

Issue 5: Cambodia – In the Shadow of the Khmer Rouge

On the Record: Women of Southeast Asia Fight Violence

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From the Editorial Desk

Cambodia provides a dramatic example of violence against women. Between 1975 and 1979, countless numbers of Cambodians died during the rule of the Khmer Rouge. Cambodians are still struggling to come to terms with this dreadful legacy, and they received a rough jolt recently when two of the former Khmer Rouge leaders and architects of the killings – Nuon Chea and Khieu Samphan – emerged from hiding, issued a vague statement of regret, and demanded to be treated as ordinary citizens.

That mass murder was committed under the Khmer Rouge is not in doubt. But how can they be called to account for their terrible crimes? The UN is currently reviewing the possibilities for establishing a criminal tribunal, and the report of a team of legal specialists could be released any day now.

Human rights groups are outraged at the thought of Khmer Rouge leaders going scot-free, and many support the proposal for a tribunal. Indai Sajor, who led the training in Cambodia, argued that a tribunal could address the wounds suffered by many Cambodian women who were raped or whose relatives were killed during that terrible period. The seminar called for the establishment of a tribunal, and agreed that it must have women judges and an adviser on gender issues.

The Cambodian government, however, has grave doubts about establishing a tribunal. Hun Sen, the Prime Minister, promised pardon for Ieng Sary and other Khmer Rouge leaders in the hope of coaxing the guerrillas back into the fold and moving forward. In addition, many senior government officials were themselves formerly Khmer Rouge. Prime Minister Hun Sen has even suggested a time frame for a tribunal that could even go back to 1970 – the year after the US began bombing Cambodia.

This issue of On the Record – the last in this series – examines this debate. In the first article Laura McGrew looks at the astonishing abuse and violence suffered by Cambodian women during the Khmer Rouge rule, and argues that forced marriage in particular should be covered by the statute of any tribunal. Craig Etcheson, from the International Monitor Institute, sets out the case for a tribunal and details the many failed attempts to call the Khmer Rouge to account. Finally, Laura McGrew agrees that the Khmer Rouge must be brought to justice, but warns that 20 years of inconsistency towards the murderous Khmer Rouge movement by the Cambodian government and the international community could make it hard for Cambodians to take a clear position. This, she says, makes it doubly important that their views are thoroughly consulted before any decisions are taken.

Cambodian Women at Year Zero by Laura McGrew

Between 1975 and 1979, the Khmer Rouge wreaked havoc on Cambodian society with their warped view of a super-communist agrarian utopia. Every effort was made to break the links between husbands and wives, and among families. Women and men had to be rendered asocial if Cambodia was to return to "Year Zero." Thousands of Cambodian women may have been forced into marriage against their will. This was devastating for men and women.

This brutality did not occur in isolation. As this series of On the Record has shown, violence against women generally mirrors violence in society as a whole. By 1975, when the Khmer Rouge took over, Cambodia had lived through several terrible years.

Under the rule of General Lon Nol (1970-1975) there were frequent reports of rapes by unruly Cambodian troops, especially against ethnic Vietnamese. There is little doubt that the rapes increased as the fighting intensified and US bombing forced refugees to leave the border areas. Women, and to a lesser extent men, were forced to be porters for ammunition and supplies, risking malaria and stepping on landmines.

Much more research is needed on the subject of violence against women during the Khmer Rouge period, including research into the policy planning by the top leaders. Since the Khmer Rouge kept quite good records of their regime, research may be able to locate proof of a master plan. But it is vividly clear that in their assault on Cambodian society, the Khmer Rouge also assaulted women.

Schools, banks, hospitals, and other well-established "bourgeois" institutions were abolished. The 7 million strong population of Cambodia was put to the fields like workhorses. Between 1.5 and 2 million died by execution, starvation, or lack of medical care. Men, women, and children – but especially women – were forced to work as porters, carrying food or ammunition miles through the thick, malaria, and landmine-infested jungles. The workday lasted from 5 a.m. to 6 p.m., under hot sun. There was not enough food, and discipline was strict. If people did not work hard enough, if they stole a bite of rice or got sick, they could be killed.

Wearing glasses or speaking a foreign language were enough to get one killed, because any sign of ties with the old bourgeois system was to be obliterated. Only a handful of government soldiers, doctors, lawyers, teachers, monks, and artisans survived. Although evidence is scanty, it seems that before families that had been targeted were killed, the women were sometimes raped.

