

Searching for

THE TRUTH



Photos: ECCC

"Visitors to the Phnom Penh facility will learn the tragic legacy of the Khmer Rouge, remembering the victims as human beings unwittingly caught in the vortex of war, extremist ideology, and irrationality..."

-- *Zaha Hadid.*

Special
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ECCC International co-prosecutor Nicolas Koumjian (Photo: DC-Cam)



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THE INTERPRETER, THE TRANSLATOR, THE UNKNOWN CAMBODIAN HEROES

Individuals still play a critical role in shaping and remaking our world, and I want to take a moment to call attention to the contribution of four individuals today. Recently the International Court of Justice (ICJ) issued its judgment on the Preah Vihear Temple. The judgment was published far and wide across the internet, and broadcast around the world; but in Cambodia, had it not been for the work of four Cambodian translators via Cambodian News Channel (CNC), many Cambodians may not have understood or even heard of the ICJ's decision. This was no small contribution.

Translators play an unseen role in the global struggle for access to information. Laws are only valid insofar as they are understood; human rights are only as empowering as they are enforced in the local language; and international news is only as relevant as it is translated to the common people.

Without these four translators, many (if not most) Cambodians would not have had an opportunity to know the details of the Preah Vihear decision—a decision that means so much for Cambodia's sovereignty and every Cambodian's sense of national identity. Four translators gave 15 million Cambodians an opportunity to witness history—but they did not do it alone.

Pulling back the curtain, one will notice that all four translators were products of the Extraordinary Chambers in the Courts of Cambodia (ECCC).

The ECCC has had its share of troubles, shortcomings and controversies, but it is important that we take the opportunity to give credit where it is due. The ECCC has provided critical training and experience to many Cambodians and it is through this experience that the four translators were able to translate such an historic event with such skill and confidence.

In the hallowed halls of international justice, one's eyes are immediately drawn to the judges, lawyers, and legal officers tasked with upholding the rule of law. But we should not forget all of the other staff who serve a critical role in the dispensation of justice and the improvement of our world.

Youk Chhang is the Director of Documentation Center of Cambodia.



Preah Vihear temple was registered as a world heritage site in July 2008. Cambodian and UNESCO flags are flying behind this temple tower. (Photo: DC-Cam)

ZAHA HADID TO DESIGN THE NEW SLEUK RITH INSTITUTE

The Documentation Center of Cambodia and Zaha Hadid Announce a Plan to Design New Sleuk Rith Institute, the permanent successor to the Center.

The Documentation Center of Cambodia (DC-Cam) was established in 1995 to chronicle the brutality of the Khmer Rouge era. With an archive of nearly one million documents, DC-Cam has built a reputation as a leader in the quest for memory and justice, with the goal of not only recording Cambodia's tragic history, but also helping the nation recover.

The new Sleuk Rith Institute will be the leading center for genocide studies in Asia, a place for the organization to continue its work compiling, analyzing and preserving information related to the Khmer Rouge era. The site, adjacent to a new public library and law faculty of the royal university of law and economics in Phnom Penh, was donated by the Cambodian government in 2008.

The choice of Ms. Zaha Hadid's firm, renowned for its ground-breaking architecture, reflects the decision by DC-Cam to break with the model of memorial architecture that tends to be dark and overbearing.

DC-Cam director Youk Chhang said; "Although the association with the negative consequences certainly has its place, it reflects neither the direction nor the intent of pursuing the creation of a monument to the memory of the victims of the Khmer Rouge Regime in Cambodia. The Documentation Center's vision certainly remembers the past, but looks primarily to the future, offering an optimistic experience that reflects the ambitions and aspirations of the nation.

The Sleuk Rith institute will adjust how we approach this specialized field of memorial architecture, resulting in a serious but less-onerous, more balanced, visitor experience with an optimism that looks to the future. The gracious but powerful architectural language of Zaha Hadid focuses on the curvilinear; it

has the potential to shift the dominant design approach of commemorative architecture in an entirely new and more enriching direction.

Zaha Hadid said: "Youk Chhang's vision is inspirational. His brief for the Sleuk Rith Institute calls for beauty and an optimism for the future to heal and reconnect a country, with the Documentation Centre of Cambodia being key to that process. Working with Youk Chhang and the Institute, we have brought together an excellent team of Cambodian and international consultants that share this vision to carefully plan the Sleuk Rith Institute. Cambodia's rich cultural heritage includes some of the world's most exceptional temples that reflect the extraordinary architecture and technologies of their period. We look forward to working with Youk Chhang and his team to realize his vision in a contemporary building that remembers the past, but also reflects the unwavering belief and optimism for the future using education, understanding and inspiration to positively engage visitors. Visitors to the Phnom Penh facility will learn the tragic legacy of the Khmer Rouge, remembering the victims as human beings unwittingly caught in the vortex of war, extremist ideology, and irrationality, the new Institute will focus on ensuring against a resurgence of those conditions through a variety of instructional programs. Visitors will learn how the values associated with knowledge, forgiveness, reconciliation and understanding provide a means for more productively and positively engaging the future. They will also learn how to place the events precipitated by the Khmer Rouge Regime into the larger context of Cambodia's lengthy history."

Youk Chhang and Zaha Hadid anticipate the new Sleuk Rith Institute's beauty and symbolism will

be commensurate with the institute's vision; a project that will serve to build upon and strengthen the work of the Documentation Center, increase public awareness and understanding and pursue the social benefits of reconciliation through education, immersion and

closure based on remembrance and commitment. Mr. Chhang and his colleagues are proud and grateful that Ms. Hadid and her design team have joined with them in this project.



ZAHA HADID

Designing the new *Sleuk Rith Institute*,
the permanent successor to the
Documentation Center of Cambodia
in Phnom Penh

"Youk Chhang's vision is inspirational. His brief for the Sleuk Rith Institute calls for beauty and an optimism for the future to heal and reconnect a country, with the Documentation Centre of Cambodia being key to that process. Working with Youk Chhang and the Institute, we have brought together an excellent team of Cambodian and international consultants that share this vision to carefully plan the Sleuk Rith Institute. Cambodia's rich cultural heritage includes some of the world's most exceptional temples that reflect the extraordinary architecture and technologies of their period. We look forward to working with Youk Chhang and his team to realize his vision in a contemporary building that remembers the past, but also reflects the unwavering belief and optimism for the future using education, understanding and inspiration to positively engage visitors."

-Zaha Hadid

Honoring and commemorating the sacrifice of the
victims of the Khmer Rouge Genocide (1975-1979).
Youk Chhang. Photo by Angel Garcia



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BIOGRAPHIES

◆ Youk Chhang is the Executive Director of DC-Cam and a survivor of the Khmer Rouge's killing fields. He became DC-Cam's leader in 1995, when the Center was founded as a field office of Yale University's Cambodian Genocide Program to conduct research, training and documentation relating to the Khmer Rouge regime. Chhang continued to run the Center after its inception as an independent Cambodian non-governmental organization in 1997 and is currently building on DC-Cam's work to establish the Sleuk Rith Institute, a permanent hub for genocide studies in Asia, based in Phnom Penh.

Before leading DC-Cam, Chhang managed human rights and democracy training programs in Cambodia for the U.S.-based International Republican Institute and was an international staff member assisting the Electoral Component of the United Nations Transitional Authority in Cambodia (UNTAC). From 1989 to 1992, he worked on crime prevention in Dallas, Texas. Chhang is a Senior Research Fellow at the Center for the Study of Genocide, Conflict Resolution, and Human Rights at Rutgers University-Newark. He was a member of the eminent persons group who founded the Institute for International Criminal Investigations in The Hague in 2003. He is also a Board Trustee of Air Asia.

Chhang is the author of several articles and book chapters on Cambodia's quest for memory and justice and is the co-editor of *Cambodia's Hidden Scars: Trauma Psychology in the Wake of the Khmer Rouge*.

Chhang is also the executive producer of a documentary film entitled *A River Changes Course* (2012), known as *Kbang Tik Tonle* in Khmer, about the changing social, economic, and environmental landscape in Cambodia. Among other awards, that film won the 2013 World Cinema Grand Jury Prize for documentaries at the Sundance Film Festival. He received the Truman-Reagan Freedom Award from the Victims of Communism Memorial Foundation in Washington, DC in 2000. He was named one of TIME magazine's "60 Asian heroes" in 2006 and one of the "Time 100" most influential people in the world in 2007 for his stand against impunity in Cambodia, Iraq, Myanmar/Burma, and Syria.

◆ Zaha Hadid, founder of Zaha Hadid Architects, was awarded the Pritzker Architecture Prize (considered to be the Nobel Prize of architecture) in 2004 and is internationally known for her built, theoretical and academic work. Each of her dynamic and pioneering projects builds on over thirty years of exploration and research in the interrelated fields of urbanism, architecture and design.

Born in Baghdad, Iraq in 1950, Hadid studied mathematics at the American University of Beirut before moving to London in 1972 to attend the Architectural Association (AA) School where she was awarded the Diploma Prize in 1977. She founded Zaha Hadid Architects in 1979 and completed her first building, the Vitra Fire Station, Germany in 1993.

Hadid taught at the AA School until 1987 and has since held numerous chairs and guest professorships at universities around the world. She is currently a professor at the University of Applied Arts in Vienna and visiting professor of Architectural Design at Yale University.

The MAXXI: National Museum of 21st Century Arts in Rome, Italy and the London Aquatics Centre for the 2012 Olympic Games are excellent manifestos of Hadid's quest for complex, fluid space. Previous seminal buildings such as the Rosenthal Center for Contemporary Art in Cincinnati and the Guangzhou Opera House in China have also been hailed as architecture that looks to the future with new spatial concepts and dynamic, visionary forms.

Hadid's outstanding contribution to the architectural profession continues to be acknowledged by the most world's most respected institutions including the Forbes List of the World's Most Powerful Women and the Japan Art Association presenting her with the "Praemium Imperiale." In 2010 and 2011, her designs were awarded the Stirling Prize, one of architecture's highest accolades, by the Royal Institute of British Architects. Other recent awards include UNESCO naming Hadid as an "Artist for Peace", the Republic of France honouring Hadid with the "Commandeur de l'Ordre des Arts et des Lettres," TIME magazine included her in their list of the "100 Most Influential People in the World" and in 2012, Zaha Hadid was made a Dame Commander of the Order of the British Empire by Queen Elizabeth II.

KUY CHEA: THE FRONT'S AMBASSADORIAL STAFF IN THE SOVIET UNION

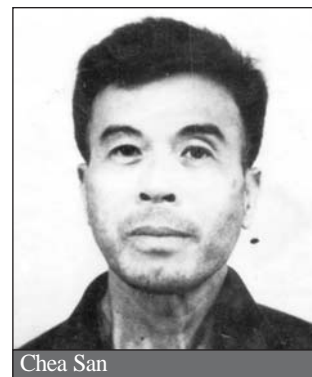
Extracted from confession D58971

Kuy Chea, a media student in the Soviet Union, was arrested on September 23, 1976. On the cover of his 85-page confession was hand-written “Kuy Chea was K.G.B.” The confession described his activities from September 26, 1969 to October 3, 1976 and gives details about how he became a K.G.B. agent and his subsequent return to Cambodia. The following is a summary extraction:

In late 1969, eager to learn about politics, economics, and the international history of the press, I talked to Va Lary, a journalist in charge of Khmer broadcasting and a member of the K.G.B. I asked him to help me with my studies, to intervene on my behalf during my exams. I was working at Moscow Radio at that time. Va Lary introduced me to Yco Nicova, a journalist and a member of the central committee of the Soviet-Cambodia friendship Association. Both were members of the K.G.B in Moscow and promised to assist me overall. Later, Yico Nicova took me to meet Nicolay Kuorakeen who worked in the Cosomol organization and was in charge of helping Cambodian and Laotian students enroll in various universities. When I passed my exam, I was so happy to have reached my goal. I met these people very often to exchange information about political issues, especially the war in Cambodia.

In the early part of April 1970, after the coup d'état, I sent a telegram to Prince Sihanouk who was staying in Beijing to ask him to allow me to fight for the Front. After that, I met Chea San, the Front ambassador in Moscow, who told us not to agitate but to wait for guidance from the Soviet Union.

Once in 1971, Nicolay Kuorakeen gave me a call and asked me to meet at a restaurant in central Moscow. He came with Ana Toly, a member of the K.G.B. Both first asked me casual, simple questions about my living, my job, and my studies. They then moved to more serious questions. Ana Toly asked me how to contact the Front.



Chea San

I told him that it was beyond my ability. However, they asked me again to search for a member of the Front abroad, someone who respected and loved Prince Sihanouk, because they knew that I had a good relationship with Chea San, Cambodia ambassador in Moscow.

In the meantime, I was assigned by the K.G.B to provide biographies and details of social issues in the Royal Government of National Union of Cambodia. In short, I agreed to become and act as a member of K.G.B from that time.

In 1971, I heard from Chao Seng as he was travelling to Beijing from Moscow. He said that Sarin



Chao Seng

Chhak had left the embassy and was working at the French embassy. I then got information from someone in the Front that Lon Nol and American representatives had met regularly. For example, Doctor Riss met Khék Vandy in Beijing,

Pyongyang, and Algeria. The Front was unhappy because Ieng Sary was giving speeches in Algeria. I also got secrets about internal and external conflicts in the Front organization. I reported all this information. I got additional information from Chea San when I returned from a meeting in Beijing as a member of the political office of the K.G.B.

Late in 1971, I attended the Democratic Youth Congress in Europe for two weeks as a Kampuchea United Front Youth Delegate from the Soviet Union. The first meeting was in Bucharest, Romania and the last in Belgrade, Yugoslavia. My expenses were paid by Cosomol. A day before my trip, Ana Toly told me to say something good about the Soviet Union at the end of the congress and ask for their help to liberate Cambodia. I caught the train from Moscow to Romania with Lam Vary and Ouk Sok. Along the way, we discussed getting military help from the Soviets to ensure that our country would not be controlled by China in the future. After I arrived in Bucharest, I met Toun Chout Sarin, representative of the Khmer Workers' Association in France. I asked him to mention this in his speech. I had also asked Chao Seng to do that as well.

In 1972, Chea San, the Front chief of the embassy in Russia, a member of the political office, and Minister in the Ministry of Justice during the Front government, approved my removal from radio to the Front embassy because the Soviet Union was still, after two years, not acknowledging the Royal Government of the National United Front of Kampuchea. My role was to organize and create bulletins including publishing news on how the Front was created and articles written by Khieu Samphan, Hu Yun, and Hu Nim. These were to emphasize the presence and importance of the Front in the minds of ambassadors and journalists in the Soviet Union. I reported information I got from the Front to the K.G.B through the embassy in Moscow and in meetings between Chea San and French representatives in Moscow. Also, I got information about parliamentary delegations and military delegations led by Nhiek Tioulong. They were visiting the Soviet Union; I

reported this information to the K.G.B.

With support from my university and the K.G.B, I graduated in June 1975. After April 17, Nicolay Kuorakeen asked me to meet at “Yuvakchun” restaurant in Moscow. He said that the Soviets were proud to hear about this liberation. He told me to write about this and said that being a journalist, I had to serve both sides. He, on the other hand, showed his disappointment about the Khmer Rouge arresting the Soviet ambassador and evicting him from Cambodia.

In June 1975, I asked the government to return, but they said I had to wait for a while. While out of school, I was granted an internship in the K.G.B.

I was allowed to return in June 1976. A few days before I returned, I met with several K.G.B agents including Va Lary, Ana Toly, Kuorakeen and other people in a Beijing restaurant. They told me to contact Chuon Mom and others such as Khan, Hak Sieng Layny, Mil Sovann, Krin Lean, Heng Pich, Ouk Sok, Prom Phoeun (the alumni from the Soviet Union) and Ban Yan (the alumni from France). In addition, I was asked to tell Chea Khan (who returned in 1975) that the Lao PDR embassy was standing by in Phnom Penh with additional Lao alumni who used to study in the Soviet Union. I also exchanged a few words with Lam Vary and Ouy Larn later.

After I arrived, I stayed in a cooperative, an old K-17 building, for two months. There, I saw Choeng Chungleang, a Cambodian staff member in the Korean embassy and those who travelled with me such as Hai Koem Seang, who worked at the Cuban embassy, and his wife (the daughter of Huot Sambath) with their daughter. In addition, I saw my friend's wife, Iv Senareak, who worked in the Cambodian embassy in Moscow, and their three children. There, I did not dare to bring up any ideas because I did not know exactly what the situation there was.

As soon as I moved to my new office I began to meet many more people. I was assigned to improve relations with Kong, who came from France and used to work with me in the old office. Angkar assigned Kong and me to work in an agricultural group together.



Hak Sieng Layny



Mil Sovann



Chea Khan



Pram Poeun

I seriously attacked the chief of group and some senior members who favored individualism. Chea Kong kept telling me that I was brave to speak out loud against oppression. He said that I was right and that he supported my statements. During a formal meeting organized by Angkar, I raised the idea of bringing down the Chief of the group whom I regarded as incapable of leadership and who, in my opinion, was leading the cooperative to disaster, especially by his mismanagement of food. I had already discussed this with Chea Kong. I also attacked some chiefs who were incapable of assigning tasks as well as doing work by themselves. The next morning after the meeting, Chea Kong, who took a survey, told me that most of participants supported my argument.

Two days after that, I was moved from the agriculture group to the economics group. The chief there was more benign and friendlier than the previous chief. Because of his good work, I did not have any reason to attack him during the whole meeting. A week later however, I discovered some things on which to attack him during the meeting. I complained about thin porridge which was sometimes sour. The Chief of group had been in charge of this. It was sloppily managed just like the old system. A few days later, there was some disturbance and panic among some members of the cooperative. Then, Angkar arrested me.

Based on what I mentioned above, it is clear that my activities have been treacherous. I admit it consciously and freely.

I hope that Revolutionary Angkar will forgive me and bring me back to correct thinking following Revolutionary Angkar's philosophy. I am committed

and strongly determined to follow what Angkar tells me to do and will do it unconditionally.

I accept that I am wrong and will not to do it again.

Angkar has a perfectly correct philosophy, is wonderfully clear-sighted, and represents a great leap forward!

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

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.*

THE CONFESSION OF NUON ROEUN DEPUTY-SECRETARY OF REGION 42

Sarakmonin Teav

Nuon Roeun, alias Tieng, 30 years old, was born in Kanleng Rameas village, Sambuor Meas commune, Kampong Siem district, Region 41. His wife was named Inn Heng, alias Phon, and worked at the Chamkar Leu hospital. Roeun had two siblings, one of whom was Aoeun, Svay Teab cooperative, Chamkar Leu district. His father was Nuon Aeng, a former Khmer Issarak; his mother was named Kak and is dead. Roeun was arrested by Angkar on October 1, 1977 and charged with being part of the CIA enemy. Roeun recounted his treasonous acts with other 43 accomplices. Nuon Roeun's confession was finished on November 26, 1977. This 29-page confession was written by Khan. The following was a brief confession of Nuon Roeun, alias Tieng:

As a youth, I lived with my parents. I was 14 years old when my mother died; after that I lived with my uncle. My uncle took me to Ang pagoda where I was ordained and lived as a monk for four years before being disrobed and coming back to live with him.

Actions before 1970

In 1964, Sat, a rubber plantation chief, who fled to the jungle, came to educate me about the revolution in the village. He had a paper about class-struggle. He assigned me to work as his messenger in the village. In 1967, Sat included me in *Yuvakak*. In 1968, I went to Prey Srak where I contracted malaria. I requested to be hospitalized in the village. In 1969, while I was staying in Kang Ta Noeng, Kampong Cham province, the enemy arrested me and put me in prison. A month later, I was sent to Prey Sar prison. Two weeks later, Lin, the undersecretary of Baray district and Kou, a student

from Kampong Cham province, were put in jail with me.

