not have time for an intimate relationship. They had to live in a separate cooperative and continued to work on the same daily tasks. Thea still harvested rice while her husband stayed as a medic. Her husband was not allowed to visit her even when she was sick. Thea and her husband learned about each other through words of the villagers. A month after she delivered their first baby, Thea's husband was allowed to visit her. Unfortunately, her baby did not survive. Thea said at the time, without professional physicians, all kinds of illness were treated with rabbit pill. Because of that, her son did not survive.

In late 1978, Khmer Rouge spread rumors that

Vietnamese would cut open peoples' stomach if they caught anyone. After hearing the rumors, everyone from her village fled to the jungle and did not dare to come back. Her husband secretly entered the village to observe the Vietnamese force and saw they did not kill anyone. After made aware of the situation, everyone who hid in the jungle returned to the village. From then on, Thea's family reunited and live happily to date.

*Chan Pranith Phuong is a translator for Searching for the Truth Magazine.*

## SEARCHING FOR FAMILY MEMBERS

My name is Leang Rangsey, 58. My former employment was working to assist pharmacists. Now, I am a full-time housewife and living with my husband, who is a pharmacist. We are living at #561Eo, Street Kampuchea Krom, Sangkat Psa Depo III, Khan Tuol Kork, Phnom Penh.

I am looking for my relative, Mr. Leang Leakena, aka Marin. He would be 65 years old now. Mr. Leang Leakena disappeared in late 1978 during Khmer Rouge regime. Before 1970, he was a lecturer at Yok Kunthor High School. Recently, we had received information that he was arrested and sent to Prek Por detention center in Srey Santhor district, Kampong Cham province. The person who was in the detention with him told us that he was released in late 1978. However we were not aware or received any messages from him.

If you know him or have met him, please contact me at 012 286 437 or contact the Documentation Center of Cambodia at #66, Preah Sihanouk Blvd., Phnom Penh. Tel: 023 211 875. Thanks!



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# HIDDEN ISLAMIC LITERATURE IN CAMBODIA: THE CHAM IN THE POL POT PERIOD

*Reiko Kuromiya Okawa*

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This paper could be said as a result of the fortunate blending of my twenty years of research on Islamic Studies based on Arabic literature and my serendipitous encounter of the Cham Cambodian Muslims. I have been studying Islamic Studies, focusing on the history of interpretation of the Qur'an, the Muslim Scripture, since I first wrote my graduate thesis at the University of Tokyo, Japan. Since then I have studied Islam and Arabic in Middle Eastern countries such as Egypt and Jordan. I never expected to study Islam in South East Asia, even although I have been very interested in it and have visited some Muslim countries such as Malaysia and Indonesia. However, to be honest, I have to confess that I had little knowledge about Islam in Cambodia, which now I am focusing on and finding value to study, before I came here because of family circumstances.

Soon after I started my research in Cambodia as a visiting scholar of the Documentation Center of Cambodia (DC-Cam), whose warm acceptance of me is the object of my deep appreciation, I encountered fairly precious literature mainly written in Arabic. This literature was buried and hid from the Khmer Rouge who viciously ordered the burning of the Qur'an and Islamic religious literatures as a way to torture the people. Because this literature was buried, it made the papers very fragile. When the paper is touched, it seems to be almost torn off. It was a Hakem, Muslim religious leader, of Svay Khleang village, Kompong Cham Province who buried the literature during the Pol Pot period and excavated it after the period. Twenty-five years later, Mr. Ysa Osman, a former researcher of DC-Cam, was given the literature when he was doing

his research in the village. Then I was allowed, from by Ysa's favor, to use this literature for my research. This came as a great fortune for me because I was able to study Cambodian Islam using the texts written in Arabic.

## **Hidden Islamic Literature**

Ysa Osman's work *The Cham Rebellion: Survivors' Stories from the Villages*, describes and analyzes in detail the Cham rebellion against the Khmer Rouge in Svay Khleang village, Kampong Cham Province and depicts the hidden documents as follow: In 1975 this text was wrapped up and buried in Svay



Documents unearthed after the Khmer Rouge regime collapsed.

Khleang along with other keitap (religious books) in the Arabic language that treat subjects ranging from law to grammar. The material was retrieved in 1979.

Unfortunately, the *hakam* Muhammad Kaji who owned and buried the literature died two years ago. I visited Svay Khleang, with the help of Fatily SA, a DC-Cam staff member, and interviewed his family who had little knowledge about it. However, the interview with another *Hakam*, Yusuf Punjamin, was very helpful in understanding this stack of papers. According to him, many people buried their precious things such as books, jewelry or swords to hide them from the eyes of the Khmer Rouge. He, himself, also buried some religious books at that time but could not find them again after the period, which made him cry with grief. (The interviews were conducted on 7 July, 2013 in Svay Khleang.)

It turned out, after looking at into them carefully,

that this large stack of papers represented the scholarship of Cham before the Pol Pot regime.

Most of them are written in Arabic, but al-Fatani's work is written partly in Jawi and an unidentified book is completely written in Jawi, the old Malay language written with Arabic characters. Furthermore, it is worth

*In 1975 this text was wrapped up and buried in Svay Khleang along with other keitap (religious books) in the Arabic language that treat subjects ranging from law to grammar. The material was retrieved in 1979.*

noting that most of the books are in the category of kitab kuning, which means “yellow book” in Malay. The term kitab originated from Arabic, meaning “book” and kuning

“after the tinted paper of books brought from the Middle East in the early twentieth century.” In the Malay Muslim world, including the community of the Cham Muslim in Cambodia, kitab kuning has been widely used as a textbook in pondok-pesantren, Islamic boarding school in the Malay world.

Not only such physical characters, but also the content of these buried documents are notable. Tafsir



Pieces of documents in Arabic left behind from the Khmer Rouge regime.



al-Jalalayn has been a quite popular and well-known interpretation of the Qur'an in the Middle East up until present day. The two co-authors are Egyptian scholars but this book has been widely used as a textbook as well. This work interprets the Qur'an very briefly, which may make it the most popular Arabic interpretation of the Scripture for Muslims in the South East as well.

al-Fatani's work *Munyat al-Musalli* is one of the most important and well-known kitab kuning. This book discusses the importance of prayer, salat, for Muslims. He is from Pattan, the southern city of Thailand, which is still a center for Cambodian Cham students to study Islam. He moved to Mekka where he acquired a great reputation as a scholar, writing a lot of books and teaching many students. His book is also still widely used as a textbook in pondok-pesantren.

Nawawi al-Bantani, the author of *Fath al-Majid fi Sharh al-Durr al-Farid 'Ilm al-Tawhid* and *Madarij al-Su'ud ila Iktisa' al-Burud*, is also an important scholar for Muslims in the South East. He was born in Banten, West Java, and moved to Mekka and acquired great fame like al-Fatani. According to some interviews conducted by Blengli, Nawawi and al-Fatani used to be the most popular authors among Cham students in Cambodia before the Pol Pot regime. This fact is in excellent agreement with the contents of the buried texts, which are studied in this paper.

## Conclusion

The hidden Islamic literature was obviously born because of an awfully tragic period in Cambodian history. When I was studying them within my own hands, I felt like the stack of the papers somehow had a voice or spirit trying to say something to me. I do not think I am the one who correctly understands the word, if there is such a thing, since I am not a specialist of the Khmer Rouge period. However, my investigation, I could say, makes some facts clear from these documents.

Before the Pol Pot regime, Cambodian Muslims, that is the Cham or sometimes called "Khmer Islam", belonged to the tradition of Islamic knowledge of South Eastern or Malay Muslim. As Hashim bin Haji says, "From the 19th century printed Jawi materials

on Islamic studies were called Kitab Kuning... became widely used throughout the Malay world towards the end of the 19th century and beginning of the 20th century onwards." The Cham also studied Islam using kitab kuning like other Muslim students outside Cambodia in the South East. They came to be influenced by the scholars of the Malay world including southern Thailand and the Malay Peninsula from the first decades of the twentieth century. Therefore, at the time when the Khmer Rouge began their regime, the Cham were studying Islam based on kitab kuning.

It can also be said that the Cham Muslim, before and during the Pol Pot regime, were linked to Arabic literature through the Malay world scholarship. This implies their internationality, as it is a very basic feature of Muslims that easily goes beyond the border of nation-states. However, we have to say that their internationality was limited because of the situation of that period when the people were not able to go abroad easily and acquire information from foreign countries.

On the other hand, the Cham in the present time show us their developed globalization. The Highest Council for Islamic Religious Affairs Cambodia, which is the institution controlling Muslims in Cambodia under the supervision of the Cambodian Government, has many Arabic books at their office. The collection consists of not only books from the Malay World but also a lot of Arabic literature such as the interpretations of the Qur'an (tafsir) and the collections of tradition (hadith), which are regarded as basic to the study of Islam in the Middle East. This means that the Cham in Cambodia have moved into the stage that the students acquire Islamic knowledge using the Arabic books as used in the Middle East from their previous understanding of Islam based on kitab kuning. However, it should be noted that the new scholarship could not be developed without the endeavor of the predecessors who studied and protected kitab kuning even during the Pol Pot period.

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*Reiko Kuromiya Okawa is an associate professor at Meiji Gakuin University and is currently a visiting scholar at the Documentation Center of Cambodia.*

# THE STORY OF TIM YUNG: A LIFE NEVER TO BE THE SAME

*Phuong Chan Pranith*



Tim Yung

Fifty-two-year-old Tim Yung, a peasant from the Kampong Chhang province, leaned against the fence, his grey hair flowing in the breeze created by an electric fan overhead. He contemplated his upcoming

visit, his first journey to the Extraordinary Chamber in the Court of Cambodia. He was ready to call to mind and recount his tragic past under the Khmer Rouge, a time that not only claimed millions of lives but destroyed the social underpinnings of Cambodia. Tim Yung is the last of six siblings in his family. He and his wife Meth Kea have four children and make their living as farmers, growing rice and raising animals.

One of his first and most vivid memories was the coup that deposed Prince Norodom Sihanouk on March 18, 1970. At that time, his village was under the Khmer Rouge and subjected to bombing by Lon Nol's soldiers which resulted in many casualties and the burning down of many houses. The Khmer Rouge who was fighting against Lon Nol's soldiers in Longvek barrack in Oudong district, Kampong Speu province, moved into his village Trapeang Pring in Samaki Meanchey district, Kampong Chhnang province to find sanctuary and avoid capture or death. They were stationed in the village during the day but moved outside at night or during the bombings. There were many detachments of Khmer Rouge. Their black clothes and tire sandals distinguished them from the local people. Yung's memory of them and their presence in his village

is vivid; black clothes even today remind him of those Khmer Rouge soldiers.

The heavy strafing attacks by Lon Nol's aircraft not only killed Khmer Rouge soldiers but villagers as well, villagers who thought they had no options but to continue their work in the fields. They could not take time to attempt to hide in trenches; there was simply too much work to be done. Hiding was not likely to help anyway. Death could come at any minute anywhere without warning. The bombs ripped through the village, detonating the houses. Individuals inside were torn to pieces, leaving their intestines in the tree tops. Even so, Yung's parents called their children to go to the trenches whenever they suspected a bombing raid was about to come. The whole village was haunted by this horror until the Khmer Rouge captured the entire country ultimately presiding over the greatest massacre in Cambodian history.

All villagers were required to work in cooperatives in groups organized according to age. Yung was removed from his family but remained within the same village. He was sent to a 50-member mobile unit, one half girls, one half boys, and assigned to carry earth to build Ta Bao dam a half Kilometer away from the village. He was forced to dig one cubic meter of earth per day, working in three shifts—from 7:00 am to 11:00 am; 1:00 pm to 4:00 pm; 5:00 pm to 7:00 pm.

The children were overworked and given only one small cup of steamed rice or watery gruel. Sometimes the cooperative gave water lily soup to his unit as well, but the soup was like liquid. It was not the usual soup that they enjoyed in their families. Yung took his break time to go fishing to supplement his diet, but it was

against the rules and, if caught, he would be punished. All private ownership was abolished and considered against the Khmer Rouge goal of an ideal agrarian society. Even something as simple as fishing to augment one's diet was forbidden because that meant that everyone would not be eating exactly the same diet. People who were repeatedly caught attempting to find food to augment their diets were persecuted and sometimes put to death.

Yung remembered that Yay Pouen, a Samaki commune chief who came from Trach market, was a cold figure not just in her strange thin appearance, but her cruelty as well. It was she who designed the cooperative plan for the whole village. She was an iron-fisted woman whose heavy-handed tactics to fulfill the realization of the Angkar plan became a defining part of her character. Nobody in the mobile unit was allowed to utter one word of complaint, even about the lack of adequate food. One day, Yung witnessed how one member of his mobile was treated because the person was perceived as a liberated individual who did not believe in the works of Angkar. The person was shackled, handcuffed, and eventually escorted by four Khmer Rouge cadres to the center of the village. Yung never heard from him again.