All allegiance was to be given to "angka," the organization – a hazy upper authority that at the time seemed to be led by no one, but was later found to be led by the infamous Pol Pot. He and about 10 other leaders were the brains behind this massive upheaval. Although he died in April of 1998, there is now talk that the other leaders (including Ieng Sary, Nuon Chea, Khieu Samphan, Ke Pauk, and others) should face a tribunal. A study by UN judicial experts will be released soon, giving recommendations on the possibilities of an international tribunal.

Families were broken up – children were put into youth labor groups, husbands and wives, and single men and women in separate groups. Communal meals were required – in some parts of Cambodia, eating a meal secretly with your family could get you killed. And although men and women were in theory equal under this extreme form of Communism, it was the male war heroes who could choose their brides.

Forced Marriage

Although practices differed between regions, depending upon the local regional leaders and village chief, many Khmer Rouge survivors report eyewitness accounts of group forced marriages. Up to 30 men and women were married at a time in a kind of group ceremony – the lists were chosen, often arbitrarily, by the leaders. It was not possible to refuse. There are also many reports of certain women chosen to be cooks or to provide other household help for leaders, with sexual favors required as well. Often, women would trade sex for survival and agree to marry a blind or disabled soldier simply to survive.

Imagine a young student from the capital, Phnom Penh, separated from her family, with whom she had been living at home before marriage, never allowed to be alone with a young man. Now, she is alone, suddenly required to live with a man whom she never knew before. To refuse would mean certain death. And, since people were not allowed to talk to each other except in the context of group meetings about revolutionary subjects, she would not be able to get advice from a relative about her new life. Thus, every time conjugal relations were required of her, this young woman would be devastated.

It appears that the majority of these forced marriages broke up after people fled to the border or their home villages at the end of the Khmer Rouge regime. Anecdotal evidence from many survivors indicates that only a handful of these marriages have lasted. Consent was not asked, or given. There must also have been many instances of marital rape.

How extensive was forced marriage? By way of comparison, it is estimated that over 200,000 comfort women were enslaved by the Japanese military during and around World War II. Although the two practices were totally different, the numbers may have been roughly equivalent. If, in a Cambodian village of 1,000, there was an average of two group marriages during the four years that the Khmer Rouge were in power, with 15 women involved in each ceremony – this would mean that as many as 210,000 women could have been forced into marriage out of a population of seven million.

Rape and Hypocrisy

It is a measure of the hypocrisy as well as the cruelty of the Khmer Rouge that even as they were forcing women into marriage, they were promoting a strong moral code about relationships outside of marriage and purporting to punish rape. There are, in fact, very few reported cases of rape, but this could be due to the fact that women were killed after being raped, of the lack of methodical research on the issue. One Cambodian health organization, which includes questions about rape trauma in their health questionnaire, reports that of the 47 replies so far analyzed, 24 reported having heard about rape during the Khmer Rouge period, and eight saw people raped – suggesting that rape was far more widespread than previously thought. The organization also heard many stories of forced marriage. According to some reports, spies were positioned under houses to make sure that the marriages were consummated. At least one woman in a mobile team reported that young girls were routinely raped, and then "disappeared."

The Documentation Center of Cambodia has confessions of Khmer Rouge cadre who raped women, and were then apparently punished. One expert who has reviewed the Khmer Rouge records from the notorious death camp of Tuol Sleng found multiple files on a former employee at the US Embassy, who was raped, forced to marry, and then killed. There are many references to her beauty. Some of the files from the Ministry of Interior show that some Khmer Rouge prison guards, cadre, and medical staff confessed to various crimes involving sexual violence against women. These included rape and even the rather mysterious "drinking a glass of water with someone."

If a criminal tribunal is established, it must cover violence against women in the list of offenses, even though there is something of a legal loophole on this issue. The two existing tribunals, on Rwanda and Bosnia, have established rape as a war crime. The statute of the new international criminal tribunal, established last year, takes this a stage further and included forced impregnation. It also lists forced impregnation as a crime against humanity. Forced marriage, however, is nowhere to be found in these statutes.

Participants in the Cambodian seminar supported the idea of a tribunal against the Khmer Rouge, and called on the UN to ensure that "it will address all forms of violence against women in war, that gender-based persecution will be taken into account and that there will be gender balance in the composition and administration of the International Tribunal". But more work needs to be done by legal experts to classify forced marriage.