Kou and I became close friends because I did not know anyone in the prison. Later, the prison guard allowed prisoners to go out of the prison to clear the grass. Lin, Kou and I worked together. At that time, Man called us to visit him at his house where we sat in the yard east of the prison campus. He asked where our villages were and why all of us were put in jail. We told him about our hometowns and that we were arrested because we were accused of revolting against the government. Man said, "You joined Khmer Rouge because you want to be like the Chinese and Vietnamese. You do not believe in the government. I have sympathy for you all. If you all work for the nation, you all will be great. Do you want to join the struggle?" There were government forces all over the places. After that, I went to work as normal. Five days later, he asked me to meet him at the same place on Sunday. He said the same thing to me, adding that there people were very happy in the *Sangkum Reastr Niyum* (People's Socialist Community) but the revolution was not progressing well. Man asked us all to spy and said that if we saw someone qualified enough to be a spy, we could recruit them. Man always provided food for us. He explained that we all could work voluntarily for the nation as soldiers, in the ministry or wherever we wanted.

In late 1969, Man asked us all to visit his home. There, I saw captain Phea and Major Sbaong Va. There was a ceremony to induct us into the CIA. There was a red and yellow flag with a heart in the center with three stars above it. First, Captain Phea

introduced himself and then inducted us into the CIA. The next speaker was Sbaong Va who assigned our tasks. They were as follow:

1. To build CIA forces,
2. To continue to track down the Khmer Rouge, and
3. To propagate the western life style in all residential areas.

Actions after the coup in 1970

We were told to contact him. We all saluted the CIA flag. In March 1970, 400 prisoners were released, but we all were instructed by Sbaong Va to go home, contact each other and search for other CIA members because they hid themselves in rural area.

In July 1970, we all agreed to infiltrate the revolution through Chhoeun who later sent us to Center K-25 to work with Doeun in charge of state trade. Doeun said that currently, many women and men were joining the revolution at lower levels. Our forces remained in the revolution as spies. The revolutionary forces didn't know about these hidden troops. And so, we had to go down to the base or village to build up the CIA forces. Lin was assigned to go back to his hometown in Vihear Thom village, Kou to Sopheap village, and I was instructed to act as messenger to deliver letters. We reported to him directly.

In late 1971, Doeun assigned me to supervise twelve messengers. While doing that I recruited Pheng (now dead) to become CIA. Doeun went down to Kampong Thom battle field but I was at Sre Veal center, Steung Trang. In March 1971, Doeun called me to meet him at Kampong Thom battle field. He asked me, "How is the recruiting going?" I replied, "Until now I have recruited Pheng and tried to convince others as well."

Doeun instructed me to recruit more because there were plenty of possibilities. Comrade Hou from Bet Thnou and comrade Lin paid more attention to the work of recruiting others.

After learning that, I came to tell Hou to meet Doeun at Kampong Thom battlefield. They remained in contact until 1972. In 1972, Doeun moved me from being

a messenger to the base. I was assigned to communicate with Yi Sun, a secretary of Steung Trang district. I contacted Lin and Doeun directly and then he wrote a letter to Yi Sun to assign me to be a Stang Kranhang village chief. I was transferred to the base to recruit more forces for the CIA.

On my arrival, Yi Sun assigned me to be a Spang Kranhang village chief as the letter dictated. However, I was not involved in treason with him. I did revolutionary work with him as normal.

When I was a chief, I recruited two persons, Nhoem, a former tapper for Chamka Andoung rubber Plantation Company. He lived in Spang Kranhang, Chamka Leu and Aoeun, a former worker for Boeng Ket rubber Plantation Company who lived in Spang Kranhang village.

My main focus was to create a free regime where everyone could lead private lives. We all worked to sabotage the revolution. It was necessary to talk with people several times before they agreed. I reported to Doeun at Kampong Thom battlefield. Doeun instructed me to continue to observe them. When I came back, I met Lin at Vihear Thom to ask how his work to build the forces was progressing. And then, I told him to build more forces because there would be opportunity to do it. I always called Nhoem and Aoeun to supervise the revolutionary work.

In 1973, Yi Sun was removed from Steung Trang district while Doeun was at the Kampong Thom battlefield. He brought Sat to be a district secretary. He assigned soldiers to hide in the district in order to take action because Sat had been in charge of that district before Kampong Thom was a battlefield. Therefore, I could contact Sat.

After that, Sat moved me to be a Streung Trang agricultural leader, instructing me to pay attention to recruiting forces. He set up a center at Andoung Svay and tried to build more forces there.

When I did agricultural work in Sre Sangke, there were 30 people, both men and women. My work at that time was to recruit members for the CIA as instructed by Sat. The two people I recruited were Rung,

a former famer, who worked as an Andoung village chief. He was later removed and transferred to Steung Trang. I always talked about what it would be like to live in a free nation where people would have a comfortable life. I compared that to life doing revolutionary work in small cooperatives or collective work with no public holidays. It took a long time for me to convince them. In the middle of 1973, I instructed them to destroy crops. In March 1973, I convinced two other people to become CIA. Yas, was sent to be a soldier in Eastern Zone. He later was found guilty of a moral offense and had to go back home. He then worked as a leader of a cooperative growing rice in Sangke, Steung Trang district, Region 42. Than, a former rice farmer, worked as a deputy leader of a mobile unit in Sangke cooperative. Their education focused mainly on what life would be like in a free regime compared to the current revolution. I tasked Yan and Rung with creating a group of youth forces at the base and using them to usurp revolutionary power.

In June 1973, I reported to Sat at Andoung Svay center about these people. Sat suggested that they had to be educated more and enlisted into the CIA later because they were new people and needed to be watched. After that, Sat said he recruited three persons, Thoeun, a former accountant at Boeung Ket rubber Plantation Company, currently a member of committee of Steung Trang district center in Region 42, Soeu currently making fish traps at Khpap Taguon, Steung Trang district, and Phat, currently the secretary of Pheam Kohsna, Stoeng Trang district.

While working with people to build the dam at Sre Sangke, I instructed Yas and Than to bring forces to work in the field. I asked him to bring people to help build the dam only after the rains came. As a result, the forces did not do farming or build the dam in the cooperative. I encouraged young people to get married at the age of 18 and not to join the revolutionary forces. Thoeun, Soeu, Phat and I contacted people as instructed by Sat. We asked them about how to build our numbers and how to communicate with each other. Lin kept convincing other people to join us. Yas and I

asked Sat for permission to allow him to meet us at Kampong Siem district. He agreed. Later, I brought Lin to meet Sat in order to get additional instruction. In August 1973, Sat, Aoeun and I initiated Yas, Yan, Rung and Than into the CIA at my center at Spang Kranhang. In 1974, Sat moved from Steung Trang district to Chamkar Andoung rubber Plantation Company and Chhoeun took responsibility as secretary of Steung Trang district.

Sat told me to contact Chhoeun because the forces were commanded by Chhoeun. He ordered me to report to him from then on. Chhoeun was convinced that we enjoyed freedom in Sangkum Reastr Niyum but that there was only oppression in revolutionary society. Our aim was to cripple the future of the revolution. In February 1974, Chhoeun moved me from the agricultural sector to be the secretary of Sangkat Kpap Taguon. In March 1974, Chhoeun came to talk with me about a plan to organize gorillas to attack the rear and the front lines of the revolutionary forces. From these discussions, we began to put together young people at the base who could be inspired by our teaching.

Youth forces at the base were put into a platoon in April 1974. This group was not official. They were educated to be forces against the revolution at Chhoeun's place. Chhoeun and I recruited three people, Rin, Hai, and Thoeun (now all dead), to command people in Chhoeun's center. Those 3 people had to take people to fight at the front even before they had guns. Chhoeun told Beng to give everyone guns. Rin, Hai, and Thoeun were encouraging revolutionary soldiers to desert.

Later, the soldiers fled to the rear one after another. I gathered 25 people to be educated. Rin, Hai, and Thoeun were in charge and sent to the jungle. Later Chhoeun and I assigned Hai, Thoeun and Rin to bring forces to fight at Bek Anloun. At that time, they shot two guards dead and assigned others to ambush bicycles and motorbikes at the Bit Thnou intersection. The revolutionary committees and messengers travelled that way very often. Later, I went with Hai, Rin and Thoeun to bring forces to ambush the center in Sangkat Ou Mlou. After being attacked, the military in

Region 42 began to fight back. The action was quiet until July 1974. I brought forces to attack the center in Sangkat Ou Mlou, arrested the Sangkat chief named Mit and killed him later. Only Phal was left among the revolutionary forces; he admitted that he was a village chief in Chheu Teu district, SteungTrang district in Region 42.

As to my work in Sangkat Kpap Taguon, I recruited Ren, a former 7th grader, then a trade chief in Kpap Taguon cooperative, Stoeng Trang district and Nun, a former farmer, then a Kpap Taguon cooperative leader in Steung Trang district, in Region 42. I gave them a lot of attention, made them my close friends, and educated them for six months before they were convinced. I did not report that to Chheun until late 1974. He authorized me to initiate them into the CIA and assign them the same tasks.

Chheun told me to scout out any business people and those whose thinking was such that they could be convinced to join us. Later, a fighter in the forest named Chheng left the forest and reported to the village chief. The village chief reported that to the military in sector 42 and the sector military surrounded and shot them. I saw this happen and reported to Chheun. No response was taken regarding that situation because we needed to take action in the cooperative. It was decided to create a cooperative of 15 families. That in fact included the whole village. All people and animals were gathered along the river bank. This cooperative was actually a mutual aid group created to combat the party line. After the instruction, I implemented the plan in the village without proper management. That led to chaos in the cooperative. In August 1974, Chheun decided that, if the cooperative was chaotic, we had to disband it and get people to live as they ordinarily would.

After the instruction, I eliminated Boeng village cooperative but did not forsake other tasks. I reported to Chhoeun that I destroyed the whole village. And Chhoeun replied that we had acted against the party line in disbanding a revolutionary cooperative. After that, I instructed Nun to plant slow-growing rice plants on high ground. This caused damage to twenty

hectares of rice fields. I instructed Ren to retrieve and store some materials, ten looms of clothes and ten bags of salt, which were damaged by rain. I instructed him not to deliver that stuff to the people.

In early 1975, Chhoeun was transferred to center 130 in the north zone and Aoeun was enlisted as secretary of Region 42, taking control of the Stoeng Trang district. At that time, Chhoeun told me that he had lost contact with Aoeun. Tieng had to contact Dul, a member of SteungTrang district, then the Sangkat secretary. Our forces continued to grow even though district leadership changed.

In March 1975, Aoeun moved me to be in charge of Sangkat Arak Thnaot in Steung Trang district. I went to ask him about how to build forces in Dul's center and whether or not I should continue to build forces because I was removed from Kpap Taguon to Sangkat Arak Thnaot. Dul told me to continue to build forces but be cautious not to be suspected. After that, Dul introduced several people who had recently joined our forces such as Ly, a cooperative leader of Sre Veal in Stoeng Trang district, Sreang, a committee member in Sangkat Sre Veal, and Sim, a deputy committee member in Sangkat Sre Veal.

Actions after the liberation in 1975

As soon as the country was liberated, Dul told me that previously, he was given tasks to build forces by Tol and that he was in charge of us. At that time, Dul brought Sim and me to Tol in Thnal Baek, Chamkar Leu district. Dul introduced me and Sim to Tol. Tol told us that the revolution had liberated the country but that our forces had taken control of all ministries. So, we had to urgently and immediately begin building our forces to combat the revolution because it eliminated our traditions and freedoms. In May 1975, Dul and I talked about creating a plan to build forces. After the discussion, I called Thean, Rung, Yan, Ren, Aoeun, Thoeun and Phat to a meeting at the old agricultural center. Our subject was what Tol had said previously.

In August 1975, Dul, Sreang, Ly, Sim and I went to meet Tol at the same place. The purpose was

to report on the preparation of our forces. Tol said to keep working and keep all of our work secret. Before long, I was transferred to be trade leader in sector 42 to report directly to Tol. I transferred all base forces to Dul to control. Because I was in the trade center, Tol assigned me to build forces there and among the people living nearby. In the trade center, Chhun, a former cooperative leader in the old regime, worked as a deputy in Region 42. I asked Tol about them. Tol replied, "I have talked with them but you have to educate them more."

Not until early 1976 did I convince those two and the former student Yun who prepared trade lists in Region 42. Not until April 1976 did Tol decide to initiate the three into the CIA. In July 1976, Tol transferred me to be the secretary of Chamkar Leu district, and I transferred our trade forces to Yet to control. Tol told me to contact Chheav, the secretary of Tang Kaok district and to build forces at the Chamkar Leu base because that district did not have many of our forces yet. I went to Chamkar Leu district as instructed by Tol. I went to talk with Sangkat Ta Brok and Chamkar Andoung because they were Tol's relatives and the majority of the people were workers at the rubber Plantation Company in Sangkat. I recruited several more people, Heang, a former teacher, working as a cooperative leader of Chamkar Leu district and Van, a former worker of rubber Plantation Company in Chamkar Andoung, working as a cooperative leader of Doun Bus, and Man, a former teacher, working as a cooperative leader of Chamkar Andoung village. In addition, I recruited Siem, a former worker at the rubber Plantation Company. He worked as a cooperative leader of Braes Meas.

Because each of these people had salaries and positions, I could use their status to influence people. In the old regime, we could do as we wanted. Under the revolutionary regime we did not even have clothes to wear. After that, I reported these things to Tol. He encouraged me to urgently began building our forces in Ta Brok.

In September 1976, I instructed Heang to

destroy the rice plants, to motivate people to transplant the rice with its roots sticking up in the air, to leave the rice plants to grow dark green, to plow unevenly, and to mix long-term rice with short-term rice.

In December 1976, Tol called a meeting at 7 O'clock at night. The people who attended were Preap, Chheav and Dul. Tol told us that our plan was to execute a coup d'etat to topple the communist party on February 6, 1977, and CIA agents would then take the power. The assignments to bring about the military coup were as follow:

1. Tol was to be responsible for the politics,
2. Dul was to be responsible for arresting those refusing to disarm themselves,
3. I was to be responsible for encouraging people not to panic during the coup, and
- 4- Preap and Chheav were to be responsible for contacting Sreng from Kampong Cham province. Our forces were instructed to arrest revolutionary cadres who would not follow us. They were to be killed the way Pak was. If they admitted that they were neutral forces, we were to kept them.

In early January 1977, I asked Tol to send Van, Man, Heang and Siem to be inducted as CIA. Since 1977, Angkar had 174 military actions in the central zone. I saw Tol again, and he told me our plan to stage the coup was stopped because the revolution had so much military activity going on. We had to look at the situation ahead, but we continued our efforts. Tol instructed me to contact Man, a former 3rd grader, currently a secretary of Svay Teap commune. I assigned Man to educate and classify our soldiers into groups and divisions to get ready for the event.

I instructed Man at Sangkat Svay Teap to call all the male soldiers to a meeting. The soldiers were not living in their own villages because they were so far away. The subject of the meeting was to order the soldiers to:

- ◆ Infiltrate the cooperatives but be careful not to allow Angkar to know that there were soldiers in the villages.
- ◆ Endure the hardships now so that everyone

could have a good life later.

All of us had positions and salaries which we had to give up for the cause. Everybody went back to where they were staying but Chheng, a former 1st lieutenant in the air force. He stayed at Kaykar village. Man and I assigned Chheng, a leader of the division, and Nguon Sreng, a deputy of the division, to command the soldiers and instruct them to organize into groups and divisions to get ready for the coup. In the meantime, Man and I instructed Guon Sreng and Chheng to assign Captain KlaKrahoem, aka Mean, to put together a group of 10 gorillas to steal cows. The gorillas stole five cows in Bos Khnaor and four cows in Chhy Yao village.

In February and March, Angkar arrested Tol and several other people. At that time, I was so worried. In August 1977, the zone committee assigned me to be an undersecretary in Region 42 and the secretary of Chamkar Leu district. I thought the party might not know about my political thinking and associations and assign me work somewhere.

I instructed Heang, Man, Van and Siem to destroy the wet paddy, to use long-term rice plant to grow on high ground, short-term rice plant to grow on low-lying land, and to destroy the rice-field dike to retard the growth of rice plant. As a result, after the instruction, Heang used long-term rice plant to grow on the high ground while Man, Van and Siem destroyed 15 hectares of wet paddy by using short-term rice plant to grow.

After that, I called Man, Siem and Heang to a meeting at Van's house at 8 O'clock in the morning and told them to do the following:

- ◆ Destroy rice yield by encouraging people to grow rice with its root sticking up in the air, let the rice plant grow green and drain off the water in the rice fields.

- ◆ Encourage people not to work hard. If they were sick, there would be no medicine for them.

- ◆ The plan for sabotaging the construction of the canal was as follows:

- 1- Encourage people who were digging the canal to pretend to be sick,

- 2- Use any excuse to stop people from digging the canal, and

- 3- Encourage the youth to demand to get married and visit their homes.

In August 1977, I met Dul at Sangkat Sre Veal center. I talked about Angkar's arresting the traitors in Region 42. During our discussion, I decided to assemble forces to combat the revolution but realized that it all had to be done quietly. When I came back, I began assembling those forces.

On October 1, 1977, Angkar began arresting people.

On the last 4 pages of this testimony was a brief confession of Nuon Roeun, alias Tieng, captured by Pon on January 15, 1978. Pon submitted the testimony about the treasonous acts of Roeun to Angkar, recommending that Angkar examine it.

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

LOST RELATIVES

My name is Elfa Wong, from Hong Kong. My mom came to Hong Kong from Cambodia in the 1970s, before the massacre. But somehow, her parents, sisters, and brothers were lost during the tragedies because they did not get out from the country. My mother went back to Cambodia in 1998, trying to find her family, posting in newspapers, but nothing was found. I would like to get any more information about my mother's family during that period. My mom's relatives who remains in Cambodia after she left: 1. Guok Mou Heng/ Guo Wu Han, 2. Guok Mou Qeng/ Guo Wu Qing, 3. Guok Mou Hein/ Guo Wu Xian, 4. Guok Ka Gim/ Guo Qiao Jin and 5. Guok Ka Eg/ Gui Qiao Yu.

If anyone have information about the above names, please contact me at: elfa226@gmail.com. Thank you.

IT WAS NOT A FORCE EVACUATION: NUON CHEA

Speech of Nuon Chea on October 31, 2013 at Extraordinary Chambers in the Courts of Cambodia

My respect to the venerable monks who are present here today and those at the pagodas.

My respect to my beloved compatriots.

Honorable Court,

Up until now the Chamber has already spent more two than two years in order to determine my destiny for actions that took place in Democratic Kampuchea from 17 April 1975 to 6 January 1979. This is the period which I spent most of my entire life carrying out my duties to serve my country and my beloved people. Despite some of my indirect participation in this trial due to my poor health, I have paid close attention to the presentation of evidence by both the National and International Co-Prosecutors and the examination of all witnesses before this Chamber from the holding cell under this main courtroom.

Through this trial, it is clearly indicated that I was not engaged in any commission of the crimes as alleged by the Co-Prosecutors. In short, I am innocent in relation to those allegations.

Honorable Court, when I make such a claim, probably some people who do not clearly understand the law or those who are partial are mocking at me. However, that is okay for me. In a very short moment,

when I make my submission to the Chamber, they will know that everything I say is true. In the spirit of the law, this Court is created with the aim and responsibility to find the truth and justice for me and for all victims by relying on concrete, legal and credible evidence. In contrast, up until now, the Co-Prosecutors have failed to present sufficient evidence in order to satisfy, satisfy the elements of crimes that I stand accused of.

Some of my rights are not properly guaranteed in this Court; namely my right to a speedy trial, a right to legal defense, a right to a fair trial, and other rights guaranteed under national and international laws. Moreover, many doubts regarding the evidence have not been clearly clarified before the Chamber, including, *inter alia*, the original documents and testimonies of important witnesses who can support my defense.

As Your Honors have known, regarding this point, my lawyers have already confirmed it to the Chamber clearly with proper legal foundation. However, I would like to add some other important points so that Your Honors can understand more clearly about my innocence and integrity concerning the above allegations. I make this claim based on three main points: one, absence of power to control and to prevent.