After this, Yung's mobile unit was assigned to dig Trapeang Pring canal, located within the village. The same circumstances regarding work, food, and life applied. At this time, another woman named Yay Leng, a cooperative cook from Krang Sammor, was punished for alleged being Vietnamese, a nationality the Khmer Rouge was trying to eliminate. The commune chief Yay Poeun ordered her Khmer Rouge subordinates to catch her, tie her legs to the shackle, and walk her to the center for similar treatment. This was the second shocking event Yung experienced.

During the period of Democratic Kampuchea, medical care was administered by untrained medics who were specifically chosen from the peasant classes. At one point, Yung fell ill and had to overcome the disease by taking rabbit pills, the only medicine for all kinds of disease during the Khmer Rouge regime. His symptoms did not subside, and he had to endure the illness, relying upon his own already weakened natural defenses. No

matter how ill people might be, they were not allowed to ask for special treatments even though the Khmer Rouge expected them to continue working as they always had.

Yung, on one occasion, was given fishes by his brother Tim Ton, a member of an economic unit which was assigned to fish in the Longvek River. Yung had to be careful about taking such a gift; if found out, he would be captured and labeled as being against the Khmer Rouge's policy.

In late 1978, Yung was given a new job as a mobile unit cook. At that time, his life became somewhat better. He could have better rations and was left to do his job. However, this job lasted only one month because, at that point, the Vietnamese stormed into his village. Yeay [grandmother] Poeun, a stern commune chief, ordered Yung to flee to the Oral Mountain in Kampong Speu province, passing through Pursat province. Before his escape, he was given a gun and told to shoot the Vietnamese. On his escape route, he only fired the gun when commanded by the Khmer Rouge. With no rations for the trip, he left Toek Pos district for his hometown in Kampong Chhnang province. He went through the forest to avoid being noticed, making the journey back during the daytime and sleeping at the place where the night fell. It took two days for him to arrive at his hometown. He learned later how lucky he had been and how risky his escape was. The person who was escaping behind him was caught and shot in the spot.

Fortunately, Yung arrived safely at his home village. Unfortunately, his survival was bittersweet and his life remains scarred by the deep sorrow of losing his siblings and his parents to the regime. Tim Yung, like millions of his countrymen, has never been the same. His hope is that the Extraordinary Chamber in the Court of Cambodia will administer punishment to the perpetrators equal to the cruelty they brought to the people of his village and the people of Cambodia.

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*Chan Pranith Phuong is a translator for Searching for the Truth Magazine.*



# DEUNG LIK, A KAVET WHO SURVIVED THE KHMER ROUGE

*Sodavy UN*

On the east bank of Se San River, about five kilometers from Siem Pang district town and approximately 100 kilometer away from Steung Treng provincial town, locate Teak Team village where Kavet ethnic minority people lives. Teak Team is one of the six villages in Santepheap commune where most of the Kavet minority population resides. There are eighty-nine families living in Teak Team. Most of them worship Brahmanism and grow rice for a living.



Deung Lik

Deung Lik, a Kavet minority, is 50 years old and lives in Teak Team village. Lik talks about this home village when he was young. He says that his village was full of forests, surrounded by mountains.

He adds that only ethnic minority population was living there. They live by hunting and farming, which had been the practice and way of living since the old days. Lik adds that Kavet people are very friendly to each other and rarely fight with each other over something. "In the case where conflict occurs, parties from both sides of the conflict seek help from the elderly people in the village. If someone is found guilty, he/she must pay wine or wild meat as fine," said Lik.

Commenting on the change within the Kavet community, he said that nowadays the Kavets wear clothes like the Khmers, while only a few elderly people who continue to keep wearing traditional clothing. However, the belief of the Kavets remains unchanged. They continue to worship Brahmanism.

The Kavet minority populations also worship animism. They worship the god of land, the god of

water, and the god that cares for their home village. Before they begin to cultivate on any paddy fields, the Kavets conduct a ritual ceremony and prayer. They offer pork, buffalo meat and other kinds of meat to pay homage to the spirit, like the god of fire, which is a long held tradition of the Kavets.

For wedding ceremonies, before marriage, the bride and groom-to-be is allowed to live with each other until they have one child before the official ceremony is conducted. Before the wedding, the groom's family would give some gift to the family of the bride as dowry, even though the dowry might not be much. During the wedding, the guests are offered wine, chicken, duck, fish or others kinds of gifts. For children, they can attend school nearby. The school offers both in Khmer and Kavet traditional language.

Lik adds that the Khmer Rouge soldiers immediately occupied his village shortly after the coup on March 18, 1970. Later, the Khmer Rouge soldiers evacuated the Kavet minority to live on the hill slopes of the mountain. At the time, Lik was the one who was evacuated from his home village. Lik added that he and other youths were conscripted to be fighters against the Lon Nol soldiers. "The Khmer Rouge turned ethnic minority people into soldiers or messengers because they [the ethnic people] were honest, absolute, and brave. More importantly, they knew the geographical areas very well," said Lik.

According to Lik, after the Khmer Rouge victory, the Khmer Rouge forced the Kavet people to work just as hard as other people from the town. The Kavets were assigned to dig canals, built dikes, and ate communally in the cooperatives. Lik was assigned and stationed near the Lao border, under the supervision of Comrade Vorng. Some Kavets died of illness. Others were killed

because they were accused of being associated with Vietnam when the Kavets were hired by the North Vietnamese soldiers to carry guns and other supplies during the Vietnam War in the 1960s. Lik said that North Vietnamese soldiers hired the Kavets to guide the way because they knew location of the area well. During the civil war in Cambodia, the Khmer Rouge soldiers also recruited the Kavets as guides.

When the Vietnamese soldiers attacked the Khmer Rouge, the Kavet minority escaped and hid inside the Laotian territory because they feared the war. Three years later, the government of the People's Republic of Kampuchea called for the Kavets to return to their home village. Lik said that he and the other villagers returned and upon their arrival they were given some land where they built houses and cultivated it. Lik lost his father and his brother to the Khmer Rouge regime. After the Khmer Rouge, he and his mother lived together and farmed for a living. His mother could not speak Khmer well.

When asked about the Khmer Rouge tribunal, Lik said that he learned about the Khmer Rouge tribunal

from radio, television, and through the outreach programs of other non-governmental organizations. However, Lik does not support the idea of having the Khmer Rouge tribunal because he believes that it could lead to people seeking revenge. "Those who committed crimes will receive bad consequences although they die. Taking revenge against others would never end and would only create war," said Lik.

Lik said nowadays the Kavets are concerned about the newcomers who come to live in the village because the Kavets worry that those people could create problems in the community. Lik added that the Kavets are very honest people and those who commit robberies or thieveries are not the Kavet but other people.

He also said that a Kavet's life depend on natural resources. He recommended that the government stop the destruction of forests or selling it to private companies because the Kavets' lives will face difficulties in the future.

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*Sodavy Un is an accountant and administration officer at the Documentation Center of Cambodia.*



The Kavet ethnic minority drinking home-made wine during a ceremony in their home village. (Photo: DC-Cam)

# JUSTICE, NOT A PANACEA

*Sok-Kheang Ly with Davy Un*

Now that the trial proceedings against senior Khmer Rouge (KR) leaders have already taken 212 days, now it has reached a final, yet, important stage. Each party, namely the civil party, prosecution, defense, and the accused persons, have been allowed to make a closing argument on Case 002/01. The closing argument is defined by Black's Law Dictionary as the form of "...a lawyer's final statement to the judge or jury before deliberation begins, in which the lawyer requests the judge or jury to consider the evidence and to apply the law in his or her client's favor." That was followed by a thorough examination into both exculpatory and inculpatory evidence submitted by the above-mentioned parties. The accused persons and their defense team

are, undoubtedly, able to exercise their rights to make a final say.

The general public, including 150 villagers facilitated by the Documentation Center of Cambodia (DC-Cam), travelled from three provinces: Takeo, Kampong Speu and Kampong Chhnang province, in order to observe the process in a patient manner. This article will briefly highlight the October 16 hearing. This will follow with an examination of the overall reflection on the hearing and the significance of justice for those who died during the KR period (1975-1979), the expectation from the final judgment of the Extraordinary Chambers in the Courts of Cambodia (ECCC), and any further views to seek compensation.



Villagers from different provinces visiting the courtroom to attend a closing statement session at the Khmer Rouge tribunal. (Photo: DC-Cam)



## Highlighting “October 16” Hearing

The October 16 hearing focused on issues ranging from forced evacuation and forced marriage to compensation through museum of memory, memorials, teaching of Khmer Rouge history, permanent exhibit, etc. The team of co-lead lawyers of the civil parties took turn and made a long reading from their well-written papers.

**Forced Marriage and Reparation:** The co-lead lawyers of the civil parties called the evacuation of people from one place to another as a Joint Criminal Enterprise (JCE), which implicated the accused persons, Nuon Chea, former DK ideologue, and Khieu Samphan, former DK Head of State. Their policies and plans were to undertake a forced evacuation to achieve revolutionary goals and to ensure that cooperative and construction sites could fulfill demands to build the DK into an independent and self-reliant economy. Another notable fact was that the forced evacuation was aimed at taking full control of the cities and defending the revolutionary interests, thus making sure that none of the enemies

were left behind.

The first evacuation began in Phnom Penh to Cambodia's countryside, while the second one began in one place to another. Nuon Chea confirmed the forced evacuation of Phnom Penh. The worse consequence of the evacuation was the deliberate carelessness of the KR revolution, which placed the people in a vulnerable circumstance. Having directly experienced the tragic event, many civil parties to the Case 002/01 were quoted and stressed the huge magnitude of this serious crime. The evacuees were less or were not informed about the evacuation plan. More evacuations took place after July and August 1975 and 1977. The forced evacuations took the same manner of operation and were inhumane. The evacuees travelled by foot at long distances. No food, no medication, no shelter and other basic needs were provided. For example, evacuees were forced to take on a train and were not cared for, which led to their hardship or death.

The “new people” or the “April 17 people” were branded as the enemies while the “base people” received more tolerance. The family members of the “new people” were divided into different categories. In other words, the KR intentionally reduced their food rations as a form of punishment for those people.

The team of co-lead lawyers of the civil parties expects that justice for them make the trial historically important. Their role, they hoped, is to gain a wider acknowledgement that is deemed essential for Cambodia's reconciliation process. The team reiterated that over the past 30 years, many civil parties have yet to recount their traumatic stories. Although there were some health risks, thousands of civil parties were selected. The civil parties provided with many information that greatly helped the ECCC in its endeavor to build up the legal case.

**Forced Evacuation and Reparation:** The team of co-lead lawyers also underlined that forced marriages were also inhumane acts that the Democratic Kampuchea (DK) regime inflicted upon the people. The regime or Angkar (literal meaning, “Organization”) acted as parent figures to all of the people who were



Villagers attending a closing statement session. (Photo: DC-Cam)

arranged for marriage. The team of co-lead lawyers of civil parties raised the issue that one of Angkar's goals was to ensure population growth. However, this was regarded as a form of violation of individual's rights and privacy as well as a sign of discrimination. The co-lead lawyers of the civil parties raised few other points: First, no marriage between base people with new people was allowed. Second, monks were forced to disrobe and were forced to get married, which violated a core Buddhist principle. Third, forced inter-marriages between Khmer and Cham people were arranged without seeking consents from the individuals. Punishment would carry out if anyone dared to refuse the arranged marriage. As this was implemented throughout Cambodia and affected the Cambodian people and ethnic minorities, the co-lead lawyers of the civil parties viewed it as direct DK's policies. At this point, the co-lead lawyers linked this policy to the senior KR leaders who were responsible and issued the implementation of this policy. The day-long reading of the closing statement by the team of co-lead lawyers ended with a set of proposals for reparations to all of the KR survivors, especially the civil parties to the Case 002/01.

### **Participants' Views on the Hearing**

Selective representatives of the 150 villagers echoed the closing statement of the team of co-lead lawyers of the civil parties. They merely found it reflective of the reality that the KR regime caused that led to the sufferings to the Cambodian people. The villagers' supportive positions came from not only the KR survivors but also the younger generation. Mr. Kun Chhoeun, 63, of Kampong Speu province and Mr. Meuy Chay, 63, of Takeo province tried to follow all the points made by the team. Regarding the evacuation, Mr. Chhoeun echoed the team because he had witnessed the horrible living condition and deaths of the new people in comparison to the base people. Mr. Chay was also a victim of forced marriage that the KR had arranged for him. He had no rights to turn down the arrangement. However, his family bonds continue until now. He has eight children and 16 grand children. Although the forced marriage has opened the floor to

debate about whether their lasting family bonds are “Kou Prenh (literally mean “destined mate”)” or “Kou Kam (literally mean “bad karmic mate”), it was morally and legally intolerable and unacceptable, considering the serious violations of individual's rights, the death threats and execution for refusing to comply with the arrangement. While Mr. Iem Huot, 65, of Kampong Chhnang province acknowledged that dozens of forced marriage were arranged, Ms. Pen Saophea, 33, a local leader in Kampong Chhnang province instead was reminded of the historical turning points, especially the forced evacuation, described by her parents since she was young. These were among some of the many criminal charges brought against the KR leaders.