In any case, something must clearly be done to address the violence leveled against women by the Khmer Rouge. Forced marriage and forced labor in a home that may or may not include sexual favors – these acts all constitute sexual slavery. In the words of Gay McDougall, the Special Rapporteur on Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict, "the veil of silence ... must be lifted through prosecutions and other forms of redress, including compensation, to ensure justice is done, dignity is repaired, and future violations are prevented."

Opinion: An International Tribunal Is Essential to Help Heal Cambodia
by Craig Etcheson

After Adolf Hitler's death, the world did not shrink from the legal pursuit of Hitler's top henchmen. Neither should the world shrink from the task of judging Pol Pot's top officers, even though the supreme leader himself has died. Should Cambodia's equivalent of Goring, Goebbels, Himmler, Eichmann, and Ribbentrop be forgotten, and left to get on with what remains of their lives? Mok, Nuon Chea, Khieu Samphan, Ke Pauk, Ieng Sary, and the others all stand accused of culpability for crimes against humanity during the "Pol Pot time." Cambodia can not truly begin to heal until these accusations are definitively answered.

It is pathetic that only upon Pol Pot's death does the world seem truly moved to action. The United States is actively pushing accountability for Pol Pot's top colleagues. The United Nations has now completed an official investigation, and determined there is enough evidence that the Khmer Rouge committed crimes against humanity to support an international prosecution. After decades of manipulation, abuse, and betrayal by so many countries of the region and the world, the international community owes Cambodia a great debt. The UN peacekeeping operation in Cambodia in 1992 and 1993 was a substantial down payment, but it does not settle the account. The international community must remain engaged with Cambodia's rehabilitation, and this implies far more than rebuilding economic infrastructure and social institutions. The ethical underpinnings of Cambodian society were ruthlessly torn asunder by the Khmer Rouge, and replaced by a culture of violence and impunity. This is why the rehabilitation of Cambodia necessarily also entails reviving a sense of moral integrity in Cambodian society. The most crucial place to begin is with the problem of impunity for genocide and crimes against humanity.

Some wonder – why bother? Why bother to trouble ourselves with a few discredited old men who are gradually being stripped of their ability to kill again? The answer is clear. Crimes against humanity are the worst crimes, worse than crimes against an individual, worse than crimes against the state. These are crimes against all of humanity. When the most monstrous crimes humans have ever conceived go unpunished, why should Cambodians worry about lesser crimes?

Any crimes I could commit will be less than those committed by the Khmer Rouge, and this goes to the root of impunity. They got away with it, so why shouldn't I? What is wrong with insulting my elders, and ignoring their words? The Khmer Rouge insulted elders in my village, and then killed them, but no punishment was ever meted out for that.

What is wrong with threatening to kill a taxi driver in order to possess his vehicle? The Khmer Rouge stole every taxi and everything else in the entire country, and no one was ever punished for that. What is wrong with intimidating political opponents, even killing some of them? The Khmer Rouge killed all of their opponents, and a goodly number of their supporters; they were never punished.

If the worst crimes are unpunished, lesser crimes will seem less important. Until the matter of Khmer Rouge impunity is formally addressed, there will always be a ready excuse for the anarchy in Cambodian society – the Khmer Rouge were worse. Until the worst perpetrators are brought before the law, there can be no rule of law in Cambodia. This is why justice against genocide is essential for reconciliation and national reconstruction in Cambodia.

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Two Decades of Impunity

Since the crimes of the Khmer Rouge came to light, 15 attempts have been made to call the Khmer Rouge to account. Not one has succeeded. Craig Etcheson reports