Honorable Court and my beloved compatriots, on 9 July 2013, I told the Chamber once already that I did not have any authority or connection with the commission of the crimes during the Democratic Kampuchea (DK) period. And once again, I would like to reiterate that during the Democratic Kampuchea period I had only three main roles; namely, as a Deputy Secretary of the Communist Party of Kampuchea (PRK). In this position, I was in charge of dissemination



The accused Nuon Chea sitting in the courtroom in October during the closing statement of Case 002/01. (Photo: ECCC)

and educational propaganda about policy to CPK members.

Regarding the content of dissemination, I never educated CPK members to exercise arbitrary authority or to behave badly towards the people. Instead, I educated them to love, respect, and serve the people and the country. I never educated or instructed them to mistreat or kill people, to deprive them of food, or to commit any genocide.

I always taught and educated CPK members and soldiers the main principles of the CPK in order to make them do their work and serve the people properly. Specifically, I educated them the principles stipulated in Article 2 of the CPK's Statute so that they could understand clearly their responsibility as the CPK members for their participation in social activities.

Article 2 of the CPK Statute states as follows: "Every Party member has the following duties:" 1) Duties amongst the popular masses: A. Propagandize and educate the popular masses on Party politics, ideology, and organization, and mingle closely with

the popular masses, the workers and peasants in the unions, cooperatives, and the Revolutionary Army. Must be highly responsible to the popular masses, serve the popular masses with all their heart and unconditionally, be polite to the popular masses, and learn from the popular masses." "B. Agitate and constantly educate the popular masses movement, especially the worker peasant popular masses in the unions, cooperatives, and the Revolutionary Army in connection with the task of national defence and building Democratic Kampuchea in the direction of socialist revolution and building socialism." 2) Internal duties: "Always and absolutely preserve, strengthen and expand internal solidarity within the Party."

Your Honors, based on these principles, it clearly states that the Party had the purpose to equip its members with high responsibility to stay closely with the people, be kind to the people, take care of the people, and learn from the people. Especially, the Party encouraged the Revolutionary Army of Kampuchea and people to be patriotic and protect the motherland.



Nuon Chea (left) leading the meeting session or educating senior leaders of the Khmer Rouge. In the first row from left to right was Economics Minister Vorn Vet, Southwest Zone secretary Ta Mok and Central Zone secretary Ke Pauk (far right). Second row from left is Khieu Samphan. In the Central row, Ieng Sary is sitting next to Son Sen. (Photo: DC-Cam)

Moreover, I always educated Party members to refrain from exercising arbitrary authority, from womanizing, drinking, corruption, and gambling, etc. Especially, the Party educated its members to have solidarity within the Party and amongst the popular masses.

What I have raised about is an example of my work that I did in my capacity as Deputy Secretary of the CPK during the DK period. In short, what I educated and taught all CPK members and the army is the building of knowledge for them to be patriotic, protect the nation, love the people, and have good internal solidarity for the purpose of protecting and building a country for it to develop and prosper, to have real independence, and to absolutely prevent any country, big or small, near or far, from invading and colonizing Cambodia.

Smashing of invading enemy is the responsibility of the Revolutionary Army of Kampuchea for the protection of its motherland. For the same token, security-strengthening and internal political stability must be implemented properly so that the Revolution can develop and prosper. Based on general viewpoint, this rule is not different from any rule implemented by country leaders around the world who have to bear such responsibility in order to maintain security and protect their countries. Countries all around the world always legislate law to serve politics and control the countries. If anyone violates the law, that person will be punished in accordance with the law of that country.

My second role as the Vice President of the Communication Committee with Vietnamese Workers Party: Relationship with Vietnam and its people had long been established. The relationship was further expanded upon the inception and movement of the CPK through the organization of Communication Committee with Vietnam. The committee was established at all levels from the Central to Zone.

At the Central level, Pol Pot was the President and I was Vice President of that committee. However, because Pol Pot had many tasks to fulfill, I was appointed by the CPK Standing Committee as Vice President to be in charge of this affair on his behalf. That was the occasion that I had an opportunity to hold

meetings with the Communist Party of Vietnam very often. From the time I was in charge of that affair, I learned of the Vietnamese trickery and many secrets toward Cambodia.

I recalled that when I joined the Communist Party of Kampuchea Movement in 1950, Vietnamese army, that is, Viet Cong had had its presence already throughout Cambodia. They had their elements infiltrated in the CPK Movement, both in the Revolutionary Army of Kampuchea, amongst civilian leaders, and within the population of Cambodia.

I also recall that when the CPK was initially created it neither had its office nor headquarters; it was under the complete control and leadership of the Vietnamese Communist Party.

However, in early 1964, Pol Pot liberated the CPK from the Vietnamese control. Pol Pot and a number of the CPK's Central Committee members created its headquarters called Office 100. Later on, that office was relocated to Ratanakiri province and at that time the office was not completely independent yet. Vietnamese military base, located in Zone 5 in Vietnam, employed all kinds of tactics and strategies to control the CPK politically, economically, and militarily.

In the year of 1960, North Vietnam used Cambodia as their military base to fight the South Vietnam—that is, the Thieu-Ky. At the same time, the CPK Movement expanded dramatically after the coup d'état against Prince Norodom Sihanouk on 18 March 1970, which was led by the United States and traitorous Lon Nol, Sirik Matak, and Son Ngoc Thanh. At that time, the People's Revolutionary Army of Kampuchea was created and expanded quickly.

Also, by that time, Vietnam recruited some 3,000 Cambodian people to receive training and education on technical skills, politics, and psychology in North Vietnam. When they returned in mid-1973, they were appointed to work in the Party line and within the People's Revolutionary Army.

In short, Vietnam tried to employ all kinds of trickery to control the CPK militarily, politically, economically, and financially. Nevertheless, CPK

leaders envisaged that what Vietnam had done toward Cambodia was not consistent with the CPK policy.

In early 1973, with the efforts to liberate the CPK led by Pol Pot, who was then the CPK Secretary, and as the war in South Vietnam intensified, Vietnamese Army decided to loosen its grip on armed force and authority in Cambodia and refocus its effort to fight with the South Vietnam. That was an opportunity for the CPK and the army to gain independence and strengthen its force.

The CPK, under Pol Pot's leadership, implemented its principles of independence, self-mastery, self-reliance, and deciding its own nation and own destiny.

On 17 April 1975, People's Revolutionary Army of Kampuchea gained victory over Lon Nol regime, and two weeks later South Vietnam was also liberated. The People's Revolutionary Army of Kampuchea liberated Phnom Penh by itself and they achieved this great victory, and the Party gained full independence in managing the country.

However, even though the Communist Party

of Vietnam announced in 1973 that Vietnamese army had withdrawn and had no direct control over the CPK Movement, in reality, the Vietnamese armed force and many Vietnamese secret agents had long infiltrated in the CPK and People's Revolutionary Army of Kampuchea in all places around the country. Those people did not return to Vietnam. They carried out their tasks covertly and overtly with Vietnamese ethnic minorities and some Cambodian people.

At that time, we failed to realize the depth of Vietnamese trickery; however, later on, we clearly understood their trickery through the following four evidentiary points:

1.) Reports that Cambodian people were deprived of food and forced to work hard at local bases;

2.) Cambodian people were killed; Lower level cadres did not report the said situation to upper echelon;

4.) Some soldiers had friction and defected to Vietnam, especially at East Zone.

The aforementioned points demonstrated that



Nuon Chea (with pants rolled up) visiting the countryside during Democratic Kampuchea regime. During the trip, he was escorted by several soldiers (Photo: DC-Cam)

Vietnam had their agents infiltrated in the Party rank and the army in order to destroy Revolution, kill Cambodian people, and annexed Cambodian territory, which had been a long-term ambition of Vietnam. Actually, on 7 January 1979, Vietnam invaded Cambodia

were the exclusive responsibility of Son Sen, who was the Minister of Ministry of National Defense of the Democratic Kampuchea regime. That was the time my position in the Communication Committee with Vietnamese Workers Party completely ceased.



A site of People's Representative Assembly where Nuon Chea was a president during Democratic Kampuchea. In August 1979, following the Khmer Rouge regime collapsed, the site was used as a People's Revolutionary Tribunal where Pol Pot and Ieng Sary were sentenced to life in prison in absentia. Currently, this 1960s-built hall is called Chaktomuk Conference Hall. (Photo: DC-Cam)

when they had destroyed the revolutionary foundation at almost all the local bases by starving and arbitrarily killing the people and creating mistrust within the CPK. Vietnam had exercised its control over Cambodia from 1979 to 1991 and ceased its control only when Cambodia had Paris Peace Accord on 23 October 1991.

Acts of depriving food from the people and the killing of Cambodian people were contradictory to the reason and policy of the CPK, and based on this ground, I can conclude that those acts were really the acts committed by Vietnam.

The CPK and I were very painful when we learned that we, the CPK, were deceived by Vietnam that led to the deaths of our own people and the destruction of our country. However, it seemed a little too late to recover from the situation.

When Vietnam invaded Cambodia, diplomatic relation between both countries was severed. National defense and military commands to engage in battle

laws in this short time. In addition, considering the situation Cambodia was in at the time, legislation was not a main priority.

In line with the Communism doctrine, leadership of Democratic Kampuchea as well as that of other Communist countries was one that the Party leads and the state governs. In this sense, the Party provides principles in its leading, while the state refers to the government or the executive branch which has the authority and power to govern the entire country. Indeed, only the government has complete authority in issuing orders or instructions or in implementing actions in governing the country.

In that regime, despite the clear distinction in the separation of power into three branches; namely, the executive, legislative, and judiciary, as stipulated in the DK's Constitution, it was merely symbolic in reality. The legislative and judicial branches did not fully function, and in fact, only the executive branch was fully functional with Pol Pot appointed as Prime

Three, my role as President of the People's Representative Assembly.

Honorable Court, after the liberation on 17 April 1975, I was appointed as President of People's Representative Assembly. Legally speaking, my position was to be in charge of legislation. At that time, the war in Cambodia had just ended and the war with Vietnam continued. We did not have sufficient time to legislate many

Minister.

Hence, Pol Pot had overall executive power in leading and controlling the Party line and the government as he was both the Party Secretary and Prime Minister. In this position, no one could replace him. Based on this, it shows clearly that I had no effective power in governing and implementing the tasks of the executive branch.

Concerning other allegations for my other positions, I would like to clarify that beside the above positions I had never had any other position. I was dumbfounded when the Co Prosecutors alleged that I used to be an acting prime minister, member of Central Committee on Military Affairs, and linked to S-21 management. That statement is, intentionally or otherwise, is completely untrue and not backed up by any key evidence.

Pol Pot had his deputy prime ministers; namely, Ieng Sary, Son Sen and Vorn Vet. Therefore, there was no reason for Pol Pot to appoint me as acting prime minister in addition to his existing deputies; and indeed, he could not appoint me as an acting prime minister when he was absent from the country, simply because I did not have any position in the executive branch. If he did so, it would be against the Party's policy.

Concerning the allegation that I was member of the Central Committee for Military Affairs and linked to the S-21 management, it is also not true. Indeed, I never dealt with those affairs.

Son Sen personally supervised those affairs. I never met, never supervised, or ordered Duch to mistreat or kill anyone. Everyone should be aware that soldiers or security personnel would never listen to anyone besides their own commanders. Therefore, there is no reason that Duch should listen to me. Frankly speaking, I heard the name of Duch only after 1979. Duch's statement that I supervised S 21 was intentional as he wanted to evade his responsibility for what happened at S 21 and he wanted me to serve a life sentence like him, because Son Sen died and he was convicted for life.

A person who is under such circumstance

never speaks the truth, as he is full of anger and feels hopeless in life, and that is the real reason for him to implicate me. In short, my Defense have asserted to Your Honors that I did not engage in any of those tasks and there is no evidence to prove that I did it.

And based on that, it proves that I did not have any effective power or position to have a direct control over the forces or local authority. Therefore, is there any reason for me to order, instigate, or prevent perpetrators from committing the crimes in that period? And I submit that Your Honors kindly consider this. I would like to categorically declare that the purpose of my participation in the DK regime was to liberate the country from colonization and to defend Cambodian territory from invasion by neighboring countries whose ambition had for long been to swallow Cambodia. I love my people. I did not have any reason or intention to mistreat or to kill my people or to commit genocide against my own nation.

Lack of evidence in the allegations. And I'd like to touch up on the killing of Lon Nol soldiers at Tuol Po Chrey.

I would like to sincerely clarify that I am not aware of any killing of former Lon Nol soldiers at Tuol Po Chrey in Pursat province. After the liberation on 17 April 1975, as far as I know, the CPK never established any policy to authorize its own force to kill former Lon Nol soldiers, or any person for that matter. The CPK's policy for prisoners of war was to forgive and pardon. Those soldiers were forcibly drafted into the army to fight and die on their behalf and they were indeed the children of the people who were living in the CPK liberated zones.

In principle, to make a revolution means to gather forces. If those people were killed, as alleged by the Co Prosecutors, it was against the CPK policy, and as a result, it would compel the parents and relatives to take side with the enemy, thus strengthening it, or they would turn against the CPK. If it was true that those Lon Nol soldiers were killed it would have been the decision of the lower cadres who committed the wrongdoings at their own discretion or out of one's

revenge that occurred during the war.

Related to this point, some witnesses testified before the Chamber that Khmer Rouge soldiers gathered those Lon Nol soldiers for a meeting which took place at the Pursat Provincial Town Hall one week after the liberation on 17 April 1975. Those witnesses gave inconsistent statements during trial and, in some instances, contradicting own statements that was made before the Investigating Judges. For instance, Lim Sat made a statement before the Investigating Judges that about 3,000 former Lon Nol soldiers attended the meeting at Pursat Provincial Town Hall, and later they were taken and executed. Those soldiers were transported by 20 to 30 trucks.

Each was loaded with approximately 30 soldiers. At trial, Lim Sat testifies that there were approximately 2,000 Lon Nol soldiers who attended the meeting at Pursat and they were transported by 10 to 15 trucks. Another witness, Ung Chhat, testifies that there were 200 soldiers, and later changed his mind and said that there were only between 100 to 150 soldiers.

One witness of Thet Sambath's video entitled, "One Day at Tuol Po Chrey," said there were around 10,000 Lon Nol soldiers who were taken and killed at Tuol Po Chrey. Furthermore, some witnesses said that they secretly entered the area and saw dead bodies scattered all over the place and they were without any military uniform or backpack. Others claimed that there were many backpacks.

I ask Your Honors to be with me for a moment and consider this question together: Is there any reason for those people to risk their lives and enter the area amidst such a dangerous situation just to see those corpses? If there was such killing, and I submit, it would be a dangerous place that no ordinary person dared to go near.

When Your Honors heard those testimonies you must ask yourself this question: Are they credible and reliable? And the simple answer is, their testimonies cannot be relied upon or used because they are full of doubts and filled with lies.

And I'd like to submit the following question:

As I was one of the leaders, do you think we have time to deal with such a matter? We had overall and pressing task to resolve in Phnom Penh, especially during the first few months. The important task was to resolve peoples' livelihood and defend the country from any attempts to control Cambodia by Communist Party of Vietnam and opposing parties. Furthermore, I'd like to respond to the allegation made by the Co Prosecutors that the CPK exercised its revolutionary violence even before 1975. This claim shows that they simply looked at events unfolded in Cambodia from just one corner. They pretend not to know, see, or hear anything from another angle. In legal jargon, this would mean victor's justice.

Let me remind you that before I made my decision to join the armed struggle for the cause of liberating the country, many CPK members and civilians were secretly executed, arrested, tortured, and disappeared every day. Every Cambodian still can remember these events.

This kind of violence existed in every Cambodian regime and victims in those events were all farmers and innocent people. And I'd like to begin that with the French colonialism: France colonized Cambodia for almost a century. The regime authority used violence to make arrests and killed unarmed peasants at Kraeng Leav village in Kampong Chhnang province. Those peasants could not afford to pay tax and had to force themselves to protest for and demand justice. In the end, the peasants were the losers, and as a result, their village name was changed to "Village of Bestiality" or Phum Direchan in Khmer. Is this not violence?

In the Sangkum Reastr Niyum, the powerful bulldozed houses and paddy fields belonging to peasants at Andaeuk Haeb in Samlaut, Battambang province, they grabbed the land of the people who had lived there for many generations. When they protested to protect their property, soldiers indiscriminately opened fire at those unarmed people, regardless whether they were men, women, young or old. Worse than that, the authorities tried to arrest and kill more people.

They were so scared and as a result they fled into the forest. In turn, the authorities accused those

people, who were the original landowners, of being Khmer Rouge. Is this not the creation of violence and cause of people's suffering?

In the Lon Nol regime, which was supported by the United States, Lon Nol soldiers sexually raped women, robbed people of their properties, and killed people everywhere. They beheaded people and had their heads displayed on fence posts. They committed this act merely upon their suspicion that those people opposed their regime and they were implicated as members of the Khmer Rouge Revolution. In addition, Lon Nol soldiers' systematically raped women, plundered their properties, and forcibly evacuated them from their homes.

Vietnamese minorities were massacred everywhere in Cambodia. Furthermore, the United States dropped several tons of its bombs on the people's villages, homes, rice fields, and pagodas. As a result, many tens of thousands of civilian people, including children, the elderly, pregnant women, and the disabled were killed. Is this not a crime against humanity or genocide?

In 1979, Vietnam invaded and occupied Cambodia and in the following years they deployed their artillery to shell refugee camps situated along Cambodia-Thai border, causing homes to be burned, properties destroyed, and losses of many lives, including the lives of children, women, the elderly, and the disabled. In addition, they initiated a plan known as K-5 to force civilian people to enter the forest for the purpose of transporting ammunitions and digging trenches for soldiers to defend the power that they earned from their invasion of Cambodia. Many hundreds of thousands of people died as a result. Is this not a plan to kill people?

In 1997, two political factions fought each other in the middle of Phnom Penh to challenge for power. The fighting destroyed and burned many houses and properties and killed many innocent people. A number of FUNCINPEC prisoners of war were killed after they had surrendered. As an example, Ho Sok, a senior FUNCINPEC leader, was killed within the compound of the Ministry of Interior where he was arrested as hostage. Is this not a violence or crime?

For all the events that I raised above, are they not violence or crime against humanity? All of this can be used as evidence to compare with the situation under the CPK. If the CPK is alleged of resorting to the use of violence before 1975, why do the Co Prosecutors fail to provide just a small glimpse into the reality in regards to the events occurred, as the other side committed toward the Cambodian people? I can see that the Co Prosecutors made an effort to highlight the act of killing each other during the war, and tried to link it to the killing that was immediately taking place after the end of the war. They attempt to show to Your Honors that the CPK made such a systematic plan.

This linkage is unfair. If the killing during a war is treated as a systematic plan, why the Co-Prosecutors failed to prosecute the other party to the war? In fact, the CPK made plan to engage in a war to liberate the country from destruction. Combat strategy was used to defeat the enemy, and I submit that this is not an illegal act. People in many countries around the world fight their respective government for what they believe is a proper cause and demand for changes, especially for right to decide own destiny and own nation.

Allow me to give Your Honors some examples: Those countries include Sri Lanka, Syria, Libya, Vietnam, and Iraq. All of these countries used to have civil war. During such war, factional groups designed plans to destroy their enemy. If Your Honors consider that combative planning for a war designed by a victorious party is a criminal intent, as alleged by the Co-Prosecutors, leaders of those countries, whether they are government leaders or opposition group leaders, must be prosecuted, especially the United States, Vietnam and other Cambodian leaders. They should not bring to trial only the body of the crocodile and allow its head or tail to evade the net of the law. This is so unfair for me.

I would like Your Honors to clearly distinguish a plan to liberate the country and a plan to kill people after the war. These two points are totally different from each other. Strategic combat planning of destroying the enemy ended when the war itself ended. However,

the intention to kill people is a new phase by the authority when they're in charge of governing the country. Moreover, I recall that this Chamber limits the scope of this trial to hear only the facts that occurred between 17 April 1975 and 6 January 1979.