### **Justice in Debate**

The closing statement on Case 002/01 heralded that justice would be delivered no later than mid 2014. Five representatives out of 150 villagers invited by DC-Cam's Witnessing Justice project believed that “justice” is important to them, to the younger generation and to the country. When asked how important it was, they voiced their mixed viewpoints of the term and appeals for reparation as the ECCC is due to wrap up its work. Mr. Huot and Mr. Chhoeun said the justice would appease them even with the many challenges to the court's operations such as financial shortage/salary riot, disagreements over the nature of charges against other potential candidates for prosecution, accusation of the government's interference in the ECCC's work, consecutive resignation of judges/prosecutors/others, the death of Ieng Sary, and Ieng Thirith mental condition in which she was ruled unfit to stand trial. While Mr. Chay believed that a reparation program for the KR survivors would usher in a new set of constructive reconciliatory efforts, Ms. Saophea was unconvinced by this. She said that a handful of KR leaders were being tried, while making cunning refusals to acknowledge the existence of the serious crimes committed between April 17, 1975 and January 6, 1979 and instead portrayed themselves as innocents and nationalists.

On the contrary, Mr. Lay preferred the trial of only “senior KR leaders and those most responsible”

because they were the architects of the KR atrocities. He said that although there might be a premature death of one of the accused, the primary goal would remain in which is to prove that their regime was responsible for the deaths of the Cambodian people. To him, it is not as important to bring those accused persons to prison. What is more important is more about how the Cambodian people and the outside world would come to accept the reality of the atrocities that the KR regime caused the people.

When it comes to the upcoming judgment of the Case 002/01, seven participants interviewed had two sets of views. First, as lay persons, they expressed their thought of an appropriate punishment the accused persons should get. Generally, they wished to see the ECCC sentence the accused to life even if the sentence cannot bring back their lost relatives. Second, they refrained from giving any suggestion, but left it to the ECCC itself to hand down its judgment in accordance with the law.

### Conclusion

The closing statement touched upon many

tragic events such as forced evacuation, forced marriage and others inhumane acts committed by the KR regime between April 17, 1975 and January 7, 1979. It is expected that these well-structured charges against the two accused would result in a fair judgment for the Cambodian people. As usual, the people including the 150 invitees hope for justice. It is normal to hear many people say that justice is important for relief and closure. It sets a good precedence for the people and the country. The judicial justice reaffirms the existence of the KR tragedy for the Cambodian people. The regime left an unforgettable legacy of how criminal acts can be prosecuted in the court of law. This means that no matter how long ago the event took place, wrongdoers will never ever get away from justice.

A reparation program would add more weight to the reconciliation efforts that the Cambodian people have made immediately after the KR regime was defeated in January 1979.

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*Sok-Kheang Ly is a consultant to Genocide Education Project.*



Nuon Chea (left) and Khieu Samphan (right) in the courtroom in October 2013. (Photo: ECCC)



# 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.

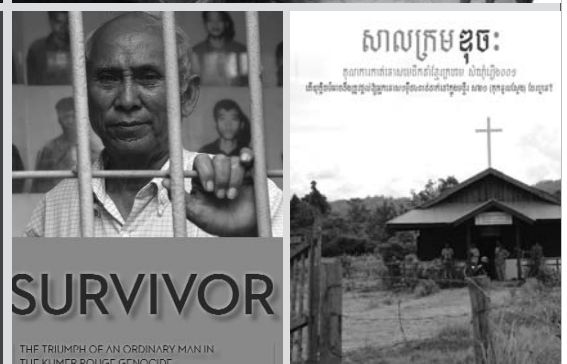
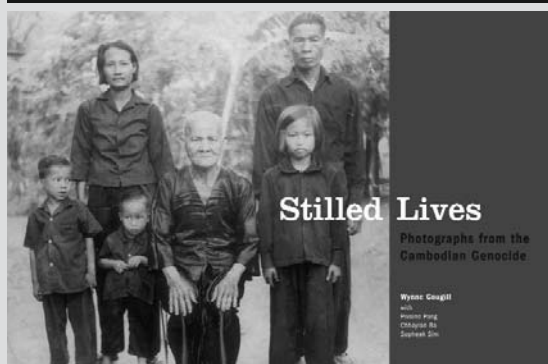
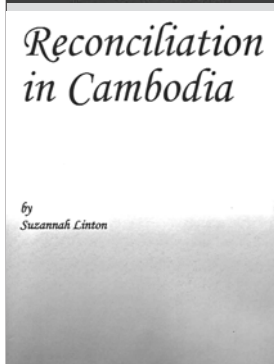
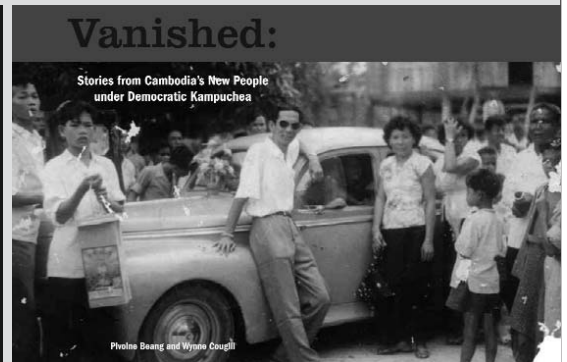
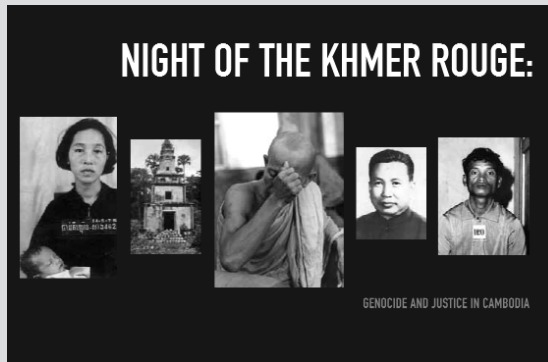
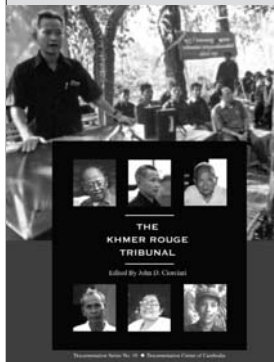
DC-Cam is the largest repository of primary materials on Democratic Kampuchea (DK). The materials in its archives are consequently of the utmost historical interest and has served as important evidentiary materials in any accountability process relating to the DK regime. To disseminate the truth about 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, Phalla Chea, at [truthphalla.c@dccam.org](mailto:truthphalla.c@dccam.org) or at 023 211 875. Thank you.



# BRIEF ACTIVITIES OF STAFF OF THE DOCUMENTATION CENTER OF CAMBODIA IN THE FIELDS BETWEEN JULY



Bright Hope Institute Students learned about Cambodian Tribunal Monitor website



Witnessing Justice Project team in Samlaut district



Bright Hope Institute Students learned about Cambodian Tribunal Monitor website



Genocide Education Training to secondary school



# DOCUMENTATION CENTER OF CAMBODIA IN MAY AND SEPTEMBER 2013



...ct to organize education forum



Genocide Education Training to secondary school teachers.



...ol teachers



Genocide Education Training to secondary school teachers.



# VOICES OF GENOCIDE

## EPISODES OF THE RADIO PROGRAM ON FAMINE UNDER THE KHMER ROUGE

*Randle C. DeFalco with Pechet Men and Dalin Lorn*

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### Episode 4: Famine and Genocide

This is the fourth episode of a ten-episode radio series which explores the historical and legal aspects of the famine that took place in Cambodia under the Khmer Rouge from 1975-1979. The goal of this program is to better inform Cambodian people about a critical part of their shared history while encouraging active participate in the transitional justice process. The Documentation Center of Cambodia welcomes feedback about the program, including contact from people who would like to share their own experience of the famine under the Khmer Rouge or people who

have questions for the Center about the Khmer Rouge famine or international law.

This episode focuses on the topic of the crime of genocide and its applicability to famine, both in Cambodia and generally. Very often the Khmer Rouge period in Cambodia is described as the “Cambodian genocide” and thus, this episode will discuss how appropriate the label “genocide” is to describe the Khmer Rouge period famine and also whether famines can ever constitute genocide.

### Updates from the ECCC

As reported previously and widely in the



Children returning from work in the fields during the Khmer Rouge regime. (Photo: DC-Cam)

media, ECCC Case 002 accused person Ieng Sary died in March. Following this development, co-accused Nuon Chea again filed motions with the Trial Chamber claiming that he is currently unfit to continue standing trial due to his various physical ailments and general weakness due to his advanced age. Following a hearing, the Chamber found Nuon Chea fit to continue standing trial, though it noted that various steps need to be taken to accommodate Nuon Chea's frail health. The Trial Chamber also issued a decision concerning the scope of the first trial in Case 002 after the Supreme Court Chamber previously held that the Trial Chamber needed to provide additional reasoning for its decision to sever Case 002 into a series of trials on specific issues. The Trial Chamber essentially decided to sever Case 002 along the same issues as its previous severance decision in its new decision, the Trial Chamber ruled that the first Case 002 trial will address only one of five country-wide criminal policies for which the former senior Khmer Rouge leaders are accused of responsibility: crimes related to the forced transfer of the population of Phnom Penh beginning on April 17, 1975, the subsequent forced transfer of hundreds of thousands of Cambodians to the north of the country between late 1975 and 1977. The remaining charges addressing worksites and cooperatives, security centers, execution sites, forced marriage and genocide were left by the Chamber for uncertain future cases.

Following these two decisions, the Chamber resumed hearing evidence in the Case which now involves accused Khieu Samphan and Nuon Chea following the death of Ieng Sary and the finding that Ieng Thirith is unfit to stand trial due to suffering dementia brought on by Alzheimer's disease.

### **The Definition of the Crime of Genocide**

The crime of genocide was created in 1948 when the Genocide Convention was drafted and adopted by the United Nations. The Convention was largely the result of the efforts of one man, Raphael Lemkin, who created the term “genocide” by combining Latin terms for “race” and “killing.” This term, which means to intentionally kill a race or group of people, was created

because at the time there existed no crime that fully described the attempts of the German Nazi Party to eliminate Jewish people from all of Europe. As a result of this focus on the crimes committed by the Nazis against the Jews, the crime of Genocide has developed into highly specialized law that only applies to situations that are extremely similar to the Nazi situation.

The crime of genocide is very specific and requires three main elements to be satisfied:

1. the commission of one of five specific acts;
2. the acts must specifically target members of one of four specific types of groups; and also
3. the person or people committing the acts must have committed them with the goal of destroying either the entire targeted group or a substantial part of the targeted group.

The five types of acts which can qualify as genocidal acts are:

1. killing members of the group;
2. causing serious bodily or mental harm to members of the group;
3. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. imposing measures intended to prevent births within the group; and
5. forcibly transferring children of the group to another group.

Any one of these five acts can qualify as genocide as long as the other two requirements (that the acts are committed against a specific group and committed with the intent to destroy at least a substantial part of that group) are satisfied.

The four groups that qualify as potential victims of genocide are:

1. national groups;
2. ethnic groups;
3. religious groups; and
4. racial groups.

First, genocidal crimes can be committed against a group of people targeted because they are all part of a national group. For example, if another country

attempted to kill all citizens of Cambodia, this would be a genocide.

Second are ethnic groups. Ethnic groups are groups of people who share a common history and other factors, such as unique languages, traditions, and other social characteristics. For example, the Jarai, Kampuchea Krom and other ethnic groups in Cambodia would likely qualify as an ethnic group and could be victims of genocide. Also, the majority Khmer people of Cambodia would qualify as an ethnic group and could be victims of genocide if they were targeted for destruction.

Third are religious groups. For example, in Cambodia, Buddhists and Cham Muslims would be considered religious groups, along with other smaller religious minorities. Often religious and ethnic groups overlap and as an example, Cham Muslims would likely qualify as both a religious and ethnic group under the Genocide Convention definition.

The fourth and final group is race. Again, racial groups can be overlap with ethnic groups, but are usually defined as being based on physical characteristics a group is believed to share. For example, if people who all had the same color of skin were targeted for destruction by another group with a different skin color, this could be a genocide.

These are the only groups that qualify for genocide and therefore if victims are targeted and killed because they are considered political enemies or part of an unpopular certain social class within a society, a genocide does not occur, although other crimes would probably be involved, such as crimes against humanity.

Finally, all of the acts just discussed only qualify as genocide when the person or people committing these acts are doing so with the specific goal of destroying the targeted group or at least a substantial portion of that group. Therefore, if large groups of people are killed and many of them are of the same religious group, it is only a genocide if the people doing the killing have the goal of to killing a substantial portion of that religious group. Thus, if the perpetrators are killing many Buddhists, but are doing so because the

people are considered class enemies and not because of their religion, this is probably a crime against humanity, but is not genocide.

The International Criminal Tribunal for Rwanda or “ICTR” dealt with many of these complicated issues surrounding the definition of genocide when dealing with the killings in Rwanda that happened in 1994. In Rwanda, the killings were found to be a genocide, because it was a case where one ethnic group (the Hutus) were killing another ethnic group (the Tutsis) with the goal of destroying the Tutsis as a group completely in Rwanda.