1. 1979 - An international criminal tribunal in Phnom Penh;
2. 1980-1982 and 1995-1996 - domestic criminal prosecutions;
3. 1985 - First attempt to bring a case before the International Court of Justice;
4. 1986 - Second, separate attempt to bring a case before the International Court of Justice;
5. 1992 - Attempt to impose immigration and travel restrictions on the Khmer Rouge under a proposed US Khmer Rouge Prosecution and Exclusion Act. (The proposal was defeated);
6. 1993 - Attempt to impose financial penalties on the Khmer Rouge under the Cambodian commercial code;
7. 1993 - Attempted civil suit against Khmer Rouge leader Khieu Samphan for wrongful death under the US Alien Tort Claims Act;
8. 1994 - Another attempt to impose financial penalties on the Khmer Rouge under the US Foreign Operations Act;
9. 1994 - An international investigative commission under the US Cambodian Genocide Justice Act;
10. 1994 - A Cambodian lustration law, the "Law on the Outlawing of the Democratic Kampuchea Group;"
11. 1996 - Attempt to establish an international truth commission;
12. 1997 - Renewed attempts to establish an international criminal tribunal;
13. 1998 - Establishment of a United Nations Commission of Inquiry into the crimes of the Khmer Rouge;
14. 1998 - Efforts by the United States to bring about prosecution of Khmer Rouge leaders in a third country "extranational" legal proceeding;

15. 1999 - A civil suit against the Khmer Rouge charging war crimes, genocide and other crimes against humanity filed in a Belgian court.

There are many reasons why none of these initiatives have succeeded, including: disputes over the legitimacy of various Cambodian regimes; irregularities in the various legal proceedings; lack of institutionalized accountability mechanisms; failure to obtain custody of the accused; failure to obtain jurisdiction over the accused; capricious selection of persons to be prosecuted; considerations of "national reconciliation"; financial corruption; superpower politics; regional politics; domestic politics; and general lack of political will to enforce international law on these matters.

Opinion: A Tribunal for the Khmer Rouge? The Cambodian People Must Be Consulted
by Laura McGrew

Of the hundreds of Cambodians I have met, all have lost parents, brothers, sisters, cousins, friends, monks, and teachers. After causing the deaths of almost two million people by execution, starvation, or disease, the Khmer Rouge leaders must face some sort of justice.

What do the Cambodian people want and need? Informal polls have shown that peace and security are the number one priorities, so that Cambodians can make a decent living and obtain adequate education for their children.

Is reconciliation needed in Cambodia? Of course. But the question is how to achieve it. The questions to be considered include the following: Should there be a truth commission and/or a tribunal – or something else? If a tribunal, should it be Cambodian or run by the international community? Should it be new and separate, or linked to the Rwanda or Yugoslavia tribunals? Based in Cambodia, or outside the country? Who would be prosecuted? Covering what time period?

Perhaps most important, what is to be the main goal of a tribunal (or other process)? Will it be to create a structure for peace in Cambodia? Conflict resolution? Reconciliation? Prevention of further conflict in Cambodia? Stopping the cycle of impunity in Cambodia? Prevention of another round of genocide? What is best for Cambodian society must be considered in addressing these questions.

Striking the Balance – Some General Principles

Some broad principles certainly need to be born in mind:

Finding a Balance. For true reconciliation to be achieved, a balance between peace and justice, mercy and truth must be achieved. All the questions above about the form of the process must keep in mind the trauma that will result from the process itself and the fact that Cambodians need to live side by side with many former Khmer Rouge in the future. Although over 90% of Cambodians are Buddhist, and Buddhist teachings explain that

forgiveness will be granted to sinners, two incomplete opinion polls indicate they do want some sort of justice.

The Facts Must be Established. The Khmer Rouge leaders cannot continue to deny what Cambodian people know happened. The facts need to be made part of the public record.

Absolute Justice is Not Possible. There is evidence that during the Khmer Rouge period it was kill or be killed, so that the cut-off level in bringing persons to a tribunal has to be fairly high. Everyone agrees that the top leaders need to be prosecuted, but how far down the chain would prosecutions go? If the net is cast too widely – if every person who killed others in Cambodia is prosecuted – there will be chaos. Just too many people were drawn into the mayhem during the Khmer Rouge regime.

Vengeance May Bring About More Violence. Although, for the most part, Cambodians have not called for vengeance, the possibility must be considered that a tribunal would awaken this desire, and also that vengeance could bring about more violence. The Khmer Rouge have threatened a return to war if there is a tribunal. Although this is considered an empty threat by many military experts due to the small numbers of forces they control, there is fear of retribution. Cambodian villagers in remote areas are especially vulnerable.