Though I do not know much about the law, I understand that what the Co-Prosecutors allege, concerning my activities before 17 April 1975, is wrong and bears no legal value. In short, what the Co-Prosecutors raised regarding revolutionary violence before 1975 and relied upon it as a legal basis to satisfy the elements of crime with their intention to prosecute me is simply incorrect. I submit that Your Honors reject this allegation. On the matter of evacuation, As I have testified before the Chamber during the last couple of years, after the liberation on 17 April 1975, all city dwellers were indeed evacuated out of the cities. However, it was not a forced evacuation.

There were two main reasons that leaders decided to rely upon in so doing. First, it was the fear of American bombardment on the cities after the Lon Nol government was defeated. And this was one reason that the leadership and Cambodian people believed, they believed that the United States would renew its bombardment in many cities, and especially in Phnom Penh. They believed that because the United States had previously dropped several tons of bombs in Cambodia. The second reason was that war had been waged in Cambodia for over five years. Through this experience of war, Cambodia faced many challenges, including food shortage. And food shortage was a main problem that needed to be resolved urgently, as it was related to the life of people. At that time, Cambodia did not receive any foreign aid or assistance. Facing such pressing circumstance, the CPK leadership devised a plan to evacuate people to regions and provinces where they were rich in economic resources husk and unhusked rice that could feed the evacuated people. In turn, they would be required to join in the production activity for self-sufficiency and country reconstruction.

In relation to evacuating people from Phnom Penh City, the Standing Committee instructed the

Central Committee to convene a meeting to prepare for evacuation. All members of the Central Committee attended that meeting, and I recall that the Northwest Zone agreed to receive 1.5 million evacuees. The East, the Southwest, and the Central Zones agreed to take the rest of the evacuees. For the planned implementation, each zone has the autonomy to coordinate amongst themselves to facilitate the evacuation. They had to provide instructions to cooperatives to assist the evacuees from Phnom Penh without any discrimination against them.

With the two reasons, the evacuation proceeded on a voluntary basis without coercion, violence, or any killing. It was implemented via clear information being explained to the people to understand the risk of being bombarded by the United States on cities and the need to resolve the living condition of the people, and self-construction of the country.

At that time, people understood the dangerous situation and the pressing need for the country; especially people supported and loved the Revolution. Gradually, people left the cities in accordance with the explanation and appeal by the CPK. Regarding this point, I would like to respond to the Co-Prosecutors' argument. They allege that the CPK surrounded Phnom Penh City, and that led to food shortage. They also allege that shelling Lon Nol's military bases in the city was an inhumane act. However, the Co-Prosecutors failed to mention that Lon Nol soldiers, equipped with artillery provided by the United States, emptied many millions of shells, and together with more than half a million tons of bombs dropped by the United States, they devastated the country, as houses, properties, animals, and farms were destroyed. Especially, tens of thousands of people were killed, including the elderly, children, and women. Isn't this an inhumane act or a crime? The bombs that the United States dropped on Cambodia were three times more than those dropped on Japan during the Second World War.

The CPK also considered Phnom Penh city dwellers my apologies, the CPK did not regard the city dwellers as enemies, contrary to the allegation made by the Prosecution. On the other hand, those Phnom

Penh city dwellers were mostly workers, peasants, petite-bourgeoisie and intellectuals whom the CPK needed-and needed to gather their forces and strength in order to build the Revolution.

I also would like to respond to the Co-Prosecutors' allegation that the CPK was a slave state. It is simply not true. I would like to inform my compatriots that CPK did not struggle to liberate the country for the purpose of transforming its people into slavery, as alleged. On the contrary, the CPK liberated the people from slavery.

We all should have known that, before the liberation on 17th of April 1975, the majority of the peasants were poor, could not support themselves on a daily basis, and faced a grave difficulty in their living condition. The Lon Nol authority at the time failed to provide a proper public service and social welfare to the poor people. Corruption was ripe, and injustice rooted deeply in Cambodian society. This resulted in people becoming poorer and poorer. Poor people needed to borrow money from the rich in order to support their living, for medical treatment, and to pay tax.

That was the time the rich exploited the situation. They persecuted the poor. They demanded interest as they pleased, and monthly interest could skyrocket as much as 50 percent of the capital. As a result of this excessive interest rate, people could no longer afford to pay their debt, and creditors confiscated farms, rice paddy, and houses. And when they no longer had any farm, rice paddy, or house, they were forced to work as slaves in order to pay debt that was never ended. In many instances, they were forced to sell their children to work for others and became their slaves merely in exchange for food.

This exploitation and the poorness of these people was one of the many causes that the CPK determined to resolve by liberating the nation and people from slavery, from human exploitation and invasion by other countries, by building a country where people could live equally and own the country with independence, self-mastery, self-reliance, and decide own destiny and nation.

The CPK did not design any policy or plan to have its people placed in slavery by food deprivation, forced labor, or killing. On the contrary, in mid-1976, the Standing Committee prepared and adopted the four-year planning to build Socialism in all fields.

The CPK line and policy was to promote the livelihood of the people. This plan set forth a food regime for people-that is, each person would receive certain tons or 300 kilograms of rice per year. So, people would have enough food, and they could have three to four meals per day, with two courses of soup and a fried dish. In addition, additional food and dessert would be provided every three days in 1977, and every two days in 1978, and every day from 1979 onwards.

As for work hours, people would be allowed to work eight hours per day and would be entitled to three days off per month. Pregnant women would be allowed a two-month maternity leave after delivery. Sick people could rest depending on actual conditions.

In addition, we prepared to increase machinery to reduce physical workload of the people. This shows that the CPK stance was not to force people to work hard.

I recall that, one day, I travelled to Siem Reap province via Kampong Thom at night. I saw people walk to the rice fields, and I asked local cadres about this. And I was told that people had high commitment to work extra hours. Only after 1979 did I learn that local cadres lied to me.

Concerning health care, the CPK prepared a four-year planning for medicine with a total amount of 35,270,000 dollars. The four-year expenditure for clothing was 66,270,000 dollars. For housing, hygiene, and culture, the four-year expenditure was 80,230,000 dollars.

The CPK clearly and specifically set out these plans for zones and autonomous sectors to implement it. The CPK did not design any plan or policy to kill people. On the contrary, it had planned to increase population, and not to reduce it. However, it is so regretful that zones and autonomous sectors did not implement the Standing Committee's decision.

Up to now, I can conclude and respond to questions put forth by 15 the Court, and especially by the public, that the strategic events that happened during the DPK period were caused by the following reasons:

1) The CPK made incorrect decisions to recruit some cadres, as they betrayed they did not grasp well the Party line and some leaders occupied themselves with works in Phnom Penh and failed to visit cooperatives regularly.

2) Some zone and autonomous sector leaders and cadres were Vietnamese and American infiltrated agents who betrayed the Revolution. They carried out activities to destroy the CPK movement, the people, and the country of Cambodia. They did not follow the CPK policy and instructions. Instead, they killed and mistreated people by starving them and arbitrarily engaging them in forced labor. They concealed these facts and fabricated reports to the Party Central Committee. They resorted to all kinds of methods to make people upset with, and turn against the Revolution. This weakened the Revolution to make it vulnerable to enemies' invasion under the pretext to liberate the people, thus legitimize its invasion. As a matter of fact, the East Zone leaders deprived people of food and secretly exported rice to Vietnam. They were the ones who seemed to burn the outer skin crisp, while leaving the inside raw. They excessively implemented the CPK policy. The phrase "they left the inside raw" infers that they did not engage in anything at all but let their lower cadres do whatever they pleased.

3) A large number of cadres at zone, autonomous sector, district, and cooperative level failed to sufficiently grasp the CPK line, planning, and policy. They failed to report the situation concerning hardship and shortage faced by the people. Instead they fortified their reports to the Party Centre by boasting about their achievement and success in leading their respective base, and to achieve what they fabricated in the reports they resorted to forcing people to overwork, reducing their food ration, and killing them arbitrarily.

In summary, the CPK has clear reasons for the evacuation of people. The evacuation was to ensure

their safety and to liberate them from slavery and injustice. It was never meant to place them in slavery.

On the issue of fair trial, Your Honors, it is my observation throughout these proceedings that some of my fundamental rights have been violated. I am asking the Court to find justice for me, and if the Chamber is upset because of my criticism, then the injustice indeed falls upon me. However, if I don't raise the issue of my rights being violated, the chance to find justice for me is even slimmer as those rights are fundamental to seeking my justice.

Concerning this point, I have carefully followed and observed the Court's proceedings and I submit that my many rights have been violated, namely:

1) Inequality of arms in collecting evidence. Throughout the proceedings my counsels were not allowed to conduct any investigation for the purpose of collecting evidence for my defense. However, the Co-Prosecutors had ample opportunity to conduct their own investigation since the beginning. My counsels were not allowed to seek for other witnesses except those whose names are on the Co-Investigating Judges' list. This apparently tied my counsel's arms and restricted them from gathering evidence for my defense while the other side was afforded full opportunity to attack me freely. This has severely affected my defense team and my legitimate interest.

2) Failure to summons important witnesses. My defense counsels repeatedly requested the Chamber to summons some important witnesses to testify before this Chamber; namely, character witnesses and Tuol Po Chrey witnesses. However, the Chamber denied such requests. Such decisions have seriously impacted the process of ascertaining the truth in this case.

3) Bias in examination of witnesses before the Chamber. The examination of witnesses is an important process in ascertaining the truth and clarifying some uncertainties regarding some witnesses. Your Honors are to rely upon these testimonies when you make your just decision. In this Chamber, I can see that Your Honors have failed to consider this issue properly.

During the Prosecution's examination of witnesses,

Your Honors always afforded them the opportunity with minimal interruption, despite objections raised by the Defense. The defense lawyers, however, were not that lucky, as they were not allowed such opportunity. They were interrupted most of the time by the objections from the Prosecution and Your Honors always agreed with the prosecutor's objections. And sometimes when the defense lawyers raised their objections, instead of being sustained, they were overruled and they received warnings from the President of the Chamber. As we could see the unequal treatment, Khieu Samphan and I decided to no longer testify before the Chamber anymore because we thought that, to Your Honors, our testimonies mean nothing, as you are clearly biased and the proceedings that have been conducted in this Chamber are just for the sake of completing the procedure or making it look good in the eye of the public.

In conclusion, based on the three grounds that I have stated above, it clearly shows that I did not carry out any plan to commit the crimes. I did not provide any support or encourage anyone to commit the crimes. Despite the fact that I had a role as Deputy Secretary of the CPK and President of the People's Representative Assembly, I did not have any knowledge of the crimes committed at base level. Only toward the end of the DK period had I learned the traitorous acts committed by leaders at some zones, sectors, and bases. They had the intention to destroy the CPK movement, and at that time, I did not have any effective authority to prevent those traitorous acts, nor had I any role in controlling the armed forces or local authorities. If I had any authority to lead or commit the alleged crimes during the DK period, surely the Court that was established in 1979 by the People's Republic of Cambodia would have prosecuted and convicted me, like Pol Pot and Ieng Sary.

Evidence of those crimes at the time was still fresh and apparently, there is no need to wait for 38 years to try me. However, they knew that I had no authority and did not commit any crime. Nonetheless, I would like to express my deepest remorse and moral responsibility to all victims and Cambodian people who

suffered during the Democratic Kampuchea Regime. As a matter of historical fact, the CPK's policy, line, and plan were solely designed for one purpose and one purpose only—that is, to liberate the country and people from colonization, imperialism, exploitation, extreme poverty, interfering and invasion by neighboring countries, especially by Vietnam. The CPK's policy was clear and specific. It wanted to create an equal society where people are the masters of their country for the purpose of independence, self-mastery, self-reliance, and deciding its own destiny and nation. The CPK movement was not designed for killing people or destroying the country.

My concerns, my hope and wishes were destroyed by those who betrayed the movement. My people suffered and killed. My nation fell apart. Although the tragedy in the DK period was the result of the acts committed by those traitors in the name of Deputy Secretary of the Party that had the responsibility to disseminate and propagandize education about the CPK policy, I would like to sincerely apologize to the public, to the victims, their families, and all Cambodian people; and I still stand by my previously stated position that I am morally responsible for the loose and untidy control by the CPK.

I wish to show my respect and pray for the lost souls that occurred by any means during the Democratic Kampuchea period. In short, through this trial, I can see that justice is circumstantial. However, reality remains unchanged forever. A black cloud can't ever cover the entire sunlight. Likewise, bad and immoral people cannot tell lies and hide the reality from the eye of the people and the popular masses forever. They cannot hide the reality and courageous struggle by the Cambodian people and the support afforded to them by the people in the world who loved peace and justice.

Therefore, Your Honors, based on the evidence and reasons I have stated above, and especially the closing statements made by my defense team, I respectfully submit to Your Honors to acquit me from all the charges and, accordingly, release me.

I'm grateful, Your Honors.

KHIEU SAMPHAN MAKES A STATEMENT

The Accused Made a Speech During the Closing Statements on October 31, 2013



My utmost respect to venerable Buddhist monks in various monasteries and pagodas across Cambodia.

My respect to my fellow national compatriots. My respect to the civil parties.

My respect to Mr. President and Your Honors.

My respect to counsels and everyone in the courtroom.

My respect to the Co Prosecutors.

Over the last couple of days, I have listened attentively and heard it clear and loud the interventions by all parties, particularly the interventions of those who have criticized me for not speaking enough in my current case. Ironically, at the same time, those same individuals have maneuvered and manipulated my little speeches as the basis for their allegation against me. Therefore, although I try to explain in good faith, refuting the various charges brought against me, you will continue to criticize me, and if I choose to remain silent, you still accuse me.

I would like to make it clear that I never wanted or decided to evacuate the people, and neither did I plan or decide the massacre of innocent people. My political conviction and conscience at that time, given the reality on the ground, whatever I did was to protect the weak, was to uphold the respect for their fundamental rights,

and to build a Cambodia that was strong, independent, and peaceful.

Indeed, widespread social injustice made me disheartened and became discontented with the regime, but I was not so discontented that I sought tit for tat or revenge. My underlying intention and wisdom was to bring about independence, peace, and prosperity to Cambodia. I only wanted people to live with dignity.

However, when I heard the charges brought against me, and how these charges were constructed here, and in addition, when I witnessed that those who will sit to decide on my case have refused to take into consideration the real situation on the ground at that time, but instead form a preconception that I was a monster, I have lost desire to say anything further.

Indeed, during the Lon Nol era following the coup d'état, I wanted the Khmer Rouge and Samdech Sihanouk alliance to win the war against Lon Nol, and I did rally them at the time. And indeed, following the resignation of Samdech Sihanouk from the head of state in 1976, I had the full confidence that we would help each other to rebuild the country to be a prosperous one. Everyone who is here today, you seem to have believed that I was guilty, because all of you believe that I should have foreseen what would happen following

the 17 of April 1975, and that I should have recused or deserted the Khmer Rouge. The fact that I remained with them amounts to the allegation that I was a culprit and deserved conviction, even though I have explained the truth to the best of my knowledge.

To them, I should have remained indifferent and let Lon Nol regime pursue their course of action. To them, I should not have taken any action to respond to Lon Nol; and to them, following the victory over war against Lon Nol and America, I must have known that my political conviction and wisdom would not be implemented, but instead it would be reversed completely under the absolute control of the power of the Khmer Rouge who enforced their various measures strictly.

I would like to reiterate that I did not witness the things that could have happened days following the victory, and neither did I have any power to intervene, or sanction, or rectify anything. Some even said that I was a coward. The reality was that I did not have any power and I did not care about it either. This could have been probably my mistake because subsequently, I remained close with those powerful individuals, but I was powerless, but all of you believe that I had effective power at that time. That is why today I was brought and put on trial today.

Today, it is easy to say that I should have known everything, I should have understood everything, and thus, I could have intervened or rectified the situation at the time. Do you think that I did not try my best to understand the situation? Do you really think that that was what I wanted to happen to my people?

When I was a youth, I tried my best in order to change a regime full of injustices, and later I had to escape for my life from persecution. I would have been killed if I had not fled into the jungle. Subsequently, upon learning that there was a group of people who were better equipped to fulfill this noble task, in the interest of Cambodian people and nation, I wanted this group of people to succeed in their endeavors. I then provided them with my little support I could.

At the time, I had the faith and confidence in their revolutionary plan. I was convinced that it would

bring about a betterment for Cambodia and Cambodia would last. Although our poor unfortunate nation had suffered from destructive war, our country was destroyed so badly that widespread famine was looming.

Completely contrary to what had been raised before this Chamber, never had I participated in the plan that later led to the suffering of the people. I was never, at any one time, a part of this plan never. As I have tried to explain to the civil parties who testified and stated their suffering before this Chamber thus far, that I never thought that such a thing would happen to my people. This is the only one thing that I would like to reiterate today because it is the truth, but nobody wants to listen to me.

Given this indifference, regardless of my attempt to explain the truth, and given the state of conditions of the current proceedings before this Chamber, I have a strong feeling that no matter how hard I try to explain, they will only turn their deaf ears at me. They will still not pay attention to what I have to say. Instead, I feel that the more I speak, the more vengeance they have against me. Therefore, I think that I don't have to be silly trying to explain those who never want to listen to me.

I, myself, have a deep regret-regret, rather, that I had all the faith and confidence in this tribunal from its early day, the confidence that this Court would secure me an opportunity to explain. But unfortunately, to date, it is clear that everyone wants only one thing from me—that is, my admission of guilt according to the charges brought against me, the charges concerning the acts that I have never, ever committed at all. Because I did not know what happened subsequently following the victory, I had no reason to admit the guilt despite mounting pressure on me. I am of the view that if I remain silent I can maintain my honor and dignity and I will leave it entirely to you wise Judges to adjudicate on my case.

My defense counsels and their team, their dedicated team, have defended me vigorously and with conviction for which I am most grateful, regardless of the result. I firmly hope that whatever it is, you wise Judges will find justice. Thank you.

TO MANY, THE FRONT BRINGS THEM THE RIGHTS TO LIVE

Socheat Nhean

Thirty-five years ago, on December 2, 1978, the Kampuchea United Front for National Salvation (KUFNS) or simply known as the Front, was born in the red-soil town at Snuol, Kratie province, about 25 kilometers from the Vietnamese border. The Front, which consisted of Cambodian and Vietnamese troops, was considered as the birth of the army that shortly after ended the Khmer Rouge regime. The date of the Front's formation was claimed as an historic event by current Cambodian government. Today, a memorial to commemorate and honor the event and the site known as “2 December Souvenir Memorial” was inaugurated and was presided over by one of the Front's founding members Heng Samrin who was shortly named president of the People's Republic of Kampuchea (1979-1989).

The memorial cost three millions and eight hundred thousand dollars.

Three weeks after the Front was formed, it launched a massive attack from all fronts into Cambodian territory on December 25, 1978 and successfully captured the capital city of Phnom Penh on January 7, 1979, toppling the Khmer Rouge regime.

Thirty-five years later, controversy surrounding the establishment of the Front and the events that follows still remains. Some blames the Front for allowing foreign troops (Vietnamese) to enter Cambodia and occupied the country for another ten years until 1989. Some saw the Front as saviors for toppling the Khmer Rouge regime in which many survivors of the Khmer Rouge regime reflected upon. To many, the site of the memorial honors

and remembers the beginning stages in which the rights to freedom and the rights to life was enjoyed again because it marks the location where the Front toppled the Khmer Rouge regime that most Cambodians detested.

Thirty five years ago, not many people were aware of it, including the Khmer Rouge cadres. Some former Khmer



“2 December Souvenir Memorial” on the inauguration day on December 2, 2013. (Photo: Lim Cheavutha)

Rouge local leaders near to Snuol town had no knowledge about the formation of the Front. For instance, Long Many, former Khmer Rouge soldier in Division 703, whose troops invaded Vietnamese provinces in 1977 and 1978, did not know of the formation of the Front until the Vietnamese troops marched into Cambodia in late December 1978. Em Sarin, who was a former committee member of Kratie region during the last day of the Khmer Rouge regime, was the same. Sarin said that he was not aware of the formation of the Front in the town of Snuol and what he knew was only the advancement of the Vietnamese troops into Cambodia and that he ordered local people and Khmer Rouge soldiers to retreat, crossed the Mekong River and then head to Dangrek Mountain, where he served in the Khmer Rouge guerrillas for the next fifteen years. Cheang Bory was a chief of the women's mobile unit of Northeast Zone in early December 1978. She led a team of hundreds of women working in the fields before she was informed that the Vietnamese troops approaching the country. Prum Yim was living in Preah Vihear province, about 200 kilometers from the town of Snuol. Yim also did not know what happened in Snuol on December 2, 1978 until the Vietnamese was coming. In summary, what they knew was that the Vietnamese soldiers encroached on the border and attacked the Khmer Rouge soldiers that forced them to retreat and flee for their life.

