
The Cambodian Genocide, 1975-1979

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*'In the years 1975 and 1976, they were killing people every day. Killings took place at some distance from the village. I heard that victims were bound and then beaten to death. They were usually people found to be fishing illegally or who had failed to inform the Khmer Rouge of all their activities. Also during 1975-76, food was scarce in the village; rice porridge with banana stalks was the usual meal.'*¹

A 12 year old peasant boy, who was separated from his parents, in a later memory of the Khmer Rouge

Introduction

Khmer Rouge forces took over Cambodia on 17 April 1975. They forcibly evacuated the nation's cities, emptied hospitals and Buddhist monasteries, closed schools and factories, abolished money and wages, and scattered libraries. Freedom of the press, movement, worship, organisation, association, and discussion all disappeared for nearly four years. So did family life. Cambodians were forced to take their meals in collective mess halls. Parents ate in sittings; if they were lucky, their sons and daughters waited their turn outside. During the years 1975 to 1979, Democratic Kampuchea (DK) was a prison camp state. Its 8 million prisoners served most of their time in solitary confinement. 1.7 million inmates were worked, starved, or beaten to death.

1. The rise of the Khmer Rouge

Rural conditions were better in prerevolutionary Cambodia than in neighbouring countries like Vietnam or even Thailand. Land was more equitably distributed, and most peasant families owned some land. However, rural debt was common, and the number of landless tenants or sharecroppers increased from 4% of the farming population in 1950 to 20% in 1970.² Thus, alongside a landowning middle peasant class, a new class of rootless, destitute rural dwellers emerged. Their position was desperate enough for them to have little to lose in any kind of social revolution.

The gulf between town and countryside has been cited as a major factor in the Khmer Rouge's march to power. Unlike the countryside, the cities were not predominantly Khmer, but included large populations of ethnic Chinese and Vietnamese. Nor was the urban manufacturing sector very significant, producing few consumer goods for the countryside. Many peasants saw cities as seats of arbitrary, even foreign, political and economic power. But none of this, of course, explains why the Khmer Rouge regime also turned against the peasantry in such large numbers.

Another factor was the rapid expansion of education in Cambodia in the 1960s, following the long neglect of education under French colonial rule. A generation gap separated peasant parents from educated youth, who were often unable to find work after graduating from high school and so drifted into political dissidence. The Khmer Rouge in the 1960s recruited disproportionately among schoolteachers and students.

After completing a scholarship in France, Pol Pot — the future Khmer Rouge leader — returned to Cambodia in 1953. During the 1960s, he and other younger, mostly French-educated Cambodian communists took over the leadership of the more orthodox (pro-Vietnamese) Workers' Party of Kampuchea, which had led the independence struggle against French colonialism while they were back in Paris. In 1966, the new leadership changed the party's name to 'Communist Party of Kampuchea' (CPK) and set out on their path to power by staging an uprising against Prince Norodom Sihanouk's neutralist government.

The Sihanouk regime was increasingly repressive, which drove the grass-roots left into dis-sidence, enabling the French-educated Khmers of elite background, led by Pol Pot, to harness these home-grown veterans of the independence struggle to its plans for rebellion in 1967-1968. Conflict between the Vietnamese and Chinese Communists over Cambodia gave Pol Pot's faction Chinese support and valuable manoeuvrability against the orthodox pro-Vietnamese Khmer Communists.

Although it was an indigenous political phenomenon, Pol Pot's regime could not have come to power without the massive economic and military destabilisation of Cambodia by the United States, beginning in 1966. On 18 March 1969, the U.S. Air Force began a secret B-52 bombardment of Vietnamese sanctuaries in rural Cambodia.³ Exactly one year later, Prince Norodom Sihanouk was overthrown by the U.S.-backed general, Lon Nol. The Vietnam War spilled across the Vietnam-Cambodia border, Sihanouk swore revenge, and a new civil war tore Cambodia apart.

The U.S. bombing of the countryside increased from 1970 until 15 August 1973, when the U.S. Congress imposed a halt. Up to 150,000 Cambodians had been killed in the American bombardments. Nearly half of the 540,000 tons of bombs fell in the last six-month period. Hundreds of thousands of peasants fled into the cities, to escape first the bombing and then the imposition of Khmer Rouge power. From the ashes of rural Cambodia arose the CPK regime, led by Pol Pot.

Pol Pot's forces had profited greatly from the U.S. bombardment. Contemporary U.S. government documents and peasant survivors reveal that the Khmer Rouge used the bombing's devastation and massacre of civilians as recruitment propaganda, and as an excuse for their brutal, radical policies and their purge of moderate and pro-Vietnamese Khmer Communists and Sihanoukists. They took national power in 1975 after defeating Sihanouk's successor regime, that of Marshal Lon Nol.

2. Organising the genocide

The CPK Centre, known as *Angkar Loeu* (the high organisation), began its purges in the 1960s by assassinating Party figures assumed to be too close to Vietnam's Communists. In the early 1970s, before taking power at the national level, the Centre arranged the arrest and 'disappearances' of nearly 900 Hanoi-trained Khmer Communists who had returned home from North Vietnam to join the insurgency against Lon Nol's regime. They accounted for half the Party's membership in 1970.

Democratic Kampuchea was initially divided into six major zones and 32 regions, each of which in turn comprised districts, subdistricts, and villages. One aim of the CPK Centre was to build larger and larger units at the local level, abolishing village life altogether in favour of 'high-level cooperatives' the size of a subdistrict. At the other end of the hierarchy, the Centre set about reducing the autonomy of the zones by bringing them under its own direct control.