### **Genocide and Famine Generally**

Extremely deadly famines, like the Khmer Rouge famine in Cambodia, which kill a large portion of a population are sometimes referred to as genocides. This is likely because outside of courts, the word genocide is often used to describe extremely terrible events involving huge losses of lives. This use of genocide however, can be a problem because it can lead people to believe that if a crime is not labelled as a genocide, that it is somehow less serious and this is not true.

For famine situations, it is possible that famines can form an important part of a genocide, but this is not always the case. Whether a famine is actually a genocide does not depend so much on how bad the famine was or how many people it killed, but instead depends on whether the people who caused the famine did so with the intention of using famine to destroy a national, ethnic, religious or racial group.

Therefore, the answer to the question of whether extreme famines can be genocides is that they can sometimes be genocides, depending on the motivation of the people who cause the famine. The Genocide Convention establishes that one way the crime of genocide can be committed is by “deliberately inflicting conditions of life calculated to bring about physical destruction in whole or in part” of a national, ethnic, religious or racial group. Thus, if one of these groups of people is targeted for destruction and this destruction is to be brought about by starving a large portion of the group, this situation would be a genocide.



However, if a powerful group, such as a central government, simply imposes living conditions that kill large numbers of people but which are not part of a design or plan to eliminate a specific group, this situation would not be a genocide.

### **Genocide and the Khmer Rouge Famine**

When the definition of genocide is applied to the situation in Cambodia under the Khmer Rouge, it appears that the Khmer Rouge famine was not a genocide.

This is because the Khmer Rouge leaders created policies, explained in previous episodes of this program, that placed agricultural production and the needs of the revolution above the needs of the people to survive. The leaders made everyone work and eat communally and famine spread throughout most of Cambodia under their control as work hours were too long and food rations were not enough. There is no evidence however, that the Khmer Rouge leaders created their famine causing policies with the goal of destroying a national, ethnic, religious or racial group in Cambodia specifically by starving them to death in large numbers. Instead, it appears that the leaders wanted to maximize production of rice and other cash crops at all costs and simply did not care if many thousands of people died in order to do so. While this lack of caring for human life is shocking, it does not appear to be the required targeted goal of destruction for genocide.

The fact that the Khmer Rouge famine does not appear to have involved genocide against the Cambodian people shows how specialized the Genocide Convention is and how narrow the definition of the crime of genocide is. This fact does not however, excuse the acts of the Khmer Rouge in enforcing a famine on the civilian population during the reign in power which cost hundreds of thousands of lives and severely harmed virtually every person in the country. This only means that if the Khmer Rouge period famine was not a genocide, it may be a different crime, such as a war crime or crime against humanity. Furthermore, while genocide is sometimes called the “crime of crimes” there is no official ranking of international crimes according to the law. The only element that sets

genocide apart is the special intent to destroy a group of people required for the perpetrators. It is often the case that periods of time when extremely terrible crimes were committed are labelled “genocides” by the popular media. Therefore, while according to the law, the Khmer Rouge famine was probably not a “genocide,” it was still a period of great suffering and mass death that the regime forced on the people and in this way, the popular non-legal understanding of genocide clearly applies to the Khmer Rouge famine.

This concludes episode 4 of the Documentation Center radio series on famine under the Khmer Rouge. The next episode will discuss international crimes against humanity and how these crimes can be applied to famine situations, including the Khmer Rouge famine in Cambodia.

### **Episode 5: Famine and Crimes Against Humanity**

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

This episode focuses on the topic of crimes against humanity and their applicability to famine, both in Cambodia and generally. This episode will explain the concept of crimes against humanity, mention some specific crimes and discuss whether these crimes could be associated with periods of famine both generally and within the specific context of the Cambodian experience under the Khmer Rouge.

### **Update on the ECCC:**

As the Court continued to hear victim impact statements that repeated sad stories of loss, violence and starvation, it appeared that eventually these stories

had some effect on Nuon Chea, who unexpectedly issued a partial apology and admission of responsibility for the crimes of the Khmer Rouge, stating:

“I, of course, was one of the leaders, so I am not rejecting responsibility ... I share some responsibility. But I was not part of the executive branch.”

Later, Nuon Chea further stated “I am bearing the responsibility from my heart ... In my capacity as a member of Democratic Kampuchea, I accept my responsibility.” He later stated somewhat unclearly “I feel remorseful for the crimes committed, intentionally or unintentionally, whether I had known about it or had not known about it.”

Although Nuon Chea's statements did not amount to an acceptance of any legal responsibility for the crimes he is charged with, it marked the first time at the ECCC that he has accepted any responsibility for the general mistreatment of the population by the Khmer Rouge.

### **Introduction: What are Crimes against Humanity?**

Use of the term “crimes against humanity” to refer to an event amounting to an alleged international crime dates back to 1915, when the French, British and Russian Governments issued a declaration condemning the mass killing of Armenians in the Turkish Ottoman Empire, calling the killings “new crimes of Turkey against humanity and civilization” and declaring that “all members of the Ottoman Empire and those of their agents who are implicated in such massacres.” Although this declaration did not precede any prosecutions, it nonetheless sowed the seeds for crimes against humanity, which were prosecuted extensively by courts and tribunals following World War II. Adolf Eichmann was also later found guilty of numerous crimes against humanity by the District Court of Israel and crimes against humanity have been charged extensively at the tribunals for the former Yugoslavia, Rwanda, Sierra Leone and at the International Criminal Court, along with the ECCC.

Crimes against humanity are a set of crimes, elevated to the level of international criminal law by forming part of a “widespread or systematic attack

against a civilian population.” Widespread means that the attack takes place over a large area or an extended period of time. Systematic means that the attack is highly planned and organized. This requirement is a general element and for each prosecution of an individual crime against humanity, the prosecution must demonstrate that both the required attack occurred, and that the specific alleged individual crime fit within this attack. For example, within the context of the Democratic Kampuchea period in Cambodia, there are many actions taken by the Khmer Rouge that could be considered to form the required attack against the civilian population in Cambodia. Executions, general abuse, forced labour and many other official state policies that occurred throughout the countryside were both widespread and systematic because these policies were widespread throughout the country, took place over more than three years and were organized by the Communist Party of Kampuchea's Party Center in Phnom Penh. Therefore, crimes against humanity, out of the three main categories of international crimes also including genocide and war crimes, is a useful legal tool for accounting for many of the most important sources of suffering and death associated with the Khmer Rouge.

Also, arguably policies relating to living conditions, including lack of sufficient food, overwork and the threat of violent repercussions for seeking additional food could themselves be considered to form part of a widespread and systematic attack against civilians in Cambodia perpetrated by the Khmer Rouge regime under the authority of the Party Center. Specifically, the crimes against humanity of extermination, persecution and other inhumane acts can be implicated during periods of famine and each of these crimes will be explained in turn.

### **Extermination**

Extermination is a crime defined by the element of “mass” killing and includes “any act, omission, or combination thereof which contributes directly or indirectly to the killing of a large number of individuals” including “subjecting a number of people to conditions of living that would inevitably lead to death.” Article 7 of the Statute of the International Criminal Court

specifically states that extermination can be committed through the “deprivation of access to food and medicine.” In the Khmer Rouge context, famine resulted in at the very least, several hundred thousand deaths and likely many more, which would satisfy any definition of the “mass death” requirement. These deaths were also caused by the specific policies of the Khmer Rouge government, laid down by the Party Center and discussed previously as part of this radio program. Through these policies of forced labour, forced communal living, rice expropriation, bans on private food cultivation, collection or consumption and the ever-present threat of violence, the civilian population was forcibly overworked and made wholly dependent on insufficient communal rations.

For an individual accused to be convicted of extermination as a crime against humanity, such accused must have “intended, by his acts or omissions ... the subjection of a widespread number of people, or the systematic subjection of a number of people, to conditions of living that would lead to their deaths.”

Arguably, available documentary evidence, survivor interviews and testimony at the ECCC so far demonstrates that the as famine progressed and worsened in Cambodia, the members of the Khmer Rouge Party Center became generally aware that civilians were starving by the thousands in the countryside. These individuals however, continued to enforce the policies that were causing this famine. As a result, if this fact that the members of the Party Center knew their policies were resulting in mass starvation, it is possible that such individuals could be successfully prosecuted for extermination as a crime against humanity predicated on killing civilians by enforcing famine conditions on them. Therefore, in many cases, including the Khmer Rouge situation, extermination is the single international crime that best reflects how victims are killed by famine, as it applies to situations where conditions of life result in mass death within an affected victim group without regard to whether individual deaths can be predicted.

### **Persecution**

Although famine affected the entire civilian

population under the Khmer Rouge, it was especially acute amongst civilians who were perceived to be political enemies of the revolution. These people, including anyone who lived in areas controlled by the Lon Nol government when the Khmer Rouge seized power, intellectuals, city dwellers, the educated and former Lon Nol government officials, were referred to derogatorily as “new” or “17 April” people and subjected to especially harsh living conditions.

The crime against humanity of persecution is the intentional deprivation of a fundamental right protected under international law, carried out deliberately with the intention to discriminate on the grounds of race, religion or politics. As such, persecution could offer a useful crime to account specifically for the especially harsh famine conditions enforced on “new” people by the Khmer Rouge Party Center.

The Khmer Rouge Party Center ordered that “new” people be evacuated to wherever human labour was deemed necessary. These victims suffered from lack of food along the way and typically arrived at areas completely unprepared to house and feed them, for example during the mass deportation to the Northwest Zone. As such, “new” people were often left exposed to the elements without proper food or sanitation, fomenting the spread of famine and associated diseases. The Party Center also specifically demeaned “new” people as a source of enemies of the revolution and referred to them as “parasites” who could be discarded without cost. “New” people were also often used as scapegoats to excuse the failings of Khmer Rouge agricultural policies. When crops failed or rice quotas were not met, often “new” people were arrested and induced to falsely “confess” to sabotaging crops under torture before being executed. As such, it is likely that the manifest dislike of “new” people, combined with their especially harsh living conditions would satisfy the requirements of persecution by depriving them of fundamental rights to health, dignity and bodily integrity.

### **“Other Inhumane Acts”**

The crime against humanity of other inhumane acts is a residual, catch-all provision used to capture



mistreatment of civilians that fails to satisfy the elements of any other crime against humanity, yet rise to a comparable level of gravity. The International Law Commission and international criminal tribunals in the former Yugoslavia and Rwanda have all concluded that comparable gravity refers to acts that injure the victim in terms of his or her “physical or mental integrity, health or human dignity.”

The suffering victims of famine endure, including those who ultimately survive, severely compromises their physical and mental integrity as well as their overall health and human dignity. This is especially true of the Khmer Rouge famine, which lasted for over three years. During this famine, the entire civilian population slowly wasted away from lack of food while being overworked and subjected to routine acts of violence. Indeed, when asked about their experiences, survivors often highlight starvation as the most important issue they want to see addressed by a court. Furthermore, for the same reasons discussed above, if it could be proved that Party Center became aware that they were subjecting the civilian population to inhumane living conditions, including severe famine, yet chose to continue with such policies, these leaders could be found individually liable for the crime against humanity of other inhumane acts for enforcing terrible living conditions, including famine, on the entire civilian population.

This final crime against humanity is important as a tool that could be used to tell the whole story of famine suffering in Cambodia under the Khmer Rouge. This is because the crimes against humanity of extermination and persecution are concerned solely with mass death and the targeted mistreatment of particular groups of people, while inhumane acts include suffering that does not result in death and that can be inflicted indiscriminately against an entire civilian population. Therefore, inhumane acts could potentially be used to hold individual Khmer Rouge leaders responsible criminally for the full amount of physical and mental suffering caused by the famine they enforced through their policies, including the lasting effects of that famine that continue today in the form of unresolved

mental trauma and long-term health problems faced by survivors of the Khmer Rouge period famine.

## Conclusion

In sum, it can be strongly argued that the policies of the Khmer Rouge Party Center actively enforced famine on the civilian population in Cambodia from 1975 to 1979 and amounted to crimes against humanity because they combined to form a widespread and systematic attack that victimized civilians. Specifically, the crimes against humanity of extermination, persecution and other inhumane acts form a combination of crimes that both could potentially be successfully prosecuted and would, as a group, reflect the most important harms associated with famine in Democratic Kampuchea.

It is important however, to note that it is very unlikely that the ECCC will ever address the issues of living conditions, famine and starvation in any detail and this program does not suggest that the Court will do so. As mentioned previously, the ECCC has split the Case concerning the two most senior former Khmer Rouge officials still alive and fit to stand trial—Nuon Chea and Khieu Samphan—into a series of trials because of the large number of crimes alleged and complex issues of proof. The topic most closely related to famine would be that of living conditions in cooperatives and at work sites, but this topic will not be addressed in the first Case 002 trial. Therefore, it is very likely that a full legal analysis of living conditions and famine issues under the Khmer Rouge will never take place, as these issues would not be addressed until later trials that may never occur.