Ordinary people, who were not members of the Khmer Rouge, were too far removed from anything to know when and why the Front was formed but all remember “7 January,” the day that the Khmer Rouge regime collapsed. What they remembered was that the Vietnamese and the Front soldiers came to save them and considered them as their saviors. Although some ordinary people did not know about the formation of the Front, they later learned about it after troops came to fight the Khmer Rouge and realized that the Front brought them hope. Cambodians who suffered from the Khmer Rouge atrocity for more than three years applauded since they were granted with the rights to live and the rights to freedom and Cambodians began

to enjoy basic rights and freedoms and regained their status as humans.

Because of the atrocity committed under the Khmer Rouge regime, many Cambodians applauded the arrival of “7 January,” in which spared the lives of the Khmer Rouge regime survivors and gave them a chance to live again. While most Cambodians in the country applauded the collapse of the Khmer Rouge regime, some did not welcome the Front's presence and instead accused the Vietnamese troops of invading the country. Given the complexity of the ideological clash and the geopolitical issue of the time, the United Nations, the US, and the ASEAN states did not recognize the Vietnamese-backed People's Republic of Kampuchea and instead supported the Khmer Rouge guerrillas. It was a conflict of choosing between the “lesser of two evils.”

Those who lived through the Khmer Rouge regime acknowledged the Front's victory that allows them to regain their rights to live. The rights to live are the most important rights of all. Only when one has this right could she/he obtain other rights afterward. Many Cambodians said that if the Front came later they would have been killed or their names would already be on the black list to be killed. Unfortunately, several people were unfortunate and could not enjoy these rights during the few hours before the Front troops arrived. One of the cases was at S-21 security office where fourteen prisoners were killed just hours before the Khmer Rouge security guards left the site.

Now, the memorial is standing. Although the meaning and date of the formation of the Front remains controversial, it continues to be remembered as the site where freedom and rights to live was reborn in Cambodia. Any historical event always has controversy and people always have different views and they are entitled to their opinions. However, everyone has one thing in commons the rights to live, which was enjoyed again by Cambodians on 7 January, 1979.

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

POLITICAL AFFAIRS DEMOCRATIC KAMPUCHEA AND PEOPLE'S REPUBLIC OF CHINA

Ty Lico

Cambodia and China have long historical relations with one another. It was Prince Norodom Sihanouk who on July 19, 1958 began Cambodia's long-standing policy of formal cooperation with China, led at that time by Head of State, Mao Se Tung. Since then, there had been a constant exchange of visitors between the two countries from senior officers to Heads of State. During Democratic Kampuchea (DK), Cambodia, headed by Pol Pot, Prime Minister and Secretary of the Communist Party of Kampuchea (CPK), greatly improved relations with China. In addition to the politics, the relationship included important economic, trade, culture, health administration, and military aspects. It was China that helped to assist Cambodia's military.

Political Relations

1. The Leader of the People's Republic of China Visited Cambodia

Not long after April 17, 1975 when CPK gained full power, the two countries started to implement their vision of cooperation. Wang Tong Xing, Vice-President of the People's Republic of China (PRC), visited Cambodia in November 5-9, 1978. Wang Tong Xing was warmly welcomed upon arrival at Pochentong Airport (known now as Phnom Penh International Airport) by Secretary of the Communist Party of Kampuchea Pol Pot, Chief of State Khieu Samphan, Chairman of National Assembly Nuon Chea, and other cadres wearing white shirts waving bunches of colored



Chinese delegation led by Wang Tong Xing (left) visited Cambodia in November 1978, a month before the Khmer Rouge regime collapsed. During the visit, high-ranking Khmer Rouge cadres greeted Wang Tong Xing at the airport. It was reported that Pol Pot requested urgent military assistance from China as border clash between Cambodia and Vietnam was deteriorating; however, China rejected. (Photo: DC-Cam)

flowers and banners reading “Victory! Friendship between Cambodia and China! Solidarity! One great force!” Then, the Chinese delegate accompanied by Pol Pot, Khieu Samphan and Nuon Chea motored to a hotel near the Mekong River. Approximately, one thousand youths waved flowers along the way as a sign of welcome.

When dinner was served, Wang Tong Xing complimented the Communist Party of Kampuchea by saying, “China and their people strongly support Cambodia in defending her own territory in an effort to be independent and controlling her entire country. Cambodia and their armies are daring and brave.” Pol Pot then spoke, “The people of Cambodia and China agree upon the goal of harmony and peace, not between the two countries but all Asian countries as well as the globe. In the future, Cambodia will try on their best to strengthen the ties between the two countries.”

Wang Tong Xing visited Cambodia during a time of high conflict between DK and Vietnam. A month after this visit, on December 1978, Vietnamese troops attacked the eastern border of Cambodia. The

leader of the CPK had arranged the visit to show off China's support to Cambodia. At that time, Ieng Sary, Deputy Prime Minister and Minister of Foreign Affairs during DK, escorted Wang Tong Xing to various locations in Cambodia to demonstrate the depth of the conflict between DK and Vietnam.

From December 3-16, 1977, Chen Yong Kuy, a member of Communist Party and Deputy Prime Minister of China was invited by CPK for a formal visit to Cambodia. At that time, Pol Pot escorted him on a visit to the east side of Cambodia where he was greeted by thousands of workers, farmers and Khmer Rouge Revolutionary soldiers. During their discussion, Pol Pot emphasized the friendly relationship among the armies of the two countries. Also, Pol Pot reminded him the first visit of Chou En Lay to Cambodia in 1956. Chen Yong Guy spoke to Khmer Revolutionary soldiers. He said, “with China's assistance, Cambodia has gained victory. Two years after liberation, Cambodia has made great strides. We must learn from and follow the example of Cambodia and the CPK.”

Additionally, Teng Kient Chao, Vice-President



Khmer Rouge leaders Ieng Sary (front wearing cap) and Vorn Vet (left) escorting Chinese advisors to inspect railroad construction in the Southwest Zone during Democratic Kampuchea. (Photo: DC-Cam)

of National Assembly of China, gave honor to visit Cambodia on January 18, 1978. Pol Pot and Nuon Chea welcomed her and the other delegates. Pol Pot gave speech in the meeting, “We are really delighted by your presence here. It is very encouraging to us. Frankly speaking, you and I have been friends for ages since we fully cooperated together during my visit to China. You are not only a special envoy for the Communist Party of China but also one of Cambodia's best friends. Prime Minister Chou En Lay is also Cambodia's faithful friend. Your visit strengthens and deepens the friendship between the two countries.” Nuon Chea spoke as well, “After the liberation, we invited Prime Minister Chou En Lay here to express the close relationship between Cambodia and China. We acknowledge his good deeds and show our respect and gratitude toward him.” Ms. Teng Kient Chav responded, “Prime Minister Chou En Lay was directed by President Mao Se Tung to assist the Cambodian revolution. Good relation between the two countries is essential.” She was escorted during her visiting here by Nuon Chea, Khieu Ponnary and Ieng Thirith.

In early 1976, a Chinese Delegation of Economics and Commerce visited Cambodia. Again on December 24, 1977, a Chinese Delegation of Economics Commerce led by Fang Yi visited Cambodia. He, representing the Chinese government, signed an agreement on economic cooperation between DK and China. In addition, the delegation brought gifts of funds and agricultural commodities.

On December 10, 1976, Mou King, the Chief Delegate and Sub-Chief of Newspapers called “Xinhua” and Lou De Youn, Deputy Director-General of Central Party Film visited Cambodia. Khieu Samphan, Nuon Chea, and Ieng Sary took turns in escorting the delegates on visits and to meetings. Hou Nim, Minister of Ministry of Information told the Chinese delegate in the meeting that the Chinese under the direction of Huo Gou Veng effectively eliminated a group of four members who were against the revolution. During the visiting, the Chinese delegate seemed to feel comfortable and pleased to visit each place. He was

greeted by many people.

The visits of these distinguished delegates were always carefully planned. In international relations, gracious hospitality was the first step showing friendly relations. If the reception was too simple with no senior officers to welcome guests, the impression given that the relationship was not very important.

2. Cambodian leaders visited China

Because China supported the Khmer Rouge struggle, the leaders of the movement often visited China. In April 1974, Khieu Samphan and Ieng Sary were assigned as the representatives of a Royal United National Front of Kampuchea to visit China. On April 2, Prince Norodom Sihanouk, Khieu Samphan, and Ieng Sary met with Mao Se Tung on general affairs after the Planned Liberation. The Chinese government welcomed the Khmer Rouge leaders as warmly as they welcomed Prince Norodom Sihanouk when he visited in 1965.

Pol Pot visited China on August 21, 1975. It was the first time that a senior Khmer Rouge cadre visited abroad after the ruling the country. This time, Pol Pot had conferences with Mao Se Tung. Pol Pot said, “Today, we are so delighted to meet a great man, Mao Se Tung.” Mao Se Tung, supporting the Khmer Rouge Movement, said, “We firmly agree with what you have done. Your comrades' experience is more successful than ours. It is China that has taken a wrong way again and again. Some mistakes are made in the entire country. All you did is right.” However, Mao Se Tung reminded the Khmer Rouge leader not to copy China exactly. Pol Pot responded, “From now on, we will follow your advice. I have known about you and your achievements since I was young such as your strategic war plans and your publication about the Communist Party of Kampuchea.” Apart from this, Pol Pot and Mao Se Tung discussed on strategies to implement after the liberation. After the discussion ended, Mao Se Tung handed thirty books written by Karl Marx, Engels, Lenin and Starlin and said, “These books written by Scholars contain greater ideas than I do.” Pol Pot was delighted to receive them. During visiting to China, DK delegates visited

Prime Minister Chou En Lay twice in the hospital.

On September 28, 1977, Pol Pot got a special invitation from the Chinese government to visit China again for six days. Upon arrival at the Beijing International Airport, he was greeted by President Huo Gau Veng, Vice-President, Deng Xiaoping, Ly Se Nien (Vice-President) and thousands of people waving bunches of colorful flowers. Some groups danced while some were singing to cheer the DK delegates visiting China.

Pol Pot rode with Huo Gau Veng from Beijing International Airport and across Tiananmen Square to the royal palace. There, a lot of people stood to welcome the delegates. During the meeting, President Huo Gau Veng said, "Following the correct line of CPK, Cambodia and their revolutionary soldiers were courageous in battle and used good strategies to destroy the party in power, Lon Nol's comrades, and to evict the imperialists from Cambodia. Cambodia is now independent, led by non-capitalists and free from imperialist control. Cambodia's revolution is not only a catalyst to a new era but also a powerful influence on all people of the world, who are oppressed by imperialists. There is no doubt that Cambodia's revolution was successful because it was based on Lenin's theories and concrete strategies. Also, it is clear that such an achievement can be happened no matter how small or big a country. Success depends upon the desire of the people for freedom and strong armies. The great man Mao Se Tung and Prime Minister Chou En Lay used to think highly of the CPK and value friendship between China and Cambodia when they were alive. We strongly believe that your visit will deepen the relationship among parties, and the two countries will keep moving forward through this cooperation."

Pol Pot agreed with Mao Se Tung's ideas about Revolution and Communist Theory. He acknowledged Mao's theory by expressing, "the steps of all our achievement were guided by Mao Se Tung following his fellows: Karl Marx, Engels, Lenin, and Stalin. We implemented Mao's theory from the start until success on April 17, 1975 when we defeated the imperialists and liberated Cambodia. We and our people spiritually

trust Mao Se Tung's theories."

In the early part of April, 1978, Son Sen, DK Minister of Defense visited the People's Republic of China to strengthen the political relationship and to ask for military support against Vietnam.

3. Ideology Relation and Support

Relationship Between The Two Communists

There are three principle reasons supporting good relations between Cambodia and China. One, both countries followed communism. Pol Pot was obsessed with Marx, Lenin, Stalin, and especially by Mao's theories. Two, it was a primary effort of Prince Norodom Sihanouk. Third, the two countries have the same enemies: the Soviet Union and Vietnam.

Military support from PRC to DK

Having got liberation from Khmer Republic, DK still needed a hand from China because of internal conflicts between China and Vietnam near the border. Khmer Rouge leaders realized that neither their troops nor weapons could stand up to Vietnam. However, they often sent their troops to attack Vietnam at the Cambodia-Vietnam border since China always stood behind them. After liberation, China sent army experts to research in Cambodia and military experts to train Khmer Rouge militaries. In 1976, the two countries signed agreements on military support without repayment. Pursuant to these agreements, China offered infantrymen, navies and air-forces to the Khmer Rouge. China provided Cambodia with radio broadcasting equipment, radio communications equipment, and air force equipment. Early in 1977, China also gave DK 1,400,000,000 Yuan, 30 tanks, and 10 armored cars. In 1978, it was Beijing that sent two helicopters, which could carry 800 tons and 4 battleships in addition to 200 tanks, 300 armored cars, 30,000 tons of ammunition, six air forces and two bombers. China built a new railway to link Phnom Penh to Kampong Som and a new airport in Kampong Chhnang. This was not an exhaustive list of all that China had given to Cambodia.

Ty Lico is a PhD candidate of Political Science at Renmin University, China.



Members of Royal Government of National Union of Kampuchea visiting China in 1974 or early 1975: (1) Phlok Saphann, (2) Mok Sovong, (3) Chan Saroth, (4) Laurence Picq, (5) Sopha Nita, (6) Lay Nary, (7) Ton Chot Sirin, (8) Duong Sam Ol, (9) Duong Sam Ol's wife, (10) Keat Bopha (11), Keat Rasmey, (12) Chhon, (13) Ban Yan, (14) Ban Yan's wife, (15) Roeung Mach, (16) Pen Saphorn, (17) Pumika, (18) Seng Ly and Xie. (Photo: DC-Cam)

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:

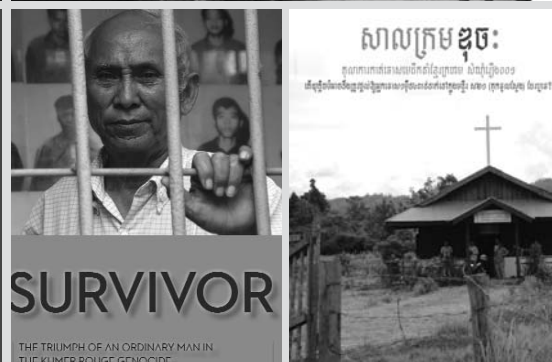
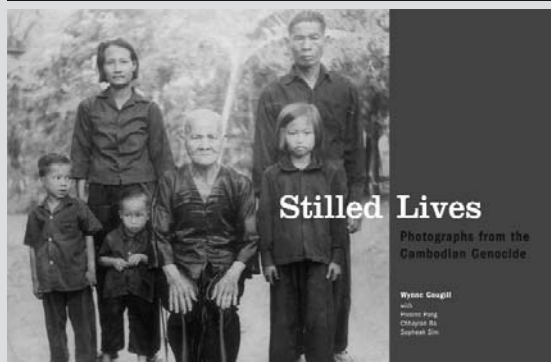
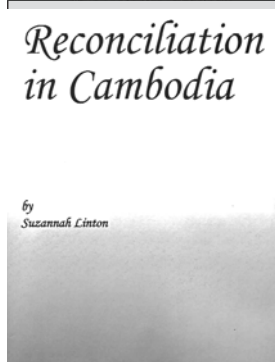
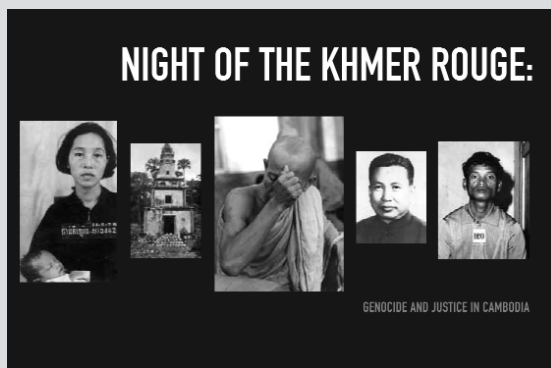
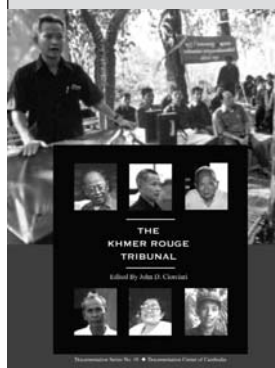
1. Library: Through our library, the public can read documents, books and magazine, listen to tapes, watch documentary films, and view photographs held at DC-Cam, the Tuol Sleng Genocide Museum, National Archives and other locations.

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 or at 023 211 875. Thank you.



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.

VOICES OF GENOCIDE

EPISODES OF THE RADIO PROGRAM ON FAMINE UNDER THE KHMER ROUGE

Randle C. DeFalco with Pechet Men and Dalin Lorn

Episode 7: Justice and Modern Famine: Beyond Cambodia

This is the 7th 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 how understandings of famine have changed recently and how famines are now understood as complex results of mostly human and political factors and note only the result of decreases in food production. In doing so, other modern famines in places such as North Korea, Ethiopia and Darfur are introduced and how they have been treated under international criminal law so far is explained.

Famine in the 20th Century

For many centuries, famine was understood as being the result of a natural disaster or other factor affecting the total amount of food produced within a country or area afflicted by famine. These understandings



Children and youth working in the field during Democratic Kampuchea. (Photo: DC-Cam)

viewed famine as a largely unavoidable risk associated with human civilization. This understanding of famine is often referred to as “Malthusian,” after scholar Robert Malthus who wrote some influential analyses of famine in the late 1700s. Under this conception of famine, because famine is understood as resulting simply from a country having too many people or producing insufficient total amounts of food, famine prevention efforts typically focused on increasing food production capabilities and other technological challenges, such as improving transportation and storage capacities for food. This understanding of famine dominated the field of famine studies until relatively recently in the late 20th century, when a new set of scholars, such as Amartya Sen, began to question its applicability.

The main reason that old understandings of famine began were questioned is that these old views of famine did not appear to accurately reflect the realities of famine in the 20th century. Under a Malthusian understanding, the main challenge to ending famine was to solve the technological challenges of producing and transporting sufficient food to support the population of each country. Early in the 1900s however, a series of rapid technological advances solved the majority of the most serious challenges believed to be standing in the way of the global eradication of famine. For example, new fertilizers, machines, refrigeration and transportation techniques allowed food to be grown in larger quantities and moved to areas in need much more easily without the food going bad in the process. Despite these technological improvements, famine persisted throughout the 20th century and indeed, grew worse than ever before in many areas, and more than 70 million victims died in twentieth century famines alone.

In the second half of the 20th century, some scholars began to investigate the root causes of famine and to challenge some of the assumptions that were part of the Malthusian approach. When some of these scholars examined specific famines in detail, they almost all reached the same conclusion: that changes in total food production within countries and regions affected by famine conditions often are mostly unrelated

to whether a famine takes place. Instead, these scholars began to come to the realization that various political, social and legal factors are far more important to famine prevention. For example, in the 1980s there was a severe famine in Ethiopia, a country in Eastern Africa. During the famine periods of bad weather reduced crop outputs somewhat. However, famine only occurred within Ethiopia and all of the countries surrounding Ethiopia, which all suffered the same bad weather, experienced no severe famine conditions at all. Furthermore, even within Ethiopia, famine conditions were confined to a very specific part of the country, which was known as the home base of an anti-government opposition group known. This pattern of localization of famine began to be identifiable in other modern famines.