Apologies Must be Genuine. Khieu Samphan's weak apology after his defection on December 29, 1998 was not enough. He gave a mumbled "sorry, sorry, sorry, I am very sorry... Actually we are very sorry, not just for the lives of the people, but also for the lives of animals that suffered in the war... history should remain history." This statement was an insult to the Cambodian people who suffered, who died, and who survived – and an insult to the international community. Ieng Sary has even appeared on a documentary saying full face to the camera that all the skulls found were not Cambodians at all. This type of blatant lie and total denial of responsibility will not move the country towards justice and reconciliation, or assuage the millions of Cambodians whose lives were destroyed by the Khmer Rouge.

An Amnesty Cannot Make Everyone Happy. Amnesties are essentially forced on the people. This has caused much ill will in South Africa and in Chile. Talk of a blanket amnesty is causing rumbling on the ground in Cambodia.

The Process Can Serve to Strengthen Democracy. A process of accountability in Cambodia should seek to strengthen democratic government. South Africa's Truth and Reconciliation Commission has reportedly helped the new government with its open, public discussions. The same could happen in Cambodia.

Living – and Working – with the Khmer Rouge

Punishing the Khmer Rouge presents a particularly acute dilemma for Cambodians and their government, because the murderous movement has been so closely intertwined with Cambodian life for over 20 years.

Cambodia's tragic history is well known. The former French colony was a backwater in Indochina until the late 1960s, when it was sucked into the United States' war in Vietnam.

Hundreds of thousands of Cambodians then died as a result of bombing and warfare. Prince (later King) Sihanouk, the ruler, allowed the North Vietnamese to use Cambodian territory until he was finally overthrown in 1970 and General Lon Nol took over in a coup d'etat. If Sihanouk had not called for the population to follow him to the jungle with the Khmer Rouge in 1970 after his overthrow, the Khmer Rouge would certainly not have gained such large numbers of followers.

The Khmer Rouge came to power on April 17, 1975 following the defeat of Lon Nol. They were finally run out by Vietnamese troops as of January 7, 1979. Many members of the current government were working with the Khmer Rouge during their rule and before. For example, Hun Sen (Prime Minister of Cambodia today) was a senior commander in the Khmer Rouge until 1978, when he fled to Vietnam. When Hun Sen re-emerged, it was as a sworn enemy of the Khmer Rouge. He was one of the main leaders of the People's Republic of Kampuchea (later renamed the State of Cambodia) that was propped up by Vietnam and whose raison-d'etre was to annihilate the Khmer Rouge. Museums filled with skulls were put up all over Cambodia, so the people would not forget.

At the same time, however, Prince Sihanouk's son, Prince Norodom Ranariddh, was fighting alongside the Khmer Rouge as a resistance leader along the Thai-Cambodian border. The border camps used anti-Vietnamese arguments to recruit soldiers to fight against the Cambodian government. Cambodians were again fighting Cambodians in an ideological war that few supported or understood. The foot soldiers were pawns of superpower and warlord politics.

A peace agreement was finally reached in 1991. This led to elections in 1993, following which the former battlefield enemies Hun Sen and Ranariddh became co-prime ministers. Although the Khmer Rouge were initially one of the four members of the coalition, they dropped out and elections were held without them. They then returned to the jungle, becoming a marginal, but irritating, guerrilla force.

Even so, the Khmer Rouge continued to cast their long shadow over Cambodian life. The co-Prime Ministers justified a large military budget on the grounds that it was needed to keep fighting the Khmer Rouge after the 1993 elections. A law passed in 1994 (that is still in force) made it illegal to work with the Khmer Rouge. However, at the same time, the two leaders knew that bringing the Khmer Rouge down would be their key to success. Both men jockeyed for favor and defections amongst Khmer Rouge leaders, many of whom joined the coalition government. In 1996, Co-Prime Ministers Hun Sen and Norodom Ranariddh together urged Sihanouk to grant an amnesty for Khmer Rouge leader Ieng Sary.

In July 1997, violence again broke out in Cambodia, and Hun Sen took over the government in a violent coup d'etat, claiming that Ranariddh was using Khmer Rouge forces to take over the country. Ranariddh accused Hun Sen of the same charge. Prince

Ranariddh's former coalition partners went into exile from July until late 1997. Only after UN intervention did they return to participate in elections, which were finally held in July 1998. After cries of foul play, and a long stagnant period of slow negotiations, another uneasy coalition was finally built in December. Ranariddh and Hun Sen and their parties are again together in a coalition government.