As such, this episode is designed to present three crimes—extermination, persecution and other inhumane acts—and to describe what kinds of acts these crimes against humanity are designed to criminalize. Without a final court determination of whether these crimes were committed within the context of the Khmer Rouge period famine, it is up to individual opinion regarding whether certain members of the Khmer Rouge committed these crimes by enforcing famine conditions on the civilian population during the DK period. Listeners are therefore encouraged to think

about this issue, make their own conclusions and discuss these opinions with other people whose opinions they value. Any listener who has questions about the evidence, Khmer Rouge history or the legal topics discussed in this or any episode of this radio program, is also encouraged to contact the Documentation Center with their inquiry.

This concludes episode 5 of the Documentation Center radio series on famine under the Khmer Rouge. The next episode will discuss the topic of war crimes and how these crimes can be applied to famine situations, including the Khmer Rouge famine in Cambodia.

### **Episode 6: Famine and War Crimes**

This is the 6th episode of a ten-episode radio series which explores the historical and legal aspects of the famine that took place in Cambodia under the Khmer Rouge from 1975-1979. The goal of this program is to better inform Cambodian people about a critical part of their shared history while encouraging active participation in the transitional justice process. The Documentation Center of Cambodia (DC-Cam) welcomes feedback about the program, including contact from people who would like to share their own experience of the famine under the Khmer Rouge or people who have questions for the Center about the Khmer Rouge famine or international law.

This episode focuses on the topic of war crimes and their applicability to famine, both in Cambodia and generally. This episode will explain the basic concept of what war crimes are, mention some specific war crimes that could be relevant to certain famine situations and discuss whether these crimes could be implicated within the specific context of the Cambodian famine under the Khmer Rouge.

### **Introduction: What are War Crimes?**

“War crimes” are especially serious violations of the law of warfare, which is officially named “international humanitarian law” and is a set of rules designed to minimize the damage periods of war cause to both people not involved in the fighting and civilian property. Only the most serious violations of humanitarian law constitute war crimes. Humanitarian law itself is a

relatively old part of international law and some modern war crimes can be traced back to rules of war laid out in international treaties from the early 1900s or even earlier.

Like crimes against humanity, war crimes were first prosecuted on a large scale following the end of World War II. Many of the main war crimes still applicable today are based on rules set out in four international humanitarian law documents called the “Geneva Conventions of 1949,” and two additional “protocols” to these Conventions from 1977. Certain serious violations of the Geneva Conventions, called “grave breaches” are war crimes. War crimes can also be created as part of general customary public international law or through the development of further conventions or treaties.

Therefore, on a basic level war crimes are acts, committed during an armed conflict, that violate the most basic rules concerning the treatment of people not involved in the fighting, such as civilians, the wounded and prisoners of war. Categories of people whom war crimes can be committed against are referred to as “protected persons.”

### **When are War Crimes Applicable?**

War crimes can only be committed during periods of armed conflict. Also, some war crimes can only be committed during international conflicts, meaning that these crimes are not available during periods of fighting, such as civil wars, where only fighters from one country are involved. Furthermore, any war crimes charged must be related to the actual armed conflict. This second requirement is often called the need for war crimes to share a “nexus” with the armed conflict and means that criminal acts committed during an armed conflict that are unrelated to the conflict do not qualify as war crimes. For example if a person commits the murder of a civilian for purely personal reasons unrelated to the fighting, this is not made a war crime simply because the ordinary murder took place during a period of armed conflict.

As mentioned above, war crimes can also only be committed against so-called “protected persons”

consisting of groups of people not involved in the fighting, including: civilians, health and aid workers, wounded soldiers who can no longer fight and prisoners of war. Because most of the law related to war crimes was written at a time when most wars were fought between countries and the main abuses of civilians during wars were committed by foreign forces, some war crimes drawn from the Geneva Conventions can only be committed against civilians who are under the power of a foreign occupying power. This is because war crimes were not designed to protect civilians from being harmed by their own government during wartime, but instead were intended to regulate how invading armies had to treat civilians in newly conquered territories.

### **War Crimes at the ECCC and Famine**

Under modern war crimes law, it is a crime to “intentionally use starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions” during a period of international armed conflict. This crime is drawn from one of the 1977 Protocols to the Geneva Conventions and is available at the International Criminal Court (ICC). This crime addresses the problem of powerful militaries cutting off food supplies to the civilian population of an enemy during an armed conflict or acts to prevent international relief efforts. This crime however, still is inapplicable to address acts by a home government that cause starvation of their own civilians, as the crime does not contemplate that a military would intentionally starve its own home civilian population as part of a war effort.

As it is a violation of fair trial standards for an accused to be convicted of a crime that did not exist when the actual acts took place, the ECCC Law provides the Court with jurisdiction over only a limited number of war crimes, all of which are known as grave breaches of the Geneva Conventions. Although the crime of intentionally using starvation as a method of warfare is not available at the ECCC, some basic war that are included in the Court's jurisdiction could be relevant to certain famine and starvation scenarios. Of these crimes,

at first glance several appear to be potentially relevant to the Khmer Rouge period famine at first glance, including the crimes of:

- ◆ wilful killing;
- ◆ torture or inhumane treatment;
- ◆ wilfully causing great suffering or serious injury to body or health; and
- ◆ unlawful deportation or transfer or unlawful confinement of a civilian.

In a general sense, wilful killing can be implicated if starvation conditions are intentionally enforced on a civilian or other protected population, with the intent to cause their deaths.

Similarly, torture or inhumane treatment could be implicated if civilians or other protected persons are intentionally mistreated by withholding food from them, for example to torture prisoners of war by locking them up and not feeding them.

Wilfully causing great suffering or serious injury is less clear in its meaning, but could be applicable to situations where food supplies to a protected population are intentionally reduced or famine conditions are otherwise intentionally enforced on the population with the intent to cause suffering.

Furthermore, famines are often caused or worsened by acts of armed groups which serve to prevent the affected population from moving freely in order to relocate to areas with more abundant food or to travel to locations where humanitarian food aid is being distributed, such as refugee sites.

None of these crimes however, appear suitable to account for the Khmer Rouge period famine in Cambodia, both for some general rules concerning war crimes applicability mentioned above and issues specific to each of the four listed crimes.

As a general matter, the main victims of the Khmer Rouge famine were Cambodian civilians, who were not protected persons under the rules of the Geneva Conventions and also, the famine was mostly unrelated to the armed conflict with Vietnam at the time.

First, the Khmer Rouge was not a foreign occupying power in Cambodia while it held power, but



was actually the official government of the country, meaning that Cambodian victims of famine were not members of protected population.

Second, throughout the Khmer Rouge period, there was tension and intermittent fighting along the Vietnamese border with Cambodia and the ECCC has ruled that this fighting qualified as an international armed conflict for the purposes of war crimes applicability. As such, generally, grave breach war crimes can be prosecuted at the ECCC, but does not relieve the prosecution of the burden of showing how each charged war crime has a nexus (or is related) to the armed conflict with Vietnam. It does not appear that the Khmer Rouge period famine was very much related to this conflict, as famine conditions were caused by the Khmer Rouge government itself in its domestic policy and it the fighting was not a major cause which contributed to lessen crop yields. In fact, some of the worst areas for famine conditions at the time were in Cambodia's Northwest Zone and other locations very far away from the border conflict with Vietnam, showing that it was not the conflict that was causing food shortages for civilians.

### **Conclusion**

Famines have routinely accompanied periods of armed conflict and war throughout human history. Over the past century, humanitarian law has evolved to include various requirements designed to minimize the suffering of non-combatants during war, including by criminalizing the use of starvation of civilians as a method of warfare. As such, for many modern famines, such as those in the Darfur region of the Sudan or possibly Somalia, war crimes present a promising entry point for addressing famine through international criminal law. Only the most serious violations of humanitarian law however, rise to the level of war crimes and these crimes are primarily designed to prevent collateral damage to “enemy” civilian populations, limiting the coverage of war crimes over common modern famine scenarios. Despite these limitations, war crimes do continue to have relevance to very specific famine scenarios, particularly those involving sieges, expropriation of civilian food-stuffs by military forces, the destruction of civilian

food production capacities or severe violations of civilian food rights in occupied territory. These war crime scenarios do not reflect the reality of the Khmer Rouge period famine, which was largely unrelated to the regime's conflict with Vietnam and as discussed in previous episodes, was primarily the result of domestic Khmer Rouge policy. Moreover, as discussed in episode 5 of this series, it is crimes against humanity that are more appropriately used to respond to circumstances where a government abuses its own citizens. Therefore, while war crimes may be very relevant to famine conditions resulting directly from armed conflict, these crimes do not appear to be a suitable point of entry in any pursuit of justice of the Khmer Rouge famine in Cambodia.

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## **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 there conciliation 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 grant-parents about what happened, are important to preventing genocide both in Cambodia and the world at-large.*

# WHAT ARE CRIMES AGAINST HUMANITY?

*Cheytoath Lim*

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In the international criminal law, crimes against humanity are serious crimes that have been variously defined by international courts in accordance with the facts.

Crimes against humanity, which have no statute of limitations, occurred in Cambodia during the Khmer Rouge period from 17 April 1975 to 6 January 1979. The Extraordinary Chambers in the Courts of Cambodia (ECCC), which was established with the agreement between the Royal Government of Cambodia and the United Nations in 2003, have jurisdiction over the crimes.

According to Article 5 of the Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia (ECCC Law), crimes against humanity are any offences that include:

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

However, the offences listed above can only constitute as crimes against humanity if the following chapeau prerequisites are established to the required standard: (i) there must be an attack; (ii) it must be widespread or systematic; (iii) it must be directed against any civilian population; (iv) it must be on national, political, ethnical, racial or religious grounds; (v) there must be a nexus between the acts of the accused and the attack; and (vi) the accused must have requisite knowledge.

Notably, Article 5 of the ECCC Law does not require a link between crimes against humanity and armed conflict.

## ***Chapeau* Requirements for Crimes Against Humanity**

### **1. Attack**

An attack is a course of conduct involving multiple commissions of acts of violence. The accused does not have to commit all of the acts that make up the attacks, but need only be part of a broader attack. There may exist, within a single attack, a combination of acts of violence. For example, acts of murder, rape and torture.

Although the notion of what constitutes an attack is distinct from that of an armed conflict, an attack on a civilian population may precede, outlast, or continue throughout an armed conflict.

### **2. Widespread or systematic**

In accordance with customary international law, an attack must be either widespread or systematic. The term "widespread" refers to the large-scale nature of the attack and the number of victims, while the term "systematic" refers to the organized nature of the acts of violence and the improbability of their random occurrence. While the requirements are alternatives, in practice these criteria may often be difficult to separate since a widespread attack targeting a large number of victims generally relies on some form of planning or organization. A widespread attack may also refer to the "cumulative effect of a series of inhumane acts or the singular effect of an inhumane act of extraordinary magnitude."

The consequences of the attack upon the targeted population, the number of victims, the nature of the acts, the possible participation of officials or authorities, or any identifiable patterns of crimes may be taken into

account to determine whether the attack satisfies either or both of the “widespread” or “systematic” requirements.

### 3. Directed against any civilian population

The attack, described above, must be directed against any civilian population. The “population” element is intended to imply crimes of a collective nature and excludes single or isolated acts, which, although possibly constituting war crimes or crimes against national penal legislation, do not rise to the level of crimes against humanity. The use of the term “*population*” does not mean that the entire population of the geographical entity in which the attack took place must be subjected to that attack. It is “sufficient to show that enough individuals were targeted in the course of the attack, or that they were targeted in such a way [that] the attack was in fact directed against a civilian ‘population’ as opposed to a limited and randomly-selected number of individuals.” For the term “*civilian*” is defined as those who are not members of the armed forces and other combatants (militias, volunteer corps and members of organized resistance groups). The civilian population therefore includes all persons who are not members of the armed forces or otherwise recognized as combatants. A person shall be considered to be a civilian for as long as there is no doubt to his or her status.

For the soldiers and members of the armed forces who are hors de combat may not be qualified as civilians. Additionally, the presence of individuals who do not come within the definition of civilians does not deprive the population of its civilian character. In the context of a crime against humanity, a civilian population must be the primary object of an attack. Customary international law obliges parties to the conflict to distinguish, at all times, between the civilian population and combatants, and also obliges them not to attack a military objective if the attack is likely to cause civilian casualties or damages that would be excessive in relation to the military advantage anticipated.

To determining whether the attack was directed includes:

- ♦ the means and methods used in the course of the attack,

- ♦ the status of the victims,
- ♦ their number the discriminatory nature of the attack,
- ♦ and nature of the crimes committed in its attacking force may be said to have complied or attempted to comply with the precautionary requirement of the law of war.

Provided the victims were targeted as part of an attack against a civilian population, it is unnecessary to demonstrate that they were linked—politically, ethnically, or otherwise—to any particular group. Crimes against humanity may therefore include a state's attack on its own population.

### 4. On national, political, ethnical, racial or religious grounds

To determining whether an attack against the civilian population was a crime against humanity, it is necessary to show that the attack must be committed on national, political, ethnical, racial or religious grounds. This element refers to the nature of the attack and is not an element of the specific offence. Therefore, there must be a discriminatory intent in carrying out the attack.