This is also true of the Khmer Rouge period famine, as despite the fact that a drought occurred in Southeast Asia in 1977, Thailand, Laos and Vietnam suffered no famine, while the Khmer Rouge famine only continued to grow worse. As a result of these findings, scholars who study famine have begun to emphasize the importance of political, social and legal ways of ending and preventing famine and moving away from the Malthusian emphasis solely on increasing food production.

Famine and International Criminal Law: Limited Progress

This shift in understandings of the dynamics of modern famine also roughly coincided with the beginnings of modern international criminal law marked by the creation of International Military Tribunal (“IMT”) at Nuremberg and continuing more recently with other special tribunals, including the ECCC in Cambodia and the permanent International Criminal Court (ICC) in the Netherlands. Scholars from various disciplines have argued that the use of international criminal law should form part of larger efforts to finally end famine. Some of these scholars have also argued that specific famines have already involved the commission of international crimes, such as the famines in the Ukraine inside the former Soviet

Union in Eastern Europe from 1932-1933, Ethiopia in Africa from 1982-1985, North Korea in Asia from the 1990s to intermittently now, the Darfur region of Sudan in Africa, from approximately 1985 to intermittently now and Somalia, from at least 2011 to intermittently now to name a few common examples. Some scholars have also argued that the Khmer Rouge period famine involved the commission of international crimes.

Despite these academic calls for international prosecutions of individuals who cause famine conditions, as noted in previous episodes, there has been very little actual practice within international criminal law related specifically to famine. Aside from some early prosecutions of Nazi officials for causing famine amongst Jews in Europe and within occupied Polish territory in Eastern Europe during World War II, there has been very little attention paid to famine issues in international criminal prosecutions, which have tended to focus mostly on traditional crimes committed by direct violence, such as mass killings and the use of torture in prison camps for example.

The Famine in Darfur and the Bashir Case at the ICC

Some progress however, does appear to already be underway towards recasting famine as a proper subject of international criminal law. In the example of the Darfur area of Sudan, which is a country in the Eastern part of Africa, the ICC has issued indictments against Sudanese President Omar Al-Bashir and others for various crimes including genocide, war crimes and crimes against humanity, based partially on the terrible living conditions enforced on civilians in the Darfur region. Famine is a major component of these living conditions that has contributed to the spread of disease and increased death rates in Darfur and would likely be explored should the case against Al-Bashir or others ever go to trial. In that case, the prosecution has alleged that genocidal acts were committed against members of the Fur, Masalit and Zaghawa ethnic groups in the Darfur region, including genocide by “deliberately inflicting conditions of life calculated to bring about physical destruction” of the ethnic groups as part of the Sudanese government's military strategy. Indeed specific reference is made in the second arrest warrant for Al-Bashir to acts of poisoning drinking water supplies,



Children and youth returning home from work during Democratic Kampuchea (Photo: DC-Cam)

violent evictions of whole towns and encouraging members of other ethnic groups to settle the land of forcibly evicted people. The prosecution, in its original application to the ICC concerning the situation in Darfur, argued that various acts causing starvation in Darfur were part of an alleged genocidal criminal plan created by President Bashir and others. In particular, prosecution alleged that in the Darfur region, approximately “83,000 [victims] died as a consequence of injury, starvation, lack of water, or conditions in [refugee] camps” between September of 2003 and January of 2005 alone.

The Famine in North Korea and the UN Investigation Meanwhile, concerning the situation in North Korea, which is located above South Korea and between Japan and China, in early 2013 Marzuki Darusman, the United Nations (“UN”) Special Rapporteur on the situation of human rights in North Korea, issued a report to the UN Human Rights Council calling for an investigation into patterns of human rights violations and potential crimes against humanity in North Korea. In the report, Darusman identified nine “inter-linked” patterns of human rights violations in North Korea since 2004 that potentially rise to the level of crimes against humanity, including violation of the right to food, “in particular the effect of State-controlled food distribution policies on the nutritional status and health of the population and the restricted entry of international humanitarian aid to deal with the endemic food crisis.” On 18 March 2013, the UN Human Rights Council voted to establish a one-year commission of inquiry to investigate the violations outlined in Darusman's report. The results of this report will likely be very influential in determining whether criminal prosecutions ever result from North Korea's famine causing policies.

Conclusion

Severe famines, where large numbers of victims die from starvation and famine-related diseases, have finally begun to decrease over the past few decades. Currently, these kinds of severe famines are limited solely to instances of war, general chaos or authoritar-

ian governments. These situations reflect modern understandings of famine that focus on human reasons and not natural decreases in food production, as the key ingredient in causing famine in the first place. While scholarship on the proper role of international criminal law in helping to completely end famine and starvation conditions globally is limited, there has been some movement towards recognizing that modern famines result from potentially criminal acts by powerful individuals in recent years. As mentioned in previous episodes of this program, the Khmer Rouge period famine represents one instance of famine that can be accurately remembered as a “criminal” famine committed against Cambodian civilians by the Khmer Rouge leadership, even if famine-based charges are never pursued at the ECCC. Moving forward into the future, it is possible that current famine situations in places such as Somalia, Darfur and North Korea may end up resulting in criminal prosecutions at some point in the future. Hopefully these legal efforts will contribute to a larger movement towards the long-overdue complete global elimination of starvation in the near future.

Episode 8: The Frank Case and New Information from the ECCC About Rice Distribution

This episode focuses on the prosecution of former member of the German Nazi party, Hans Frank by the International Military Tribunal (IMT) following the end of World War II and explains how that Tribunal dealt with the issue of famine. This episode also provides further information on evidence related to famine in Cambodia under the Khmer Rouge based on the testimony of Ros Suoy at the ECCC in April of 2013.

Famine in Occupied Poland during World War II

Following the end of active fighting during World War II, the victorious Allies (Britain, the United States and Russia), created a Tribunal in Nuremberg, Germany, where former high-level members of the German Nazi party were prosecuted for international crimes. One person prosecuted by the IMT was Hans Frank, who held the positions of Chief Civil Administration Officer and later, Governor General,

of occupied Poland during World War II. This meant that Frank was in charge of overseeing all aspects of the German occupation of Poland during the war. During this occupation, Polish civilians were forced to work long hours to produce goods, including food, to support the German war effort. As part of this war effort, Polish workers were given extremely small amounts of food, as the emphasis was on producing enough food for the German military to keep fighting. After considering Frank's role in overseeing the German administration of occupied Poland, the judges of the IMT found him guilty of various charges, including finding Frank responsible for the crimes against humanity “murder, extermination, enslavement, deportation, and other inhumane acts committed against civilian populations.” These convictions were based mostly on Frank's role in brutalizing Polish civilians in support of the German war effort.

In convicting Frank, the Tribunal's judges noted that in accord with the policy of the German Nazi Party, Frank himself had stated “Poland shall be treated like a colony, the Poles will become the slaves of the Greater German World Empire.” The judges further concluded that “[t]he evidence establishes that this occupation policy was based on the complete destruction of Poland as a national entity, and a ruthless exploitation of its human and economic resources for the German war effort. All opposition was crushed with the utmost harshness.” As for the results of this ruthless exploitation, the Tribunal noted that the extremely difficult working conditions and German expropriation of foodstuffs resulted in mass death amongst Polish civilians through disease and starvation, finding that:

The economic demands made on [occupied Poland] were far in excess of the needs of the army of occupation, and were out of all proportion to the resources of the country. The food raised in Poland was shipped to Germany on such a wide scale that the rations of the population of the occupied territories were reduced to the

starvation level, and epidemics were widespread. Some steps were taken to provide for the feeding of the agricultural workers who were used to raise the crops, but the requirements of the rest of the population were disregarded. It is undoubtedly true, as argued by counsel for the defence, that some suffering in the General Government was inevitable as a result of the ravages of war and the economic confusion resulting there from. But the suffering was increased by a planned policy of economic exploitation.

This use of the civilian population of Poland as a source of indentured labour by Nazi Germany is fundamentally similar to how the Khmer Rouge viewed and used the civilian population of Cambodia as free labour to serve the revolution. In both situations, civilians were only permitted to access enough basic necessities, including food, insofar as it benefitted the government in charge, be it the German Nazi Party or the Khmer Rouge. In both Poland and Cambodia, this economic and social exploitation of the civilian population resulted in terrible living conditions involving famine, disease and starvation and resulting in mass death. Ultimately, the Tribunal judges found that Frank was “a willing and knowing participant in the use of terrorism in Poland; in the economic exploitation of Poland in a way which led to the death by starvation of a large number of people; in the deportation to Germany as slave labourers of over a million Poles; and in a programme involving the murder of at least three million Jews.”

The IMT Judgement against Frank provides an early example of how crimes against humanity can be successfully prosecuted against individuals who participate in enforcing famine conditions on a civilian population, resulting in mass death, inhumane conditions and targeted discrimination. The conviction of Frank for the crime against humanity of extermination also demonstrates how, as a crime of large-scale, yet impersonal killing whereby there is no requirement of a direct

link between the accused and any specific individual victim, extermination accurately reflects how famines can ravage a civilian population indiscriminately. In the context of the Khmer Rouge famine, extermination charges would reflect how the decisions of Khmer Rouge elites in Phnom Penh directly resulted in indiscriminate mass death throughout the Cambodian countryside.

The Tribunal judges also found Frank guilty for various international crimes for having participated in the Final Solution plan of the German Nazi party to kill all of the Jews living in Europe. The judges found that pursuant to the Final Solution plan, Jews in all areas controlled by Germany “were forced into ghettos, subjected to discriminatory laws, deprived of the food necessary to avoid starvation, and finally systematically and brutally exterminated.” This targeted persecution of Jews by the German Nazis is in many respects similar to the manner in which the Khmer Rouge leadership expressed disdain for new people, as new people were also singled out amongst the civilian population and branded as less deserving of access to basic necessities such as food, water, shelter, healthcare and rest.

Recent Evidence About the Exportation of Rice at the ECCC

As mentioned in previous episodes of this program, there is no surviving record which establishes how much rice was produced in Cambodia during the Khmer Rouge period and how much of rice was exported. Although many survivors of the period, including Khmer Rouge cadres, have stated in interviews that they witnessed large quantities of rice being expropriated by the CPK government and apparently prepared for export, it was somewhat unclear how this process was carried out.

Recent testimony of former Khmer Rouge state warehouse official Ros Suoy at the ECCC has shed some light on how rice production and exportation was carried out under the Khmer Rouge. Suoy testified that he worked at two warehouses in and around Phnom Penh between 1975 and 1979 and that he was aware that at least several other similar state warehouses existed in the area at the time. Ros Suoy further testified

that only unmilled rice was consumed within the country and that his warehouse often had to keep “four to five” rice mills operating constantly in order to process sufficient rice to meet the CPK's demands for exports. Meanwhile, Ros Suoy stated that unmilled rice was kept in reserve for export orders and despite the fact that other goods, such as salt and cement, were distributed from the warehouse to locations within Cambodia, rice was never redistributed within the country whatsoever. Suoy's testimony would appear to corroborate statements made by survivors in interviews to Professor Ben Kiernan in which these survivors described witnessing boats being loaded with rice to ship down the rivers to Phnom Penh.

Certain primary CPK documents, such as surviving documents of the Khmer Rouge's “State Commerce Committee,” based in Kampong Som, appear to corroborate Suoy's testimony. Many of these documents accounted for “income” and “expenditure” of rice in reports transmitted to the Party Center. Also, some of these documents were signed by a person named “Roeung”, whom Suoy testified was his superior, suggesting that the CPK operated a system whereby rice would be shipped from all locations in the countryside to state warehouses in Phnom Penh where it was processed, packaged and sent to Kampong Som seaport for export under the supervision of Roeung and the State Commerce Committee.

Thus, while precisely how much rice was exported from Cambodia during the Khmer Rouge period is likely unknowable, there appears to be ample available evidence, in the form of primary CPK documentation, potential witness testimony and circumstantially, proving the basic fact that the CPK government exported large quantities of rice over extended periods of time while in power, even as Cambodian civilians died by the thousands of famine. Furthermore, Suoy's testimony suggests that the Khmer Rouge had a national system in place where unhusked rice would be sent to Phnom Penh for storage and preparation for export and then, when an order came in for rice, it would be transported to Kampong Som for actual

shipment. This story also fits with claims by former Kampong Som dock workers who have stated that they loaded large quantities of rice on ships that looked Chinese during the Khmer Rouge period.

Conclusion

Although in recent international criminal prosecutions famine has not been a major area of focus, it is clear that at least during the beginnings of modern international criminal law at the IMT, judges considered it quite proper to hold Hans Frank responsible for causing famine and other problems with living conditions amongst the civilians in the occupied territories he was put in charge of. As this prosecution took place decades before 1975, it appears that enforcing famine conditions could amount to an international crime in certain circumstances. Indeed, the control exercised by the Nazis over the lives of civilians in occupied Poland is in many ways quite similar to the absolute control the Khmer Rouge had over civilians while they were in power in Cambodia.

Meanwhile, recent ECCC testimony has shed further light on the mystery surrounding the important issue of rice production and exportation from Cambodia while the Khmer Rouge were in power. The testimony of Ros Suoy, if accurate, establishes that the Khmer Rouge regime had a well-organized system in place of collecting, storing, processing and shipping rice overseas.

Episode 9: Looking Forward Beyond International Criminal Law: the Human Right to Adequate Food **What is International Human Rights Law?**

The language of “human rights” is used in many different ways and in many different contexts. For example, when and event occurs that people believe is unjust or unfair, those affected and organizations such as NGOs often claim that the human rights of those affected have been violated. These types of injustices continue to happen regularly throughout the world everyday, including in Cambodia. Other times, the language of human rights is used to promote specific causes, groups of political movements. The many uses of the term “human rights” is reflective of the complex

system of law that makes up international human rights law. Legally speaking, it is generally agreed that is the basic “dignity” of all human beings, to be ethically and fairly treated, along with their basic bodily integrity that human rights law is meant to protect. But determining what specific requirements must be in place to protect the dignity of all human beings is a complicated and difficult process. For some people, access to basic education is a major obstacle standing between them and a more dignified life. For others, it is receiving a sufficiently high wage to provide for themselves and their family. In some cases, people lack access to enough food to eat, which impairs their dignity and harms their physical health. Due to the wide scope of international human rights law, this body of law is made up of many different sources and types of law. Human rights law can be found in international treaties and other documents such as the Universal Declaration of Human Rights. Human rights law can also be found in reports and statements published by the United Nations and other organizations.

The Human Right to Adequate Food

The human right to adequate food is mentioned in the United Nations' Universal Declaration of Human Rights of 1948, which states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food.” This right is laid out in greater detail in the International Covenant on Economic, Social and Cultural Rights (ICESCR) a major human rights document of the United Nations.

The right to adequate food is also supported by language in other important legal instruments, including the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of Discrimination Against Women (CEDAW), and Convention on the Rights of the Child (CRC), and has presumptively attained the status of customary international law.¹ The primary formulation of the human right to adequate food is contained in Article 11 of the ICESCR, which requires countries that are parties to the document to “recognize the right

of everyone to an adequate standard of living for himself and his family, including...adequate food... [and] the fundamental right of everyone to be free from hunger.” Thus, the right to adequate food is actually made up of two distinct rights: the right to generally have access to adequate food in the form of basic food security and also the “fundamental” right to be free from hunger.

According to human rights legal principles, countries wishing to satisfy their obligations under the ICESCR have an immediate duty to ensure that the “fundamental” right of freedom from hunger is immediately realized for its citizens, while also taking action to achieve the long-term objective of overall food security both domestically for its own citizens and to contribute to international efforts to end food shortages globally. The fundamental right to be free from hunger cannot legally be ignored, “even in times of natural or other disasters.”

Guaranteeing the immediate fundamental right to be free from hunger involves more than merely providing the population with the minimum amount of food necessary to survive. Instead, the UN Special Rapporteur on the right to adequate food has stated that the fulfillment of the right:

is about being guaranteed the right to feed oneself, which requires not only that food be available (that the ratio of production to the population be sufficient), but also that it be accessible that each household either have the means to produce its own food or have sufficient purchasing power to buy the food it needs.

The UN Committee on Social and Cultural Rights has also stated that the “core content of the right to adequate food implies” that food be made available in a quantity and quality sufficient to satisfy the dietary needs of individuals; that the food be “acceptable within a given culture” and that ensuring access to sufficient food does not interfere with other human rights.

The human right to adequate food therefore, basically requires that governments take immediate steps

to ensure that its citizens all have access enough food to satisfy their basic food needs, while gradually taking steps to improve food availability both domestically and internationally. Like other human rights requirements, the primary obligations placed on countries by the human right to adequate food are domestic. A country violates the requirements of the right to adequate food under the ICESCR if it “fails to ensure the satisfaction of, at the very least, the minimum level required to be free from hunger.” Furthermore, if a country argues “that resource constraints make it impossible to provide access to food for those who are unable by themselves to secure such access, the State has to demonstrate that every effort has been made to use all the resources at its disposal...[to meet] those minimum obligations.”

The Right to Adequate Food in Cambodia and the Khmer Rouge Legacy

When the broad requirements of the human right to adequate food are considered within the context of the Khmer Rouge period famine in Cambodia, it is clear that the Khmer Rouge government completely failed its obligations to ensure the basic right of its own civilian population to be free from hunger. Although Cambodia did not become a member of the ICESCR until 1992, the basic rights to a minimum standard of living for everyone recognized in the Universal Declaration of Human Rights was clearly flagrantly violated from 1975-1979 by the Khmer Rouge government in many ways, including the creation of widespread famine conditions.

If the Khmer Rouge government had been a member of the ICESCR, which was drafted in 1966, it would have also violated its human rights obligations under that document as well. First, the regime could not argue that the poor food situation it inherited from the Lon Nol regime after the civil war was an excuse for not ensuring that the minimum food needs of the population were met, as even natural disasters do not excuse a country's failure to ensure that the basic food needs of its population are met. Second, the right to adequate food requires that if a country wants to argue that it does not have enough resources to ensure that

every citizen is provided enough food, the country's government must demonstrate that it has used all resources at its disposal to try and feed the population. The Khmer Rouge government, despite suffering from a chronic shortage of resources, could not argue that it had used all the resources at its disposal to feed the population, as the government exported rice throughout its time in power, even as famine spread and mass starvation events began to take place throughout the countryside.

Thus, the Khmer Rouge government clearly failed to meet even its most basic human rights obligations, including its obligation to ensure that the population had access to the minimum resources needed for survival. As argued in previous episodes of this radio program, especially severe violations of the food rights of Cambodian civilians during the Khmer Rouge period appear to have gone beyond human rights violations and amounted to crimes against humanity. Finally, the legacy of the Khmer Rouge period and its famine can still be witnessed in modern Cambodia. Many Cambodians still chronically lack access to sufficient food to keep them and their families healthy. As a result, the right to adequate food remains largely not achieved in Cambodia, despite the fact that the country signed onto the ICESCR over twenty years ago, in 1992. While some steps have been taken, many Cambodians remain chronically food insecure. This lack of security in ensuring that the entire population has access to one of the basic requirements of life sufficient food demonstrates that far-reaching legacy of the Khmer Rouge period and the ongoing challenges that modern Cambodia faces. Through constant effort, gradual reform and the pursuit of transitional justice for past traumas, Cambodia can continue to move towards a more stable and food-secure future, where everyone in the country has enough to eat.

Epospde 10: Hunger, Memory and Justice

This episode serves as a summary of the issues explored thus far in episodes one to nine, offers some concluding thoughts on justice and the Khmer Rouge famine and suggests how the legacy of this

tragedy will continue to affect Cambodian society and politics moving forward into the future.

Famine and Justice in Cambodia: What Have we Learned?

As this radio program nears completion, so too does the historic first trial in Case 002 at the ECCC. The Court's Trial Chamber recently heard closing arguments in that case against the two remaining accused: Nuon Chea and Khieu Samphan. While the first trial in Case 002 focused on alleged crimes related to the evacuation of Phnom Penh and other events early in the Khmer Rouge period, at various times during this trial issues related to famine and starvation, such as food allocation, the exportation of rice and general agricultural and food distribution policies were discussed during the testimony of key witnesses.