The ultimate irony occurred before the elections in 1998, when UN election monitors were asked to accompany a Khmer Rouge defector (a member of an opposition party, not the government) back to the region controlled by one of the most important Khmer Rouge leaders, Ieng Sary (who was now officially part of the government). Public warnings were issued (no doubt at Ieng Sary's instigation) that this individual would be arrested on the spot for belonging to a terrorist organization – the Khmer Rouge!

In January, Khieu Samphan and Nuon Chea, two of the last three major Khmer Rouge leaders, defected to the government. Hun Sen could not resist parading them around the country in full public view (which distressed many, both inside and outside the country), promising them amnesty and calling for bygones to be bygones. A few days later Hun Sen did an about-face, and said he would not oppose an international tribunal. But he and other government officials are now again saying it is not time for a tribunal and that they fear Khmer Rouge retaliation if one goes forward.

Also in January, Prime Minister Hun Sen called for including periods both before and after the key years of Khmer Rouge control (1975-1979) in a tribunal's mandate. This is political jockeying – most experts agree that a tribunal should only cover the crimes of the Khmer Rouge during that key period. But Hun Sen is now in a bind. He has promised amnesty to many of these Khmer Rouge leaders in exchange for peace, and the King has granted them pardons.

The international community has been equally inconsistent. During the 1980s, the Stalinist Khmer Rouge were propped up in a coalition with the Anti-Communist resistance groups at the Thai-Cambodian border and were given the right to inhabit the UN seat, even though it was well known that they were responsible for mass murder. They have been supported directly by Vietnam, Thailand, and China, and indirectly by the US, Britain, France, Singapore, and other countries.

After a history like this, it is hardly surprising if Cambodians feel deeply schizophrenic over the Khmer Rouge. When the Khmer Rouge were in power (1975-1979), they were forced to lie about their backgrounds, hide any education, languages spoken, and knowledge of city living – or risk death. Then it changed again abruptly. Under the Peoples' Republic of Kampuchea and State of Cambodia (1979-1991) they were told that the goal was to "get" the Khmer Rouge leader, Pol Pot. A people's tribunal was held to prosecute the absent Khmer Rouge in 1979, and a national "Day of Hate" was "celebrated" yearly with mandatory mass meetings throughout Cambodia.

Yet another turn-around occurred in 1991, when Cambodians were asked to forgive and forget as the Khmer Rouge joined the peace process. When they dropped out in 1992 it

was back to war and forced conscription to fight the Khmer Rouge. That lasted until 1996, when yet another shift occurred in favor of "national reconciliation." Former Khmer Rouge fighters were welcomed directly into the government in exchange for a pledge of peace.

It is an extraordinary history – on one moment, off the next. No one is blameless – least of all the international community. The international community has a duty to intervene. Not only were the crimes committed under the Khmer Rouge regime arguably crimes against humanity, but the world owes a heavy debt to Cambodians for its past support of the Khmer Rouge.

But the form of justice to be meted out to the Khmer Rouge should not be decided entirely by the international community. After 20 years of being force-fed conflicting messages about the Khmer Rouge, they must be given the chance to reflect on the appropriate form of punishment. Whatever model is chosen, this could be the key to its success and the key to avoiding an outcome that creates division and vengeance, instead of reconciliation.

Consulting Cambodians

What is the opinion of Cambodians, and how can it be determined? This could be hard to establish. A survey was initiated in July 1997 by Yale University's Law School and the Documentation Center of Cambodia, but was not completed because expatriates had to be evacuated during the political unrest. In the initial phase, about 35 political party activists were surveyed. Approximately 75 percent supported a tribunal, while a few individuals supported a truth commission. But the sample was small, and the survey comprised only political activists, so conclusions about the Cambodian population in general cannot be drawn.

In January, a Cambodian-French Institute for Statistics (IFRASSORC) did a survey in Cambodia of 1,500 people, which found that 80 percent supported a tribunal. However, the poll consisted of only two questions - "Do you want Khmer Rouge leaders under the Pol Pot regime to be prosecuted?" and, "Do you want all criminals including those committing their crimes after the Pol Pot regime to be also prosecuted?" The notion of how the leaders would be prosecuted may not have been clear to all respondents, especially given the lack of trust and understanding by Cambodians of their own judicial system. In addition, the Institute that conducted the poll is rumored to have had ties with an opposition political party. Even if this is only a perception, it could skew results. Finally, the polling methods, selection, and training of pollsters must be examined, so the results can be fully analyzed.