However, the discriminatory requirement is different from various international tribunals, such as the Extraordinary Chambers in the Courts of Cambodia (ECCC), the International Criminal Court (ICC), the International Criminal Tribunal for Rwanda (ICTR), etc. For instance, Article 5 of the ECCC Law requires that “the attack against a civilian population in the case of crimes against humanity be based on national, political, ethnical, racial or religious grounds.”

The Trial Chamber of the ECCC interprets this Article as an added jurisdictional requirement, which refers to the nature of the attack and not to the underlying offences. The Chamber notes that any discriminatory basis requirement under the Nuremberg Charter, the Tokyo Charter and Control Council Law No. 10 was limited to the underlying offence of persecution, for which a discriminatory intent was specifically required. However, jurisprudence from international criminal tribunals, as well as the ICC statute, has since clarified that except in the case of persecution, a discriminatory



intent is not required by customary international law as a legal ingredient for all crimes against humanity.

### **5. Nexus between the acts of the accused and the attack**

The acts of the accused must, by their nature or consequences, objectively be a part of the attack in such a way that they are not wholly divorced from the context of the attack. A crime which is committed before or after the main attack against the civilian population or away from it could still, if sufficiently connected, be part of that attack. However, a crime would be regarded as an isolated act when it is so far removed from that attack that, having considered the context and circumstances in which it was committed, cannot reasonably be said to have been part of the attack.

### **6. Knowledge requirement**

An accused of crimes against humanity must have known that there was an attack on the civilian population and that his acts were a part of it. The accused needs to understand the overall context in which the acts took place, but need not the details of the attack or share the purpose or goal behind it.

There is no specific method in determining whether an accused knew of the attack, but evidence of knowledge depends on facts presented of a particular case. As result, the manner in which this legal element may be proved may vary according to the circumstances. If the requirement is lacking, depending on the circumstances, misconduct will amount to either a war crime or an ordinary criminal offence under domestic law.

### **Crimes against humanity in Case 001 and 002 at the ECCC**

In Case 001, the Trial Chamber of the ECCC found Duch guilty of crimes against humanity (persecution on political grounds), (subsuming the crimes against humanity of extermination), (encompassing murder), (enslavement), (imprisonment), (torture—including one instance of rape), and (other inhumane acts). Duch was sentenced to 35 years in prison. The sentencing also included the grave breaches of the Geneva Convention of 1949.

The Supreme Court Chamber of the ECCC,

however, has quashed the Trial Chamber's decision to subsume under the crimes against humanity of persecution, the other crime against humanity for which it found Duch responsible, but entered additional convictions for the crimes against humanity of extermination (encouraging murder), enslavement, imprisonment, torture, and other inhumane acts. Because of the additional convictions, the Supreme Court Chambers decided to sentence Duch of life imprisonment.

In Case 002, there were only two accused, Khieu Shampahn and Noun Chea, who were tried in the first trial that focused on crimes against humanity. The first trial was called Case 002/01. In the Case 002/01, the Trial Chamber tried all the crimes that occurred during the population movement phases 1 and 2 and the execution of Khmer Republic soldiers at Toul Po Chrey execution site immediately after the Khmer Rouge takeover in 1975. The underlying offences in crimes against humanity that was considered in the first trial were:

- (i) murders (during the population movement phase one and Tuol Po Chrey)
- (ii) exterminations (during the population movement phases one and two and Tuol Po Chrey)
- (iii) political persecutions (during the population movement phases one and two and Tuol Po Chrey)
- (iv) other inhumane acts (excluding forced marriage) (during the population movement phases one and two)
- (v) attacks on human dignity (during the population movement phases one and two)
- (vi) forced transfers (during the population movement phases one and two)
- (vii) enforced disappearances (during the population movement phase two).

The Trial Chamber concluded its 10 days of the closing statements in Case 002/01 against Khieu Samphan and Nuon Chea on 31 October 2013. A judgment in this case is expected sometime in the first half of 2014.

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*Cheytoath Lim is a Khmer Rouge Tribunal observer and writer for Trial Observation Booklet.*

# ANDREW CAYLEY RESIGNED

*Statement by International Co-Prosecutor Andrew Cayley on his resignation published on ECCC website on September 9, 2013*

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Having tendered my resignation to the Secretary-General of the United Nations in August 2013, I will be leaving the Extraordinary Chambers in the Courts of Cambodia (ECCC) for personal reasons on 16 September 2013. I will join my family who returned home from Cambodia in June 2013. It is anticipated that the Reserve International Co-Prosecutor, Nicholas Koumjian, will be arriving in Cambodia in October 2013.

I would like to thank all the staff of the Office of Co-Prosecutors for their dedication over these past years. As a court and as an office we have faced many challenges together. I would also like to pay tribute to

Madam Chea Leang, the National Co-Prosecutor, Chakriya Yet, the Deputy National Co-Prosecutor and William Smith the International Deputy Co-Prosecutor for the collaborative and friendly environment in which we have worked together.

I wish the court well and I certainly hope that some of the immediate financial issues the court faces can be resolved to allow the caseload to be completed in an orderly and timely fashion. It has been a great honour to be part of this historic process of bringing a measure of justice to the Cambodian people.

Phnom Penh, 9 September 2013



Andrew Cayley talking to students of Indradevi High School in September 2009 about crimes of the Khmer Rouge regime. (Photo: DC-Cam)



Andrew Cayley talking to police officers at the Police Academy of Cambodia in November 2011. (Photo: DC-Cam)



Andrew Cayley talking with Youk Chhang (center), Director of the Documentation Center of Cambodia, and Chea Leang, the national co-prosecutor of Extraordinary Chambers in the Courts of Cambodia at Indradevi High School in September 2009 during the inauguration of the anti-genocide memorial, which is posted on the wall of school building that is visible in the background. (Photo: DC-Cam)



# A HISTORY CLASSROOM AT FORMER KHMER ROUGE S-21 PRISON

The Khmer Rouge 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.

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. 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.

# CASE 004 SUSPECT DENIED CASE FILE ACCESS

*Anne Heindel*

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The international Co-Investigating Judge (ICIJ), acting alone, has rejected the right of suspects in Cases 003 and 004 to access the case files and take part in the last judicial investigations at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Cases 003 and 004 have been under judicial investigation since September 2009 through the tenure of four different ICIJs and successive revelations of judicial and administrative obstruction of their progress. Although no one has been formally named or charged in either case, the names of the five elderly suspects (one of whom died in June) and the general nature of the allegations have been publicly known since mid-2011 and the suspects have been repeatedly sought out and interviewed by national and international media.

Beginning in 2010, the ECCC's Defense Support Section (DSS) made several attempts to provide the suspects with legal representation, including access to the case file, arguing in part that “[c]ontinuation of these proceedings without the participation of the Defence would breach various aspects of the right to a fair trial, including the right to equality of arms, effective representation and the adversarial nature of proceedings enshrined[.]” Both the CIJs and the Pre-Trial Chamber rejected these requests, ruling that enumerated defense rights are available only once a suspect is brought before a judge or is charged. Nevertheless, incumbent ICIJ Mark Harmon recently determined that, because his predecessor—reserve international CIJ (RICIJ) Kasper-Ansermet—informed a Case 004 suspect of his “suspect” status and told him that he had a right to a lawyer, he was entitled to the defense rights embodied in ECCC Internal Rule 21(1)(d), including to Court-funded counsel. Judge Harmon therefore formally recognized the suspect's international and national

co-defense counsel; however, he did not grant them access to the case file.

Noting that ICIJ Harmon previously granted recognized Case 004 civil party lawyers access to the case file, the suspect's lawyers assert that they require access to preserve equality of arms between the parties. Moreover, they note that despite the continuing confidentiality of the investigation, the name of the suspect and the Co-Prosecutors' charges against him have been discussed in the press, and they need to know the specific allegations so they can defend his rights. They further request the right “to be confronted with all witnesses interviewed by the CIJs and to be allowed to submit questions to them, through the CIJs.”

In a July decision publicly released last week, Judge Harmon responded that, unlike recognized civil parties, “[t]he Internal Rules clearly distinguish between a Suspect and a Charged Person and grant the latter a broader set of rights.” He found that the Internal Rules reserve access to the case file for parties to the proceedings, a category that does not include suspects. Likewise, under the Rules, only parties may take part in the judicial investigation. He found this to be supported by international jurisprudence, which “confirms that the fundamental nature of the right to access the case file is recognized with regard to individuals against whom charges exist[.]”

Under the ECCC Internal Rules, “the CIJs have a discretionary power to charge any suspect named in the [Co-Prosecutors'] Introductory Submission, or other persons against whom there is 'clear and consistent evidence.’” According to the ICIJ, the charging process includes both this assessment of criminal responsibility and also the act of notifying the suspect of the facts and legal characterization of the criminal acts under

investigation. For this reason, the mere fact that the RICIJ informed the suspect of the Co-Prosecutors' allegations does not make him a "charged person" or give him a right to access the case file. Although the RICIJ specifically granted him case file access, "this was in violation of the Internal Rules" since the suspect had not yet been formally charged, and "constitute[d] an abuse of judicial discretion" because it was made without supporting reasoning. One year into his own investigation, Judge Harmon "has not yet determined that this [clear and consistent evidence] threshold has been met." He therefore vacated the RICIJ's order insofar as it granted the suspect case-file access.

Judge Harmon then considered whether any other factors exist that warrant access to the case file, including whether the suspect has been "substantially affected" by the investigation. He noted European Court of Human Rights and Special Tribunal for Lebanon jurisprudence indicating that when someone has been detained "even in the absence of formal charges"

he or she should be granted case file access in order to challenge the lawfulness of detention, and determined that merely receiving notification that one is under investigation for mass crimes is not of comparable quality.

Addressing for the first time the effect of the media attention directed toward the suspect and the charges against him before he was informed of his right to counsel or to silence, Judge Harmon found that "media attention is not a determinative factor" and does not "carr[y] the same weight or require the same remedy" as when someone has been detained. He ruled that the Case 004 suspect's current representation by counsel, awareness of the charges against him, and awareness of his right to silence, are "a sufficient guarantee of his rights and fully respects international standards of fairness." He therefore found no justification to depart from the requirements of the Internal Rules.

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*Anne Heindel is a legal advisor to the Documentation Center of Cambodia.*

## www.cambodiatribunal.org

The Cambodia Tribunal Monitor ([www.cambodiatribunal.org](http://www.cambodiatribunal.org)) provides extensive coverage throughout the trial of two 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 Communist Party of Kampuchea's Central Committee and a member of its Standing Committee 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.



# KR HISTORY ON A TROUBLED SPOT

*Khamboly Dy*

The 2013 Cambodian national election put the Khmer Rouge (KR) history on a troubled spot through the resurgent politicization of the history, genocide denial and racist incitement. Dragging master narratives of Cambodian modern history into politics could lead to social division, political classification and violence. The ruling Cambodian People's Party (CPP) and the opposition Cambodia National Rescue Party (CNRP) employed the KR rhetoric as one of their strategies to win people's votes during the election campaign.

Highlighting the KR crimes and promoting the CPP's leadership as the saviors of the nation has always been the fundamental strategy for the CPP to gain people's votes. The CPP has been successful in this endeavor as every single Cambodian family has at least one member who died or disappeared during the KR. The estimated total death during the KR is between 1.7 and 2.2 million people. The people's suffering during the KR is relevant and the CPP's 7 January Liberation Day

resonates with the party's fundamentally political pulse since 1979. With this rhetoric, the CPP has dramatically increased its seats from 51 in 1993 to 90 in 2008. By then, the CPP was able to consolidate almost exclusive power. FUNCINPEC party, which won the first 1993 United Nations sponsored election, has gradually lost power and is fading away from the political stage, becoming subordinated to the CPP.

The opposition Sam Rainsy Party (SRP) became the only major challenge of the CPP in 2008, but could not bring in any substantive change. However, with the CPP's sharp decline to 68 seats according to the temporary result issued by the National Election Committee (NEC) on August 12, 2013 suggests the KR rhetoric appears not to be working in the present context where many young voters who have no personal experiences with the KR era appear to be passionate for leadership change and have thrown their support behind the opposition.



The buildings of Tuol Sleng genocide museum. (Photo: DC-Cam)

At the same time, a sense of genocide denial unprecedentedly emerged during this 2013 election. On May 18, Kem Sokha, an outspoken opposition leader commented in a public gathering that the very existence of Tuol Sleng prison was a stage and that evidence of torture and execution inside this notorious center was fabricated by Vietnam to justify its invasion of Cambodia. Kem Sokha further explained that the KR would not be “so stupid” to keep Tuol Sleng for the world to condemn and that the KR would have demolished the buildings in order to destroy evidence. Kem Sokha's comments were clear although he later denied of having called Tuol Sleng a Vietnamese-invented stage and accused the government of manipulating the recording of his speech and taking it out of context. His political comments angered the KR victims, especially Tuol Sleng survivor like Chum Mey, who accused Kem Sokha of insulting the souls of the dead, re-traumatizing the suffering of the survivors and distorting the historical facts. Chum Mey unsuccessfully appealed for apology from Kem Sokha and later led an allegedly politically-motivated demonstration attended by over 20,000 people.