Nevertheless, due to the limited scope of the first Case 002 trial, the Trial Chamber will not cover the issues of famine and starvation directly in its ultimate judgment, which is expected to be release in mid-2014. Instead, issues of general living conditions throughout the countryside, including starvation and overwork, will only be fully explored at the ECCC should the Court proceed with additional trials in Case 002. As noted by current ECCC International Co-Prosecutor William Smith, completion of the first Case 002 trial is “just the beginning. The regime got worse and worse. The next trial should get off the ground far more quickly. It's extremely important these charges are heard. Only one third of the story has been told.” Thus, despite the achievement of reaching the end of the first Case 002 trial, it remains unclear whether the Court, and its defendants, will survive to see the completion of further trials.

Nonetheless, the very experience of hearing evidence in open court has helped both Cambodians and the international community to better understand daily life under the Khmer Rouge and how and why the Khmer Rouge leaders led the nation they claimed to be rescuing from corruption and foreign interference down the path to mass suffering and death.

Evidence from the trial, along with other

research on the Khmer Rouge period and surviving documents and oral histories, strongly suggest that the Khmer Rouge leaders wanted to turn Cambodia in a model socialist country at an impossibly fast speed. These leaders also pursued an unrealistically pure form of socialism, in the process banning even the most minor aspects of individuality and property ownership, such as personal gardens, the act of cooking and private family meals, as vestiges of privatism. These leaders appear to have been motivated by a desire to revolutionize Cambodia more purely and rapidly than the two revolutions they measured themselves against: those in China and Vietnam. Moreover, apparently offended by what they perceived to be the attempted domination of local socialist revolutionary movements in Southeast Asia by the Vietnamese-dominated Indochinese Communist Party and the imperialist intentions of the West, the Khmer Rouge leadership decided to close Cambodia's border and practice extreme self-reliance.

The results of this rapid drive for a pure and jealously independent socialist overhaul of Cambodian society was the near-absolute destruction of Cambodian society and the decimation of its civilian population through executions and horrific living conditions, including mass famine and starvation. While it is unlikely that criminal accountability will ever be achieved specifically for the famine enforced on the civilian population by the Khmer Rouge from 1975-1979, this fact does not mean that history should forget this tragedy or label it merely as a non-criminal catastrophe, comparable to an earthquake or flood that causes mass suffering and death. Instead, this program has argued that the Khmer Rouge famine should be remembered and discussed in criminal terms, specifically using the language of crimes against humanity.

The Legacy of the Khmer Rouge Famine

It has been nearly 35 years since the end of the Khmer Rouge's reign in power in Cambodia. Despite over a quarter-century having passed since this dark period of Cambodian history, the repercussions of the destruction wrought by the Khmer Rouge, including

through enforcing famine conditions, continue to deeply affect Cambodian society and politics to this day. For survivors of the Khmer Rouge period, suffering through such an extreme and long famine continues to deeply affect both their physical and mental health. Birth-rates also fell due to famine during the Khmer Rouge period, meaning that many families not only lost living members to the ravages of famine, but would have also added new members between 1975 and 1979, who would now be adults. Finally, the few children who were born during the Khmer Rouge period to starving mothers have faced lifelong increased health risks due to the physical traumas their mothers experienced during pregnancy, as medical studies have linked various health problems to children born to starving mothers.

In addition to these direct consequences on individual survivors and their families, the collective experience of the Khmer Rouge period famine has surely had a profound effect on Cambodian society and politics. When the Khmer Rouge period ended, a deeply traumatized nation plagued by continuing conflict struggled to pull itself back together. For decades, the threat of violence and memories of starvation helped to shape the focus of many Cambodians on everyday survival and make them understandably skeptical of political change, protests or anything else that might cause further unrest. When survivors of the Khmer Rouge period considered the pros and cons of protesting or making demands for better governance, they did so with vivid memories of the famine and terror that resulted the last time a group claiming to be the cure for corruption and inequality swept into power through revolution. A heavy emphasis was placed on stability and peace, sometimes at the expense of the development of better democratic institutions, responsible development and the protection of human rights.

As time has passed however, and some efforts have been made towards transitional justice, reconciliation and accountability for the crimes of the Khmer Rouge period at the ECCC and through other efforts, the national wound that was the legacy of the Khmer

Rouge for decades, appears to have begun to heal. There are law students in Cambodia keenly interested in issues of human rights, the rule of law and judicial independence. The health of Cambodia's democracy has re-emerged as a subject of ongoing national discussion and debate. Cambodians who feel their human rights have been violated or that they have not been fully afforded their democratic rights have begun to publicly voice their dissatisfaction through non-violent protests and useful public dialogue. While in past decades, Cambodia was a nation traumatized into thinking only

about day-to-day survival by a collective memory of hunger, deprivation and violence, there appears to be a growing will to dare to hope for more than mere survival and the absence of constant war and violence. Although still young and fragile, this growing demand for better governance and fairer development is a positive sign that Cambodia can, given time and continued effort, continue to heal the wounds of the Khmer Rouge period.

Randle DeFalco is a legal consultant for the Documentation Center of Cambodia.

Listeners Questions

Answers by Randle DeFalco

♦ Why did the Khmer Rouge starve their people when they had produced a lot of crops? Where had those crops been transported to?

First, the Khmer Rouge planned to produce incredibly large crops of rice while in power, but these plans to produce three tons of rice per hectare were never successful while the Khmer Rouge were in power, so rice crops were not nearly as large as planned. That being said, there is evidence suggesting that, while not massive, a significant rice crop was harvested each year during the Khmer Rouge period. Second, the Khmer Rouge's economic plan was to independently transform Cambodia into a modern industrial country by selling rice on the international market to gain income to fund the regime's goals. Thus, there was a large amount of pressure on local leaders to provide the Khmer Rouge central leadership with a lot of rice to support both the Khmer Rouge military and to sell to other countries in exchange for money and goods that could not be produced in Cambodia. Available evidence suggests that China was the recipient of most of the rice shipped out of Cambodia during the Khmer Rouge period.

♦ Why did the Khmer Rouge put their people to hard work?

The Khmer Rouge stated that the regime's official policy was one of “independence self? mastery” which meant that no foreign aid or assistance would be accepted. The regime also had plans for Cambodia to take a

“super great leap forward” towards becoming a modern socialist country and wanted to achieve revolutionary goals at a faster rate than previous socialist revolutions, especially those in China and Vietnam. As a result, the Khmer Rouge leadership sought to rely on human labour alone to achieve massive agricultural and infrastructure projects, resulting in hard labour and extreme hours of work.

♦ Why did the Khmer Rouge kill their people?

This is a difficult and complex question that has been considered by many scholars. The answer is that there were many factors that combined to create a situation where people were killed in very large numbers through both executions and living conditions, including famine. Generally, the Khmer Rouge leaders wanted to rapidly achieve a pure socialist revolution and believed that there were enemy agents, both foreign and within Cambodia, who were working to undermine the regime's revolutionary plans. As a result, over time the leaders became more and more paranoid. Eventually, the leaders blamed all of their failed plans, for example the plan to achieve three tons of rice per hectare, on acts of sabotage by hidden “internal enemies.” Thus, whenever an area of the country failed to live up to the expectations of the Khmer Rouge leaders, this area would likely be violently purged. In this way violence and living conditions both spiraled out of control and resulted in so much killing.

♦ Why did the Khmer Rouge separate people from their family members?

The Khmer Rouge leaders knew that family

ties are very strong in Cambodia and thought that people should be loyal to the revolution more than to their family members. These leaders saw family social structures as competing with their plan to turn Cambodia into a pure socialist state and therefore did not worry about separating people from their families. Another reason for these separations was the fact that the Khmer Rouge assigned people to be sent to wherever the revolution needed more human labor and no thought was given to keeping families together when assigning people to areas of the country.

◆ **Why didn't people rebel against the Khmer Rouge?**

It is impossible to know why people did not rebel against the Khmer Rouge, but there are likely several reasons why they did not. First, the Khmer Rouge came into power quickly and immediately spread people throughout the countryside, making it difficult for people to form groups to oppose the powerful Khmer Rouge military. Second, even on the local level, people were constantly watched by Khmer Rouge cadres and if they were caught saying anything bad about the revolution, they could be put in prison, beaten or even executed. This made it even harder for people to organize any rebellion. Third, people were overworked to the point of near death during the Khmer Rouge period. Because people were so weakened from overwork and lack of food, it is likely that they were simply too exhausted and weak to fight back, but focused all of their energy on simply surviving each day. Fourth, there were armed Khmer Rouge cadres throughout the countryside and local people did not have the weapons to effectively fight cadres who had guns and other weapons.

In one village, a group of Cham Muslims did rebel against the Khmer Rouge after some of their local leaders were executed and they were banned from praying or otherwise practicing their religion. However, this rebellion was doomed to failure because the rebels mostly only had swords, while the Khmer Rouge had guns and other weapons. After the rebellion, almost everyone who had fought back was

put in prison, tortured and executed.

◆ **Has the Khmer Rouge Tribunal brought justice to the Khmer Rouge victims?**

As of now the Khmer Rouge Tribunal has entered one verdict against Kaing Guek Eav alias Duch and is in the process of the trial of Nuon Chea and Khieu Samphan, former Khmer Rouge leaders. The meaning of justice is a very personal thing however, and it is up to each survivor of the Khmer Rouge period and indeed, every Cambodian citizen, to decide for themselves whether they are satisfied with the work of the Tribunal.

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CO-PROSECUTOR: WE WANT TO LIVE IN A WORLD WHERE CRIMINALS OF ALL KINDS ARE BROUGHT TO JUSTICE

Nicolas Koumjian talks to Kallyann Kang about his views and plans to seek justice for Cambodians

Recently, the Khmer Rouge tribunal appointed an international co-prosecutor to replace Andrew Caley who resigned in September 2013 due to personal reasons. The incoming international co-prosecutor is Mr. Nicholas Koumjian from the United States.

Question: Mr. Koumjian, can you tell us a bit about your background prior to taking this position?

Answer: I was a lawyer in the United States for thirty-four years and a prosecutor in my home city of Los Angeles for 20 years before I began working in various International Courts. I worked originally in the international tribunal in the former Yugoslavia dealing with the war from 1992 to 1995. Then I worked in East-Timor where I was head of a prosecution unit set up to deal with the violence surrounding the 1999 election there. I later moved to the state court in Bosnia Herzegovina where the court dealt with the low level perpetrators of war crimes in Bosnia. I worked for a while as a head of the human rights program in Colombia, South America and then moved to the special court in Sierra Leone. Finally, for the last six and a half years I worked in the trial of the former president of Liberia Charles Taylor. His trial was actually held in The Hague rather than Africa because of security concerns. Taylor was convicted of various crimes including planning, aiding, and abetting war crimes in neighboring countries outside Sierra Leone. He was sentenced to 50 years. The trial and the appeal of this case took two and a half years to complete. We got the verdict on that appeal on December 27 and on December 30 I was on the plane to come here to ECCC. I was fortunate to arrive just before the closing

arguments and had the privilege of working together with the very talented team of Cambodian and international prosecutors. I helped them prepare the final arguments that were presented in October to the judges.

Question: Why did you leave your work at the ICC to take up this position in Cambodia?

Answer: I originally left the United States thirteen years ago to work with international cases because these types of cases are so important. Frankly, I considered myself very lucky to have gotten into this field. It is critical that society prosecute this kind of violence and



International co-prosecutor Nicolas Koumjian during the interview in the court gallery in December 2013. (Photo: DC-Cam)

bring justice to those aggrieved. My grandfather was from Romania, but my father was born in Turkey. During the First World War there was so much violence throughout Turkey they had to flee. Because my family has been affected by similar crimes I am especially interested in the proceedings in Cambodia, and I think it is a great privilege to work on these cases. The field of international criminal justice still has a lot of growing to do, but we hope that it will mature and become a

powerful deterrent to international criminals. We must prosecute people who commit crimes against humanity for the same reasons that we prosecute killers in our domestic courts. It doesn't mean we can stop all killing, but certainly we believe that if nobody is prosecuted for such atrocities, more people will be killed. I feel the same way about war crimes as I do about domestic crimes. It is absolutely necessary that the world community deal effectively with war crimes and work with those countries where these crimes occur to try to achieve some justice.

Question: Is there any difference between the ECCC and other international courts where you have worked?

Answer: Each of the international courts I have worked at was different. Each has a slightly different structure. ECCC is one of the courts that set up a tribunal model where national and international teams work together. In just the short time I have been here, I have found that it is working well. I see that, at least in my office, the office of the prosecutors, there is a great deal of cooperation, and we learn from each other and work well together. This court was set up by treaty between the government of Cambodia and the United Nations. One of the problems that the court faces is its dependence upon voluntary funding. We must continually look for additional funding whereas a court set up by United Nations Security Council resolution is funded. The United Nations is responsible for funding the courts in Yugoslavia and Rwanda. Thus, those courts are more secure in their funding. The majority of funding for this court is voluntary, but my experience is that donors will be found. The important thing is that we show that the court is producing results which will move us toward the completion of our work. The court must be effective so that justice is reached and international officials and attorneys do not have to stay many, many years. The court is set up to try to accomplish justice. Efficiency and speed are required to achieve that goal and are especially important now considering the ages of the accused.

Question: The United Nations and foreign donors

have invested a lot of time and money in the ECCC.

Why is the court important to them?

Answer: The question in my mind is what kind of world do we want to live in? Do we want to live in a world where the most serious crimes imaginable, crimes more horrendous than one can imagine, are not punished? Do we want to live in a world where such crimes are forgotten, ignored or do we want to live in a world where all of humanity, all international communities recognize it as their responsibility to bring these individuals to justice? We want to live in a world where criminals of all kinds are brought to justice. That's why the international community is interested in funding this court and in seeing that we actually complete our work here. There are many people who ignored the crime that was happening; they didn't do enough to stop it when it was happening. We have to change that in the future. But at this moment we have the opportunity in the time that remains to us, even though these individuals are elderly, to establish a historical record, proceed with a fair trial and arrive at justice and the truth about what happened during Democratic Kampuchea. I think that is very important goal.

Question: Do you think the court makes any contribution to Cambodia?

Answer: This court was established to try the most responsible and the most senior leaders of Democratic Kampuchea for the crimes that occurred. It is going to be able to try every person who was responsible for crimes during that period of time. No one is attempting to limit the jurisdiction of this court over the most senior and the most responsible. The results of this court's action, I believe, will bring some satisfaction to millions of victims and the families of victims. Moreover, society will be shown that sufferings at the malicious hands of others will not be tolerated. Cambodians will be reassured that there is justice in Cambodia and in the world for those who perpetrate crimes, that they will not have impunity, and that the crimes will not be ignored. The success of this court will allow people to renew their faith in their fellow men and their governing institutions. It will also help prevent such crimes from happening

again. It allows people to believe they live in a society where justice is possible and valued.

Question: We know that to date the court has finished the trial of Duch, and he has been sentenced to life imprisonment. You arrived just in time to participate in the final arguments in the trial of Nuon Chea and Khieu Samphan on charges of forcibly evacuating the cities in April 1979, the transferring of populations between rural zones in late 1975 and 1976, and a massacre at Toul Po Chrey in April 1975. When is a verdict expected on that case? What sentences have you asked for?

Answer: My national co-prosecutor Ms Chea Leang explained that the position of the office is that the accused deserve sentences of life imprisonment. So, we have requested a sentence of life imprisonment for both Khieu Samphan and Nuon Chea. This is based upon the facts that there was a massacre in Tuol Po Chrey, that a great many people died when millions were forced to evacuate the cities and that many more died when they were later forced to transfer from the common zone to other zones. It was one of the greatest acts of inhumanity the modern world has known when in a single day an entire city population of two million people were forced into the countryside in April 17. The elderly in the hospitals, pregnant women with no exception were forced to do so. We believe these are extremely serious charges and deserve a life sentence. In addition, we know that even worse crimes happened after the evacuation and the transfers. The accused for these crimes remain to be tried. We hope to start soon in case 002/02.

Question: How long do you expect that trial in case 02/02 to take?

Answer: One of the things that you have to understand is that these are extremely complicated cases. An international justice trial like this takes a long time. The Taylor trial I mentioned took six and a half years from the start of the trial until the final appeal of judgment. I have said that I believe trial case 02/02, if the judges adopt our trial plan or something similar to our trial plan, can be done and actually take less time than the

case 01 because it is really a continuation of the same trial. Much of the evidence that we need to establish the responsibility to Khieu Samphan and Nuon Chea (who they were, the positions they held, how decisions were made among the Khmer Rouge leadership, how communications between the center and the field and the zones took place) all of that has already been heard by the same judges. These witnesses were cross-examined by the same defense attorney of the accused as a part of the trial on the same indictment, the same closing order. We hope that the judges will adopt that evidence as a part of the record of case 02/02. We are waiting to hear them pronounce whether they agree with us or not. If they do, then we think we will proceed expeditiously. These are extremely important charges. Let me summarize. We want to hear the charges on all the work-sites or the cooperatives that were set up around the country about what happened in those work sites and cooperatives. Charges remain to be tried about all the security centers and the detention centers that were set up around the country, including S-21 in Phnom Penh. Many thousands of people were tortured and killed in those detention centers; those responsible remain to be tried. The issues of forced marriage (women who were forced to marry men not of their choosing and forced to engage in sexual relations which amounted to rape) remain to be tried. We think it is very critical that these cases be tried as well as those cases of crimes against specific groups (the Buddhists, the charges of those practicing Buddhism, Buddhist monks, the places of worship of the Buddhists, targeting the genocide of the Cham and Vietnamese). All of these remain to be tried. We propose that all of these charges be heard and will provide a list of 94 witnesses. I think it will take about 96 days to hear all witnesses. Under our plans, some witnesses will probably be added by the other party. We think the trial could be done in a year and half. The evidence could be heard in that period of time.

Question: The ECCC is a mixed tribunal with international judges, prosecutors, lawyers and staff members working with Cambodian judges, prosecutors, lawyers and staff members. Do you think

this system makes sense? You work with your National Co-Prosecutor, her Excellency, Ms. Chea Leang, and other Cambodian prosecutors. How does this work?

Answer: We work as a team and learn from each other, even the international lawyers who come from different countries. They all come with different knowledge of the laws of their countries and different procedures. I experienced that same situation at all of the international courts where I have worked. It is a great advantage to have our Cambodian colleagues working with us. We make decisions together. Obviously, they know the geography, culture, language much better, and we rely on them tremendously for that. They also know their own criminal procedure and understand international criminal procedure. I was in a similar position in the Bosnian state court. I worked inside the state court of Bosnia which had some international lawyers. There is no legal system that is perfect but all legal systems can be managed effectively when we bring the experiences of many people together. We all can learn. We all can do better, and I do think this is a system that works. It is very rewarding and enjoyable for me and my international colleagues to work in this

environment. I also believe that my Cambodian colleagues will enjoy the interaction with those from so many different legal systems from around the world.

Question: What can we expect to see from the court in 2014?

Answer: We have been told by the court that there will be a judgment in the second quarter of the year, sometime between April and June, on case 02/01. Once we have that judgment, there will be time for appeals. There will most certainly be appeals from one party or the other. That process can be very demanding. A lot of work needs to be done on that. Also, investigation can continue on cases 03 and 04. I don't know if it will be possible to complete everything in 2014. Additional submissions might be required once we see the evidence. We certainly hope that case 02/02 will soon be well on its way that we can start this very important trial. In my view, the charges that remain in 02/02 are about the detention center, the torture center, the genocide, and the rapes. Finding justice regarding these issues are the reasons that the court was set up. So, we look forward to starting that trial soon. We want to understand what is required by the judges, issue a sound work plan, and begin this trial very soon.



ECCC courthouse in December 2013. (Photo: DC-Cam)

A CROSS-GENERATION REFLECTION ON THE KHMER ROUGE TRIBUNAL

Sreyneath Poole

The questions that always come up when one discusses the Khmer Rouge Tribunal are “what is the significance of the Tribunal to the regime survivors, the people of Cambodia, and the nation as a whole?” and “can justice be served?” Different people have different opinions and no matter what the opinions are, from a historical point of view, what happened and will happen at the Tribunal plays a significant role in Cambodia's contemporary history.