The Cambodian Human Rights Action Committee, made up of a coalition of 17 NGOs, originally planned to collect 500,000 signatures on a petition calling for an international tribunal to try the Khmer Rouge leaders. Between January 6 and 19, 85,000 signatures were collected. The consensus was that people wanted a tribunal (although the various options for truth commissions and tribunal processes were not explored). But the

Committee wrote to Secretary-General Kofi Annan on January 20 stating that although they believed that the petition reflected the will of the Cambodian people, several NGO workers collecting signatures were intimidated. The intimidation was not systematic: certain government officials had even been too cooperative (ordering villagers to sign the petition). But the fact that there was intimidation indicates some of the difficulty in establishing what Cambodians feel. Are the Khmer Rouge still in villages? Are some people in government trying to protect some Khmer Rouge leaders and prevent a trial?

This leads to another question. Can there truly be an assessment of the Cambodian view, given the current political instability and the fact that many Cambodians still suffer from post-traumatic-shock syndrome? Cambodians who have lived overseas are often more outspoken and articulate than the quieter voices in Cambodia, who live in Cambodia with more fear and uncertainty. In Cambodia the Khmer Rouge are closer. Everyone knows that they are in Pailin, Malai, and Anlong Veng. But they also remain mysterious. They can be everywhere and nowhere. Cambodians in Cambodia will be less inclined to speak out forcefully than exiles. The initial polls indicate that people do feel strongly enough to speak out, and they will do so. However, special care must be taken in the way that the opinions are solicited.

It is also important that any survey not be selective, but seek views from as wide a group as possible. The estimate is that up to two million died under the Khmer Rouge, between April 17, 1975 and January 7, 1979. First of all, there were mass executions of certain groups: civil servants (soldiers, teachers, etc), educated city people, religious and ethnic minorities (Buddhist monks, Cham Muslims, Chinese), and people living in the eastern zones. But thousands also died from overwork, stepping on mines when forced to work as porters for military supplies, inadequate food, and lack of medical care. Children were taken away from parents. As the previous article established, forced marriages occurred.

Education, culture, religion – many human rights were denied. Every Cambodian has a story to tell. (They include the Cambodian women who attended the Training). Their voices have a right to be heard.

It is of paramount importance that some sort of national survey or referendum, as well as consultations with key Cambodian experts, be carried out to ask Cambodians what they want, and what will help them to heal. Perhaps Ministries, NGOs, and the UN could work together to gather information as they did for the elections. This of course would be expensive, but money must be found for this exercise if peace and reconciliation is to happen.

Whatever is decided, funds must also be made available to give all Cambodians the chance to learn and hear about the process, and also to recover from telling their stories and hearing the truth. South Africa's Truth and Reconciliation Commission showed that giving testimony can be deeply traumatic – for victims, survivors, and even their torturers.

During the process, Khmer Rouge assets should be seized. Although many say that the Khmer Rouge have spent all their millions, it is hard to believe there are not personal fortunes stashed in Swiss banks, from the gems, timber, and other border trade that was conducted over the years. These funds should be seized and funneled into such programs as education and health. This way, Cambodians could see justice producing concrete results.

There is little room for satisfaction. We all share the blame for the misery caused by the Khmer Rouge. Perhaps the "Day of Hate" that was promulgated by the Cambodian government during the 1980s should be changed to a "Day of Remorse" in the years to come.

* Laura McGrew was a human rights monitor and an electoral monitor in Cambodia. She has also worked at the International Human Rights Law Group in Washington, DC.

Who to Contact on the Khmer Rouge

The Cambodian Genocide Program (CGP) of Yale University came out of an act of the US Congress, which called for more information on the Khmer Rouge. In January 1995 the Documentation Center of Cambodia (DC-Cam) was created as a field office for the CGP. CGP and DC-Cam have had three main objectives: documentation, historiographical research and legal training. The DC-Cam aims: 1) to serve as a permanent resource to provide the public with a better understanding of the Pol Pot regime, and to Cambodians or others who may wish to pursue legal redress for genocide, war crimes, and crimes against humanity which may have been perpetrated under the DK regime between 1975 and 1979; and 2) to prevent the return of the "Killing Fields" to Cambodia through legal and peaceful means.

* Contact Documentation Centre of Cambodia

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