Likewise, opposition leader Sam Rainsy attacked the CPP by linking the latter to several unpopular issues relating to Vietnam and KR. Sam Rainsy's strategy was to enlighten people into the issues of uncontrolled flow of Vietnamese settlers in which he claims to remain active today. This allegation creates the long-time speculations among the Cambodian population of the continued Vietnamese grip on Cambodian political and internal affairs, the disputed border markers and the recent electoral irregularities with the claim of illegal Vietnamese voters and counter arguments that 7 January liberation day was in fact the day of Vietnamese invasion.

Sam Rainsy's speeches could have injected the sentiment of hatred towards the Vietnamese on the social media such as Facebook which influences a large number of the young voters. By implication, his rhetoric could be galvanized into incitement, classification and symbolization, the preliminary stages leading to mass violence although he may not have any intention of provoking conflict or instability notwithstanding

mass violence.

Cambodia has gone through a number of major political transitions and difficulties from French colonialism to independence, absolute monarchy, Khmer Republic, Democratic Kampuchea, People's Republic of Kampuchea's (PRK's) moderate socialism, the transitional period under United Nations Transitional Authority in Cambodia (UNTAC), and eventually constitutional monarchy. The structures of these political regimes are largely hierarchical and centralized and dependent on individuals' charisma. However, there has never been a strong democratic systems that we should embrace and enforce. Going through these transitions and difficulties, Cambodian people have developed a potentially high resilience to building up our well-being and nation.

To equip Cambodia with stronger democratic principles, rule of law and the respect for human rights, politicians should put a hold on politicizing history. Instead, we should equip the 3.5 million young Cambodians who are born after the KR through education. Without scientific study and research, our young people will lose the chance of knowing their own history. The Ministry of Education have embarked on this urgent mission to try and ensure the younger generations have the opportunity to study, analyze and evaluate their history in a way that will institutionalize a culture that values human rights, democracy, and the rule of law. Historical empathy, tolerance and forgiveness are key ethos's that are crucial to a thriving post-conflict democracy. The youth should be encouraged to question and challenge the authorities that guide the country in the wrong direction so that they can become competent leaders and active agents in the quest for peace and national reconciliation.

Liberating KR history from the troubled spot through education characterizes the first important step in this endeavor. KR history is undeniably our history. It belongs to all Cambodians and so is the genocide.

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*Khamboly Dy is a team leader of Genocide Education Project.*

# RUMOR AND HEARSAY CAN PROVOKE CONFLICT

*Sok-Kheang Ly*

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Despite “rumor or hearsay” of social instability in Cambodian society, the National Election Committee (NEC) decided to proceed with its first provisional announcement of the electoral result this Monday (August 12). I have grave concerns that these two terms could ignite a civil conflict that the Cambodians have feared before, during and after the General Election on July 28. The terms have almost the same literal translation in Khmer language, but bear slightly different legal interpretations.

The word ‘rumor’ is literally defined by Oxford Dictionaries as a way of “...circulating story or report of uncertain or doubtful truth.” It’s merely a statement from the word of mouth that has no credible ground, usually serving a specific purpose for an individual or a group. This term is close to the meaning of ‘hearsay.’ According to Black’s Law Dictionary, ‘hearsay’ means that: “Traditionally, testimony that is given by a witness who relates not what he or she knows personally, but what others have said, and that is therefore dependent on the credibility of someone other than the witness.” Both terms depict how information can spread without verification, but ‘hearsay’ could be legally verified through cross-examination into documents or testimony, especially in the court of law. I would prefer here to use it interchangeably.

It’s almost typical for Cambodian society to live with the unverified truth that ended up with seeing their innocence often exploited and their nation, sometimes, in great danger. Recently, rumor about a possible conflict spread as a result of the General Election.

During the Election Day, a rumor spread across Phnom Penh that there was a military mobilization which was an indication that war would break out. It took a while before realizing that there was an outbreak

of a riot in Stung Meanchey where two vehicles of the authorities were set ablaze. However, the effective and quick word of mouth led people to panic, hurrying to buy food in preparation for a possible conflict.

A few days after the election, Cambodia National Rescue Party (CNRP) leader Sam Rainsy threatened to hold a nationwide protest, while Cambodian People’s Party (CPP) increased the presence of police and armed forces in Phnom Penh in the name of maintaining public law and order. Rumor even spread that some roads were sealed off near the Independence Monument—social havoc would be imminent. Over the last few days, the mobilization of armed personnel into Phnom Penh has made the already tense situation worse around the country. The rumor or hearsay of a civil conflict looms large if the CNRP proceed with its mass protest plan that might turn violent under an unspecified reason. If this is the case, Cambodian blood will spill again. This not what the Cambodian people want.

After the first provisional result declared on this Monday, rumors could be heard in every corner of Cambodia. Supporters of CPP and CNRP uttered mixed reactions, ranging from optimism and concern. A fourth-year university student Ren Chanrith, a 28-years-old CNRP supporter, heard people saying that a sense of great disappointment with the election result is widespread, especially amongst the youth and not from CNRP leader Sam Rainsy alone. There was hearsay that CNRP supporters do not want Rainsy to engage in any power bargaining. Mass protest was the most preferable means to demand an independent body be created to tackle voting irregularities. 19-year-old Linda said she heard people spreading rumors that military actions would be launched in Phnom Penh. Food prices went up quickly. Linda, a first-year university



student and also a CPP supporter, is concerned that a mass protest would disrupt national progress. Unlike Chanrith, her optimism was that both CPP and CNRP would strike a deal to tackle the problem.

So, a rhetorical question is what kinds of measures should the Cambodian people take to prevent rumors that might cause a civil unrest? The answer would be simple. The people have to master rumors and hearsay; rather than letting it master us. If so, politicians will be in no position to use us. As the Cambodian people are the owners of a sovereign state, they have already exercised their rights to vote for a political party in accordance with their conscience. Their obligations as good citizens are already being made, thus, it's highly inappropriate for any party to place the people in a confrontational situation. Their democratic practice has proven their steadfast refusal to adopt a North Africa model of revolution to topple the regime they dislike.

The CPP should shy away from using the armed forces to crack down on its own citizens, while the CNRP should never ever use people, especially youths, to provoke any mass protests that would put our national stability at great risk. Both sides need to tackle

this problem in an acceptable manner that would not resort to any kind of conflict. This would undoubtedly plunge our country into a new round of instability after the decades of consecutive civil wars and genocide.

Both the CPP and CNRP should study the policies of both sides in a manner that would serve the interest of our beloved motherland and people. People from all walks of life should bear in mind that as the owners and masters of Cambodia, they should never be placed in a position in which they are pitted against each other by political parties—the ruling or the opposition.

At this point, the fallen US President John F. Kennedy's quote “ask not what your country can do for you, ask what you can do for your country” may fit into the Cambodian context in which both should think of how to jointly develop and move our country forward in a competitive manner with the ASEAN and other civilized world. Competing parties have to learn how to solve problems while the army and the people, especially the youth, should not let rumor or hearsay bring our nation into chaos.

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*Sok-Kheang Ly is a consultant to Genocide Education Project.*

## Searching for Elder Brother

My name is Lim Kieng, now 43, was born in Phnom Penh. I am currently living in Ampeou Dieb village, Chrouy Neang Nguon commune, Srey Snom district, Siem Reap province. My father is Lim Chea Thai (deceased), and my mother is Muy Chou (deceased). Including me, I have six siblings: Mr. Lim Sreng (disappeared), Mr. Lim Khim (disappeared), Ms. Lim Kieng (Me), Mr. Lim Pheng (died of disease in Khmer Rouge regime), Mr. Lim Uy (died of disease in Khmer Rouge regime), and Mr. Lim Sak (died of disease in Khmer Rouge regime).

I am searching for my two brothers—Lim Sreng and Lim Khim—who disappeared. The three of us (Lim Sreng, Lim Khim and I) were traveling home in 1979 but lost our way and were separated. We departed from Sraeng Bridge to return to our home. When we arrived in Kralanh district, my two brothers—Lim Sreng and Lim Khim—searched for an ox-cart for me to ride because I was crippled from birth. I was on the ox-cart when my two brothers went to search for food. They did not return after a long wait. Since then I never saw my brothers again. Later on, I met a middle-aged woman who pitied me and adopted me where I currently reside in Ampeou Dieb village, Chrouy Neang Nguon commune, Srey Snom district, Siem Reap. I won't be able to recognize my brothers because we were separated since I was nine, but if you happen to have met or know either Lim Sreng or Lim Khim, please contact me at 097 413 4145 or contact the Documentation Center of Cambodia at #66, Preah Sihanouk Blvd., Phnom Penh. Tel: 023 211 875.

# ASIAN HORROR

## SEEN BY A 27 YEAR OLD AMERICAN EMBASSY WIFE

*Lin M. Joyce*

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I lived in Bangkok from February 1979 to August 1980. As an American Embassy spouse, a salaried position was unavailable to me. While living in Bangkok and while my husband was working a 24-hour clock, I wanted to use my time doing meaningful work—even if as a volunteer. A newly acquainted American friend encouraged me to become involved with the UNHCR's refugee support program. I heard of the great need for help and the work being done at a refugee transit camp very near to our apartment on Soi Ruam Rudee in Bangkok. In the spring of 1979, I became a volunteer. Three days a week, I volunteered at the Lumphini Refugee Transit Center, a large, rambling and over-crowded, refugee-holding center at the corner of Sukimwit Road and Lang Street in the busy, bustling city of Bangkok.

In the camp, refugees were sheltered under roofs constructed of corrugated aluminum and walls and doors made of old wooden planks. During the day, the aluminum roofs only served to intensify the already blistering Southeast Asian sun. Inside the large barrack-like shelters, light was dim, the temperature hot and the scene, dismal. The camp was not a pleasant place to spend a day let alone months of waiting for bureaucratic paper work to be accomplished.

In the camp, the presence and strong smell of piled rotting garbage was only made worse by the heat and humidity. The presence of jumbo-sized black Asian cockroaches and long slithery Thai snakes made for an inhospitable environment for individuals as well as family units. During my visits to Lumphini Transit Center I observed that days were drearily spent in long boring hours. Some played botchy ball, read newspapers

or talked with family and friends. The children played with dolls made from banana leaves or played 'ball' with a stick and a tin can. Solitude or privacy was a rare commodity in the camp.

### **A Cambodian family at Lumphini Transit Center, Bangkok, Thailand**

Lumphini housed hundreds of refugees from rural Laos and Burma (now Myanmar), and Cambodia and a small number of Vietnamese. The camp provided for the most basic of accommodations as refugees waited for medical clearance to immigrate to the USA, Australia or countries in Europe.

During my time at the camp, I taught conversational English to those going to America. On other days, I distributed a wide variety of donated shoes and clothing. Individuals going to cold-weather climates would certainly need heavy coats. I also instructed refugees (with the help of multiple interpreters) on what to expect when boarding a commercial aircraft bound for Europe or North America. For all, this would be their first flying experience. The goal was to help them to understand what they would experience once boarding an aircraft and to alleviate some of the fear and apprehension for these first time fliers. Before providing this instruction, I remember being told by a refugee administrator that this education was very critical to the safe transport of refugees. It had been observed in previous months that refugees boarding aircraft had not understood that bathrooms were available for their use. On flights, some refugees attempted to start small fires for cooking purposes. They also stuffed raw garbage, trash and human waste under their seats. The results were distressing and the resulting damage to aircraft, costly.

## THAI-CAMBODIAN BORDER

### SA KAEO: October-December 1979

The place: Sa Kaeo Holding Center on the Thai-Cambodian border, a couple of hours east of Bangkok, Thailand. “Sa Kaeo Camp” had been hastily prepared by the Thai government to provide first response emergency accommodation to the massive flood of Khmer refugees seeking protection and asylum. The camp was located near the small town of Sa Kaeo and situated on 160,000 square meters of uninhabitable land used for growing rice. Before the establishment of the Sa Kaeo Camp, refugees were housed close to the actual Thai-Cambodian border. However, shelling forced the refugees 38 miles further inland. These were extremely perilous times for the people of Cambodia. In the mid 1970's Pol Pot, the leader of the Cambodian Communist Movement known as the Khmer Rouge took over Cambodia. The Cambodian people experienced his ruthless attempts to control their lives. People were viciously killed, families torn apart and people sent to so-called: ‘re-education camps.’ As a result, thousands upon thousands of Cambodians suffered. As Pol Pot took his merciless actions against the Cambodian people, genocide was clearly seen to be the goal of the Khmer Rouge regime. Hundreds of thousands sought refuge in neighboring Thailand. They arrived en masse with nothing except the clothes on their backs. By the end of this grizzly conflict two and a half million Cambodians died.

### My Memories of November-December 1979

Shortly after the massive influx of Cambodians began, I, among others from the American Embassy, volunteered to provide help to the earliest waves of displaced people arriving at the Sa Kaeo Camp.