The Khmer Rouge Tribunal is important because it allows the nation to find the truth, allow the victims and perpetrators to come to terms with the past, reconcile and heal. This is the symbol that the Tribunal represents. Case 001 ended with a life imprisonment sentence given to Kaing Guek Eav, alias Duch, who oversaw the infamous Toul Sleng or S-21 detention center. This sentence opened up a path from which the nation tries to seek justice from the regime that destroyed every facet of life. Case 002 is even more significant because the accused are the people who had direct involvement in implementing the Democratic Kampuchea policies that led to the disastrous regime that killed approximately 1.7 million people. The amount of money that has been spent since the inception of the Tribunal also shows the importance of it as well. To date, the entire operation

has cost a total of \$208.7 million since 2006 showing all parties' involved willingness to fund the trials so that justice can be achieved.

However, not everyone shares the same opinion. My mother's view of the Khmer Rouge Tribunal is not one that the people working at the ECCC would like to hear. My mother was also a victim of the Khmer Rouge regime. She was only a child, around the age of six or seven during the regime and she was lucky in that she was not separated from my grandmother, like

many children were from their parents.

In my conversation with her about the Tribunal, she tells me that she does not pay too much attention or care about it. She told me that she does not know about the Khmer Rouge Tribunal and therefore does not pay attention to it. Part of



Sreyneath Poole in her house in the United States. (Photo: Sreyneath Poole)

me is not convince by her reasoning because my mother follows domestic news all the time, so I am not wholeheartedly convince that she doesn't know about the Tribunal. Although she admits that she does not religiously follow the trials, she did say that she does not believe the trials produce any meaningful result. She also told me that the trials have taken too long and too much money has been spent with no significant outcome. Understanding her reason, I asked her if she thinks justice can be served from the trials and she

gave me a straightforward 'no' without further elaboration.

My great-aunt, my grandmother's youngest sister, shares a different opinion to my mother. Now in her early 50s, her experience during the Khmer Rouge regime left a deeper impression on her. Not much different from the many stories that have already been told, my great-aunt was relocated to Kratie province and was forced to work in the fields, dig dykes, and build dams. Life was horrible for her and it undoubtedly shaped her life today.

She is a woman of incredible admirations. She is politically active and a strong advocate for social justice. Since day one of the trial that began with Case 001, she has followed closely the development of the Tribunal. She believes that the Tribunal is important to her, as well as the nation. To her, the Tribunal serves a role in finding ways to help the nation come to term with the past and seek justice. However, like my mother, she thinks the Tribunal operates too slowly and the accused are getting too old and are dying off. She expressed her disappointment in the death of Ieng Sary and the dismissal of Ieng Thirith due to her mental condition, but she said that the process could not be rushed because it is part of the legal process. She was also adamant that the Tribunal could not give her and the people of Cambodia “one hundred percent justice.” However, she believes that the victims can find some peace and be satisfied if the final ruling decision reflects the crime that the accused have committed. To her, life-imprisonment sentence is what she hopes to see for those who committed the crime. The trial of the remaining two ex-Khmer Rouge leaders is important to her, but it is not enough. She would like the Tribunal to investigate those who had direct involvement in the killing of the people at the regional and commune level. She also hinted at bringing those to trial who are currently in positions of power. For her, this will prevent key perpetrators from getting away with murder as well as serve as a warning sign for future leaders from committing atrocities because there will be various mechanisms to punish them for their crimes.

My grandfather also shares the same opinion as my great-aunt. When I asked what his opinions were, he told me that he is in full support of the Khmer Rouge Tribunal. Like many of the regime victims, he wants to see the people who had caused him suffering be held accountable for their crimes.

In my personal opinion, my grandfather's story is one that should be shared with the public. He was born in Svay Rieng province and moved to Phnom Penh in the early 1950s to follow his parents who moved to Phnom Penh to seek employment. My grandfather was a well-educated man. Despite coming from a modest income family, he completed all levels of schooling that were offered at the time. After, he worked at the US embassy as an office secretary until Prince Norodom Sihanouk ended Cambodia's relation with the US. He returned to work at the embassy again when relations were re-established. This time he worked as a military radio operator. He once told me that he had to work and inspect a US arms warehouse in Anlong Veng, which was part of the US Military Assistance Advisory Group (MAAG) operation.

My grandfather was smart and lucky at the same time to out-live the Khmer Rouge regime. Given his intellectual capacity and his connection with the US, he should have been one of the first people to be executed. At one point during the regime, he was imprisoned where he was forced to do hard labor. He was released about a month later and from what he told me, Angkar released him because they could not prove that he was guilty of whatever crime they suspected him of. The second time he was taken away by the Khmer Rouge cadres was when the Vietnamese force entered Cambodia. They needed extra hands to cook and carry off the injured and dead from the battlefields.

Everyday, my grandfather watches foreign television news to keep updated with what is happening around the world. He reads anything that relates to the Khmer Rouge to try and learn what happened and find out new information. In a brief conversation with him, he told me that the Khmer Rouge Trials is a just way of holding the ex-Khmer Rouge leaders accountable

and punish them for their crimes in a legal manner. Like my great-aunt, he expressed that the ECCC's operation is slow and wished for the process to move along quicker because the ex-Khmer Rouge leaders are getting too old. However, even with the concern of old age, my grandfather still wants to see the ex-Khmer Rouge leaders be given life imprisonment even if they cannot live out a long life imprisonment term. To him, it is a symbolic gesture, which gives him a feeling that justice has been made. He also believes that the trials serve as a way to teach the younger generation about what happened, as well as future leaders to understand the horror that was done in Cambodia and the legacy that came along with it so that it would teach and prevent the generations to come from following the same path in the future.

As for me, I am of the generation that was born around the signing of the Paris Peace Agreement. When I was living in Cambodia, I knew next to nothing about the Khmer Rouge. All I knew was that Pol Pot was bad, not sure whether Pol Pot was a person or something else. It was not until I moved to the US that I learned about what happened to Cambodia. At first, it was overwhelming to learn about the atrocity. It did not make sense to me. I am still learning and trying to figure out what happened and some things still do not make sense. After learning so much about the suffering and destruction that the Khmer Rouge regime inflicted in Cambodia, and more specifically to my family, I

believe that the Khmer Rouge Tribunal is important. It helps the nation learn and understand about our past and foster dialogues as a way to reconcile with the past, heal, and grow. However, I share a similar sentiment like that of my mother. I do think that the ECCC is operating too slowly. I feel frustrated at the ECCC's speed of operation because I am worried that the ex-Khmer Rouge leaders will be dead before they could be properly punished for their crimes. I am also frustrated with the political sensitivity that the ECCC faces operating as a UN-backed Cambodian tribunal, which further slows down the process. However, these are not really key issues for my weariness. I wish for the court to expand its investigation and not limit to what happened between 1975-1979. My wish is for the Tribunal to look at the issue from a global perspective and hold external actors accountable. I do not believe that the ex-Khmer Rouge leaders be the only ones to stand trial. There are external actors who are as guilty in allowing the rise of the Khmer Rouge regime to happen. Right now the nation is waiting for the final verdict on Case 002 and have various expectations. As for me, I know that my wish cannot be fulfilled in the near foreseeable future and this will continue my weariness with the ECCC and cannot feel that justice can be served.

Sreyneath Poole is a former intern of the Documentation Center of Cambodia.

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.

MEMORY REMAINS BEYOND THE KHMER ROUGE TRIAL

Fatily Sa

Everyone has his or her own bitter and sweet memories. The ones that are most memorable are those that have scared us the most. In the hearts of Cambodian people who suffered from the tragic history and lived through the three years, eight months, and twenty days, such horrific memory still haunts them to this very day. Each day under the brutal regime they prayed for the day to pass quickly and hope to see sunlight the next day. Such bitter memory brings victims to tears and causes them trauma and psychological disorders. Some people are finding ways to forget their past memory under the KR regime but I doubt that they could ever do so and forgetting the past doesn't mean they can run away from it.

In my perspective, they are less likely to forget the memories from the KR regime. As part of my job at the Documentation Center of Cambodia (DC-Cam), one of my many tasks is to document the trial proceedings at the Extraordinary Chambers in the Courts of Cambodia (ECCC) dating back to 2007. I have captured trial video footage, photos of parties in the court, and produced video clips of people's reactions to the trials. From people's reaction I can tell that they can never forget about the past. Losses of their loved ones and the time they spent together rooted very deeply in their hearts. Not only that, I have involved in many screenings of an

award winning documentary called A River Changes Course that looks at the effects of development in Cambodia and many of the people that I interviewed about the film would often relate to what they saw and would consider an attribute to their hardship as part of the destruction that was left behind by the Khmer Rouge regime, often bringing back painful memory.

My father, Sa Math, once told me that he can not forget the memory of his parents who were killed brutally under the KR. Every time my father sees pickled cucumber, it always reminds him of his mother, who always packed his school lunch with a pickled cucumber. The regime separated people from their families and evacuated my father and his parents. The regime took at least one life from each Cambodian family and mine was no exception. The regime took the



Fatily Sa

lives of a number of our immediate and extended family who were accused of participating in a Cham rebellion in late 1975. In the village where my family resided, almost 100 families were killed. They killed my grandfather and his younger brother by binding their body and dropped them into the water, drowning them. My grandmother died because there were no medicines to treat her illness. My father survived because he had to work hard and hide his identity of being a former Lon Nol soldier. One day, he was accused of being a Lon Nol soldier. He tried to convince the cadres that he was only a farmer who cannot read or write, but five cadres came to his house at night and took him away with some other villagers. They got on a boat and crossed the river to an island. There, my father thought that his identity was found out and that he was going to be killed. While walking, the KR cadres clubbed the head of a villager and he fell down. When my father saw that, he fell down on his knees and, in shock, was unable to move. The KR cadres told my father to get up and move. My father was so afraid as if his soul was no longer with him. The cadres threatened to kill my father if he told anyone. And he did not tell anyone.

Eight years after the collapse of the KR regime, I was born and grew up unaware of the history of my family and country. Through my work, I began to learn about the atrocity that had befallen the country. After two years with DC-Cam, I was chosen to do an internship in the Shoah Foundation Institute at the University of Southern California, USA. I met many Holocaust survivors who come to share their experiences. Also, I interviewed many Khmer-American survivors who would never return to the country they love, fearing the emotional trauma when facing the memories of lost family and friends. After my return, I was determined to interview my father for his stories, starting in June

30, 2009. Now, it has been four years and I still don't have the whole story. He could not hold back his tears talking about his family under the brutal regime. Now he is sick and hospitalized. I always keep him up-to-date on the Khmer Rouge tribunal because of his interests. My father told me that the survivors and the accused are getting too old and are dying one after another. He hopes that the verdict would come before the survivors and the accused all die. A day in the prison before the death of the Khmer Rouge leaders would be adequate for him and his loved ones.

Since it is impossible to forget the past, memorializing their memory can give them the strength to move on. I believe that such act would contribute to preventing brutal acts such as those of the KR regime in the future. Survivors have been passing their memory on to their children and grandchildren and by doing so it allows young people to be aware of their family's and the country's history. Younger generations can benefit from the experience of their elders and use these lessons to move to a better future. I believe that memory plays a very important role in uniting people and helping Cambodians to move beyond being victims of this tragic history.

Fatily Sa is a Film Archivist and a staff member of Cham Identity Project.

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MY FATHER'S LIFE FROM 1975 TO 1979

Nikola Yann

The Khmer Rouge killed approximate two million people by torture, food deprivation, and overwork. Images of these atrocities have remained in the minds and hearts, not only of those who experienced and survived that time of horrors, but also in the minds and hearts of their families. Luckily, my parents and their relatives survived this black regime. After I first learned about the Khmer Rouge regime, I decided to write an article telling the story of my father's life during 1975-79, the period which everyone calls the “Khmer Rouge regime” or “the Democratic Regime.” I want to learn all I can about the Khmer Rouge years.

My father is Yan Sam Oun. He lived with his father, Yan Vit and his mother, Nut Sam Ol. He had three siblings; he is the eldest child. As soon as the

Khmer Rouge soldiers marched into Phnom Penh, my father was evacuated from Chambok village, Siem Reap commune, Kandal Stung district, Kandal province to Tuol Khrouch village, Sa Ang Sre commune, Sa Ang district, Kandal province. His father was a merchant at that time. He sold goods for daily use such as foods and fruits. He was put in prison at Tampek pagoda, charged with being involved with Lon Nol and the Central Intelligent Agency (CIA). He was released about three months later.

After his release, the guards told him to take his wife and children out of that village. He followed their orders, gathered his family, and returned to his homeland (Chambok village). Later, the Khmer Rouge began to survey every family. Children around the age of six were sent to a youth mobile unit, and older people were sent to mobile work brigades to serve Angkar at a higher level.

My father was six years old at that time so he was sent to a mobile unit at Riey Dorb village, Kandal Stung district, Kandal province and stayed in a school. However, his two younger brothers were not required to work because they were too young. My grandpa and grandma had to build dykes and dams as well as dig canals. My great-grandmother stayed home and looked after grandchildren while my great-grandfather was working plowing and raking as a manual laborer. A little while later, Angkar sought out teachers and staff members who used to work for Lon Nol. All those people were sent away by the Khmer Rouge; my father never saw them again.

Angkar asked my father to move to a mobile work brigade. He and other workers were given baskets, sickles, chisels and shovels and ordered to dig a huge pit for storing fertilizer. In addition, the Khmer Rouge



Nikola Yann with his parents in Siem Reap (Photo: Nikola's family)

ordered him to clear grass from a rice field when the rice seedlings ripened, to keep birds away while the rice was growing, and to kill pests damaging the rice such as worms, grasshoppers, and mice. These were considered enemies of Angkar.

My father on one occasion saw a man shackled in chains. He was given no food but no one dared help him because everyone was afraid of being accused of being the enemy of Angkar. That man, Chey, was accused of being lazy, unwilling to work, and getting sick too often.

After the rice harvest, Angkar ordered all the young people to stay nearby in the Vihear Kambor pagoda in Kandok village, Kandal Stung district, and Kandal province. The people were divided by Angkar into different groups with ten people in each group. All the members of the each group had to eat together. Chen was chosen by Angkar to be the leader. They called him “Senior Comrade Chen” or “Mit Bang Chen.” It was his job to control all the members of the groups.

My father and other kids cut down small plants to build a dam. After lunch every day, he had to study Khmer with a Laotian teacher under a huge tamarind tree. My father always closed his eyes during these lessons because he was extremely exhausted and had little energy. Sometimes, my father's unit was only allowed to eat porridge with sweet potatoes or a small portion of rice with a few pieces of corn.

Every night my father would sneak away to where my great-grandmother lived to eat crisp rice. She raised pigs and always saved a little food for him and the other grandchildren. There, my father saw three men shackled and left in a stupa. Those victims shouted out loud begging for water, but no one dared help them. My father told me that when he went to see his parents and grandmother, he returned with crisp rice and shared some with his companions, but that senior comrade Chen never knew. Everyone kept it a secret.

Once at night, my father with his friend Chheang went to see his grandmother. When they were

returning, they heard sounds coming from Khmer Rouge soldiers so they crawled into a rice field to hide. They stayed there for the entire night. In the morning, my father ran to hide in another field nearer the street. At five o'clock in the morning when the bell rang to call everyone to breakfast, he merged into the line of waiting people and went off to work as usual. Unexpectedly, senior comrade Chen had inspected every cottage that night! He saw no one in my father's cottage. Therefore, my father was hit and slapped as a first warning. Although my grandfather saw my father being punishment so harshly, he dared not help.

Later, the Chief of the Unit accused my father of committing immoral acts because aunt Sonary would secretly give him Chhlounh fish under a tamarind tree near Vihear Kambor pagoda. The Chhlounh fish is small with a narrow, pointed head and is usually found in mud. The Chief reprimanded him for escaping to eat at his grandma's hut and hiding himself in the rice field.

However, my father continued to find ways to see his grandmother because he was so hungry. His grandfather made slippers out of a tire for my father. He wore those slippers for only one day before being accused of stealing the slippers from the child of one of the cadres, namely Mout. Mout was so angry that he picked up a dagger and tried to kill my father, but his grandfather prevented it by picking up a nearby axe and threatening to strike him with it.

Shortly thereafter, my father was told to move to Stung village, Prey Sva commune, at the Takeo border to clear grass growing along the rice field. There my father ate pollinated rice which was forbidden. Comrade Teen, a Khmer Rouge cadre saw him do it. That cadre reported to Angkar. The Khmer Rouge ordered militiamen to arrest my father at midnight. Fortunately, he was not killed. Those militiamen ordered my father to fetch water at Trapaing Roluos, which was a hundred meters from the cooperative. My father's next offense was picking up a Jambolan plum to eat. He promised never to betray the collective again. Because of his extreme hunger, my father hid

out to find mice, the enemy of rice production, to eat. One day he smelled ripe palm fruit; he climbed up the palm tree to find the fruit. Unfortunately, he fell down, and his stomach was punctured by the stem of a palm leaf. My father thought that he would die because of that wound. He was so afraid that comrade Vann would report what he did to Angkar that he made up a story. He told Angkar that he had chased a mouse up the palm tree in an effort to kill it.

My father was taken to be treated for his injury. By the way, Angkar held a meeting and presented my father to the group as a model child because he was brave enough to climb a palm tree and be wounded in order to kill a mouse and prevent its eating the rice. Angkar allowed him to rest until he had healed and gave him extra food.

After the rice harvest, my father returned to Vihear Kambor pagoda. The Khmer Rouge forced him to leave his parents and ordered him to grow sweet potatoes. He still tried to visit his grandmother at her farm to get crispy rice though. Angkar suspected him of doing that and tried to catch him doing it so they could arrest him and put him in the stupa like Bora and Chey. Luckily for him, he met his friends, Chheang and Ith, which made him happy. They advised him to escape. Not knowing where to go, he sought advice from his grandfather.

In 1978, my great-grandfather was sent to Phnom Penh in a truck with others to find his son who was serving in the Khmer Rouge military. My father took the opportunity to go along with his grandfather and escape his youth unit.

As soon as they reached the Central Market, the van in which they were riding overturned and injured all the passengers. My father and his grandfather were sent together to a big hospital because a Khmer Rouge military officer saw the resemblance between them. Others said these two were so lucky. There, my father regularly took long walks along the riverside to avoid being treated by injection. Once, he saw a motor boat stopped at the shore transferring a lot of people into a truck. Also, there were jeeps driven along the riverside

to the south; there were people in them crying out loud. He hid in some bushes and observed. He later asked some Khmer Rouge soldiers at the hospital what happened to them. The soldiers remained silent. My father was warned never to go there again. He stayed at that hospital for quite a while and helped the doctors and nurses take care of patients. He learned how to treat simple wounds.

Later, my father heard that Vietnam was planning to attack Phnom Penh during the harvest season. Angkar evacuated all Khmer Rouge cadres, paramedics and patients from Phnom Penh. My father travelled along Ponchentong Street and turned toward Kandal Stung district. My parents and other villagers thought my father might have died because they were told that people who were taken away in the trucks were to be killed.

About that time, my father met his buddy, Ith, who had just run away from his youth unit to find his parents at his home village. My father ran very fast to tell his relatives and parents not to eat Khmer noodles because he heard that the Khmer Rouge said they would kill anyone who did. At noon one day, walking along the road, my father heard the sound of bombardment not far from him and saw many military trucks driving from Phnom Penh along national road 2. He also saw a few tanks driving after the trucks out of the rice field on to the national road. My father was so scared that he ran hoping to find his father. He ran ahead of the others and found his parents along with some villagers who had found safety a shell pit at Poey Prey village. He continued to hear the sound of shelling. Some people were killed, and others were separated from their relatives.

My father traveled for two days before arriving with his family at his home village. To this day he feels nervous and frightened when he thinks about the war. My great-grandmother continued to bring crisp rice for my father, my aunts and my uncles. My father believes that this rice was one of the reasons he was able to survive.

Nikola Yann 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.

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