The night before my first trip to Sa Kaeo Camp, I remember I had difficulty falling asleep. I had heard of the frightfully descriptive stories about the camp from others who had already been there. The stories sounded unimaginable.

In its earliest days, Sa Kaeo Camp was providing the most basic housing and food for nearly 29,000 Cambodians flooding into Thailand for safety. I could

not imagine how this number of people could be helped.

As I lay in my comfortable bed, the air conditioner effectively though noisily cooled the air in my more than adequate two-bedroom U.S. Embassy-rented apartment. I could hear three-wheeled ‘tuk-tuk’ (taxis) driving just out side of my bedroom window—speeding down Soi Ruam Rudee. I tossed and turned. I worried— what would I see the next day at the camp? Would I be a help or hindrance to the work being done? Would I be emotionally strong enough to do what would be asked of me? I don't think I slept at all that night.

At the time, I was a young and naïve 27-year-old American woman. I was totally ignorant of the effects and results of an invading socialistic political faction on a people, a culture or a nation. Working as a volunteer at Sa Kaeo Camp on the Thai/Cambodian border quickly opened my eyes to pain and suffering like nothing else ever would.

After an arduous four-hour drive from central Bangkok, the UNHCR (United Nations High Commission on Refugees) bus arrived at Sa Kaeo Camp. Through the bus' dirty windows I saw camp workers setting up large canvas tents. Large gray, metal storage tanks were scattered throughout a great expanse of waterlogged ground, and many, many desolated looking people sat on the ground in small groups. Peoples' faces looked as if they were on the brink of losing their last grasps of life or hope. It was a devastating scene.

Not long after arriving at the camp, I noticed an unfamiliar and extremely foul odor in the air as well as tiny dark flecks of something continuously falling slowly from the sky over the camp. I asked about this. A camp worker told me that the tiny flecks were actually the ashes given off from cremation fires. He explained to me that refugees were dying so fast in the camp that there was no time to bury them in single graves. The major concern at this point was the health of those trying to survive. And the unpleasant smell? It was the smell of burning human flesh.

As I walked through the camp, I felt the intense Southeast Asian sun beating down on me. The heat made everything worse for everyone. The putrid

and foul odors, the humidity, the water soaked ground; and the sight of suffering was everywhere.

On that day and on all the days that followed, I saw malnourished tiny boned babies and children with protruding bellies and expression-less, sunken faces. I also saw babies and small children being held and crying inconsolably. I saw people with missing arms and legs, lost to land mines or the results of infections caused by an ill-fated encounter with a 'punji stake' (sharp bamboo sticks coated in excrement which had been stuck into the ground by the enemy), I saw elderly men and women suffering from extreme dehydration and malnutrition.

When I arrived at Sa Kaeo with the other volunteers, I was assigned to work at the World Vision Field Hospital. At this time, I had no medical training. One of the nurses showed me how to feed formula to the tiniest babies I had ever seen. She instructed me how to slowly—ever so slowly—pump baby formula through a narrow gauge clear plastic tube that had been inserted through the baby's mouth and into his tummy. I could quickly see that this tiny baby was too listless

and weak to even suck. I carefully held and fed one baby and then moved on to the next. These babies' parents were either too sick to care for their children or the babies had been left orphaned and somehow wound up in this World Vision Field Hospital. When I think back on this now, I wonder how in the world I did what I did!

In World Vision's field hospital, I saw many things that shocked me. The sick and dying lay nearly motionless on straw woven mats, many covered in their own caked on excrement awaiting care and medical treatment. Some people were already receiving intravenous fluids. Surprisingly, intravenous re-hydration fluids were attached to bamboo rods, which were stuck in to the ground and suspended over the patient. This is just how primitive the initial medical treatment was. Whatever method deemed expedient was used at this time.

Bathing sick men, women and children too weak to care for themselves was another job I was given. All patients in the field hospital lay on the ground on thinly woven grass mats side by side under the cover of a huge canvas tent that had four open



A family of Cambodian refugees in Thailand in 1979. (Photo courtesy of Lin M. Joyce)



sides. Many patients suffered from dysentery and were covered in their own feces. I thought to myself “how am I going to do this job?” I was handed a basin of water, a clean rag and told where I could get more rags and water when I needed it. I remember making many, many trips through very muddy ground to get water from a large metal storage tank, which was near by.

I will never forget one particular man who I cared for. He was a very thin and elderly gentleman lying on the mat-covered ground of the field hospital. His only clothing was a piece of thin and stained cotton cloth that was loosely wrapped around his boney waist and covered him to his knees. I slowly began to gently wash him from his head on down. As I did, he gave me a small but genuine smile in acknowledgement for the job I was doing. Through my tear filled eyes I cleansed his body and thought of the many others that needed the same kind of care and compassion.

As I boarded the bus that first night to return to my home in Bangkok, I felt exhausted to my very core. My whole body ached. I was dirty and smelly and looked forward to taking a long hot shower. During the long bus ride, I thought back to washing scrawny and undernourished, frightened children who suffered from head lice and scabies. I thought of those bellows of gray smoke swirling up into the air originating from the cremation fires and seeing the faces of Cambodian people that reflected unimaginable horrors. Through my experience at Sa Kaeo I lost a state of innocence, an unawareness and ignorance that lived inside of my mind up until that day. I gained something that was deeply meaningful to me. I knew that in many tiny ways I had made a difference in the lives of the individual people I had touched. There is an expression of faith that speaks to me personally. It goes something like this. ‘Share the Gospel, if necessary use words’

The following excerpt is from a letter that I wrote on November 1, 1979 after my first trip to Sa Kaeo Camp. I wrote this letter to my grandmother in San Francisco to tell her about my experiences and to ask her to spread the word about the good work being done by World Vision. (Later I was glad to learn that my

family back in the US had made generous donations to World Vision's work in Southeast Asia):

*“We arrived at the refugee camp at 11:00 a.m. We were then assigned to work among the sick in a very makeshift hospital. I bathed the sick, cleaned up patients who had diarrhea, gave medicine that a doctor had prescribed, gave water at regular times (all these people are badly dehydrated), toted water and washed many people's hair (using soap to kill lice and scabies). Many people in this camp die everyday and I saw the mass graves nearby. Disease, malnutrition and infection are rampant. These poor people have suffered so much.*

*I bathed many people with arms like twigs. I had to be so gentle with them for fear their fragile bones would break. I bathed many children with terribly high fevers due to malaria. Many people were unable to take solid food and had IV needles in their arms, being fed fluids from a bottle hanging above them, suspended from a bamboo rod. The hospital was not much different from the living conditions in a regular refugee camp. But the patients were there and the doctors (too few!) tended to them. I cried in the beginning, as I washed small, unconscious children and had to fight the tears from flowing more. But after a while I just went on with my chores—as did everyone else. I met many Americans, English, French, Australians and Germans all working so very hard to get this camp in order—to get everything done—but how do you do that? 25,000 Khmer! World Vision, US Catholic Relief, Christian Missionary Alliance and the Red Cross are only a few of the organizations supplying doctors, nurses and other skilled people. All extremely dedicated.*

*The UNHCR (United Nations High Commissioner on Refugees) runs the camp and it's staff are very good."*

Since my experience at Sa Kaeo, I have raised two daughters to adulthood, and seen three grandchildren born, received valuable nursing training, been fortunate to have lived not only in Southeast Asia but also in Europe, Africa and the Middle East, worked with and cared for hospice patients for the last ten years and have enjoyed the benefits of being married to one wonderful man for over thirty eight years.

I am truly grateful for what life has shown me and taught me.

I have thought many times throughout my life about my experiences at Sa Kaeo Camp. I have thought about the injustices of war and the extreme hatred that

people are capable of showing even to their own fellow countrymen. I have thought about how deserving all people are of kindness, tenderness and compassion. I have thought about what a blessing it is to be on the receiving end of love.

The world is a big, big place with a lot of pain and a lot of opportunities to alleviate that pain and suffering. I decided years ago that in my own small way, I would strive to make a difference in the world and make things a little better if for only one person.

My life's motto: "It is far better to light a candle than to curse the darkness." I lovingly dedicate this essay to my daughters, Annie and Susie.

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*Lin M. Joyce is a reader who contributed this article to the Searching for the Truth Magazine.*

## Searching for Lost Family Members

My name is Nhan Sy and I am currently working at the Ministry of Land Management, Urban Planning and Construction. I would like to search for a missing person, a Mr. Ier Ieng who was born in 1933 in Trapaing Kraloeng village, Taing Sya commune, Kampong Speu province. Before 1975, Mr. Ier was a sailor in a vessel company in Singapore. He then returned to Cambodia and lived in Sangkat III, Phnom Penh. He disappeared in 1975 and was last seen in Kampong Tralach district, Kampot Province. There have been rumors that Mr. Ier was spotted in Kampong Tralach sometime in 1975. After 1979, Mr. Ier's wife and children immigrated to Germany. If anyone knows him or have met him, please contact me directly at #476G, Monivong BLVD, Sangkat Tonle Bassak, Khan Chamka Morn, Phnom Penh or call 012 958 546; E-mail: nhansy04@yahoo.com or contact the Documentation Center of Cambodia, address: #66, Preah Sihanouk BLVD, Phnom Penh.

## Searching for Husband

During the Sangkum Reastr Niyum period, I, Vang Phon, aka Nget, lived in Boeung Tumpun village, Phnom Penh. Nowadays, I live in Tuol Kraing village, Kraing Yov, Sa Ang district, Kandal province. I was separated from my husband, Ith Phanna aka Yort ever since the Khmer Rouge evacuated us from Phnom Penh on April 17, 1979 at 9 a.m. At the time, I carried my 4 year-old-daughter, Ith Chanry aka A Srey, along the roads and I was also pregnant with a second child. Later, I heard from some villagers who had told me that my husband came to find us after Khmer Rouge regime collapsed, but the neighbors informed him that I had passed away. I did not know exactly when my husband came to find me. We (my children, Bang Phal, Phan, and I) are now living in Tuol Kraing village. If you or someone happens to get this information and know of my husband, please contact me at above-mentioned address or by phone: 012 992 171. You can also contact the Documentation Center of Cambodia at #66, Preah Sihanouk Blvd., Phnom Penh.

# "MY PARENTS' EXPERIENCE INSPIRES ME TO STUDY HISTORY"

*Kao Seb*

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My name is Kao Seb. I was born in Ampov Dieb village, Chrouy Nieng Nuon commune, Srey Snom district, Siem Reap province. I am currently a sophomore at the Department of History at Royal University of Phnom Penh. I am one of the former victims' children though I did not go through Khmer Rouge period.

My parents and grandparents went through the Khmer Rouge regime and they often told me about their experience. My parents said that before April 17, 1975, they were living at Ampov Dieb village. After the Khmer Rouge took power, my mother's family were evacuated to another village called Beng, Srey Snom district away from my father.

Upon arrived there, the Khmer Rouge cadres told my mother and grandmother to do many tasks such as weaving thatches, picking up vine, cutting woods, digging potatoes, carrying soil to put in the field, making fertilizer and transplanting seedling in a field. My mother added that if someone could not complete duty to meet Angkar's demand, they would not be allowed to eat and get punishment.

Angkar provided two meals per day. The food covered only gruel porridge with banana, papaya, other plants such as Khduoch and Kamploeng. Once, because she missed her son (my brother) so much, my mother asked the unit chief to meet him. The unit chief did not agree, but she managed to go and met my brother. As a result, she was deprived of for the whole day. Sometimes in 1977, my mother was pregnant with her second child. Despite the fact that she was pregnant, she was still supposed to work hard as the other villager such as winnowing rice and pulling out

the seedling. My father was not allowed to look after my mother until she delivered the baby since they were in different cooperative.

In the same year of 1978, my grandparents died of starvation. When they died, Angkar did not permit my mother to see their corpses. In 1979, my mother, my aunt and other eighty-three families were evacuated to Chong Kal village, Samrong district, Otdar Meanchey province in order to be killed. Before they were sent, Angkar mixed sour palm juice with a kind of poisonous liquid for all evacuees to drink. Angkar wanted those evacuees to be drunk as it was easily to kill. Men were commanded to drink first and women followed them. Those who drank that mixed alcohol were dead immediately. Others were panic waiting their turn.

Unexpectedly, not until my mother's turn, Vietnam troops arrived and all evacuees were dispersed and the Khmer Rouge cadres ran for life.

My parents' story encouraged me to study get more insight on the history of the Khmer Rouge. This is the reason I volunteered to work at the Documentation Center of Cambodia in order to research and learn more about genocide and its transition during that period. Working at the Center not only be able to absorb knowledge on Khmer Rouge history through reading compiled document and listening to the victims and murderer, but also be able to impart the mutual knowledge on what I have been reading through to the next generation in avoiding to follow this footprint of genocide.

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*Kao Seb is a volunteer at the Documentation Center of Cambodia.*



## 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](mailto:truthkokthay@dccam.org)

Website: [www.dccam.org](http://www.dccam.org) or [www.cambodiatribunal.org](http://www.cambodiatribunal.org)