Children at work during Democratic Kampuchea
Source: Documentation Center of Cambodia

'Then, from January 1977, all children over about eight years of age, including people of my age [20 years], were separated from their parents, whom we were no longer allowed to see although we remained in the village. We were divided into groups consisting of young men, young women, and young children, each group nominally 300-strong. The food, mostly rice and salt, was pooled and served communally. [...] Also in early 1977, collective marriages, involving hundreds of mostly unwilling couples, took place for the first time. All personal property was confiscated. A new round of executions began, more wide-ranging than that of 1975 and involving anyone who could not or would not carry out work directions. Food rations were cut significantly, leading to many more deaths from starvation, as were clothing allowances. Three sets of clothes per year was now the rule. Groups of more than two people were forbidden to assemble.'

Thoun Cheng (b. 1957), who fled the Pol Pot regime in 1977

The Centre gradually exerted totalitarian control over the population by replacing autonomous or dissident Zone administrations and Party Committees with Centre-backed forces commanded by loyalist Zone leaders Mok and Ke Pauk. By 1978, purges had taken the lives of half of the members of the Party's Central Committee, although there is no evidence that this body had ever officially met.

A common pattern was for Mok's or Pauk's forces to undermine a Zone from below, first purging the district and village committees, then the regional ones, before finally picking off the weakened Zone Party leadership. From 1973, with Centre backing, Mok had seized control of the Southwest Zone Party Committee, executing his senior and rival, Prasith, who had been number 7 in the 1963 Party hierarchy. Then after victory in 1975, Pauk's forces carried out a violent purge of cadres loyal to his executed predecessor, Koy Thuon, in the Northern Zone, renamed the Central Zone. In 1977, Mok's Southwest Zone forces and administrators carried out a similar purge of the Northwest Zone.

Those arrested were taken to the nerve centre of the system, the national security service (*santebal*) prison in Phnom Penh, code-named Office S-21, preserved today as the Tuol Sleng Museum of Genocide. Up to 20,000 people, mostly suspected CPK dissidents and regional officials, were tortured and killed there from 1976 to 1979. Chief of the *santebal*, Kaing Guek Iev, alias Deuch, reported directly to Son Sen, the Centre official responsible for security.

3. The ideology of genocide

Along with Stalinist and Maoist models, an underlying theme of the political worldview of the Pol Pot group was a concern for national and racial grandiosity. Their disagreements with Vietnamese Communists in Paris in the early 1950s concerned the symbolic grandeur of the medieval Khmer temple of Angkor Wat and their sensitivities over the small size of Cambodia's population. In their view, Cambodia did not need to learn or import anything from its neighbours. Rather, they would recover its pre-Buddhist glory by rebuilding the powerful economy of the medieval Angkor kingdom and regain 'lost territory' from Vietnam and Thailand. Democratic Kampuchea treasured the Cambodian 'race', not individuals. National impurities included the foreign-educated (except for Pol Pot's Paris-educated group) and 'hereditary enemies', especially Vietnamese. To return Cambodians to their imagined origins, the Pol Pot group saw the need for war, and for 'secrecy as the basis' of the revolution.⁴ Few of the grass-roots, pragmatic Cambodian Communists could be trusted to implement such plans, which Pol Pot kept secret from them.

DK sealed Cambodia off from the world. The borders were closed, all neighbouring countries subject to military attack, the use of foreign languages was banned, embassies and press agencies were expelled, local newspapers and television shut down, radios and bicycles confiscated, mail and telephone communication suppressed. Cambodians soon learned that any display of knowledge or skill, if 'contaminated' by foreign influence, was dangerous. Human communications were reduced to daily instructions and orders.

The Party Centre, with its elite, urban background, French education, and a racial chauvinism little different from that of its predecessor (the Lon Nol regime), inhabited a different ideological world from that of the more moderate, Buddhist-educated, Vietnamese-trained peasant cadres who had made up the mass of the Party's membership. The acknowledged lack of a political

78 base for its programme meant that it considered tactics of ‘secrecy’ and violence necessary. These were used first against suspected Party dissidents, then against the people of Cambodia as a whole (and especially ethnic minorities like the Vietnamese). Given the sacrifices from the population that the nationalist revival required, the resistance it naturally provoked, and the regime’s preparedness to forge ahead ‘at all costs’, mass murder and genocide were the results.

‘Also from 1975, money was abolished and big houses were either demolished, and the materials used for smaller ones, or used for administration or to house troops. The banana trees in the chamcar were all uprooted on the orders of the Khmer Rouge and rice planted in their place. Production was high, although some land was left fallow and rations usually just consisted of rice porridge with very little meat. After the harvest each year, trucks would come at night to take away the village’s rice stores to an unknown destination.

In 1975, the Khmer Rouge also began executing rich people, although they spared the elderly owner of 800 hectares. They also executed college students and former government officials, soldiers and police. I saw the bodies of many such people not far from the village.’

Thoun Cheng (b. 1957), who fled the Pol Pot regime in 1977

4. Perpetrators

The DK ruling body was the Standing Committee of the Central Committee of the CPK. The leaders with maximum national power and responsibility for the mass murders and genocide about to be perpetrated were based in the capital, Phnom Penh, and were known as the ‘Party Centre’. This small group of mostly post-1960 party leaders held national power and were responsible for initiating the genocidal policies.

Khmer Rouge Leaders

No. 1 – Saloth Sar (Pol Pot), Secretary-General of the CPK from 1962, and Prime Minister of DK;

No. 2 – Nuon Chea, Deputy Secretary-General of the Party from 1960;

No. 3 – Ieng Sary, ranked number 3 in the Party leadership from 1963 and one of DK’s deputy prime ministers (responsible for Foreign Affairs);

No. 11 – Son Sen, Deputy Prime Minister of DK (responsible for defence and security);

Khieu Samphan, a Party member since the 1950s who became DK’s president;

Ieng Thirith, wife of Ieng Sary and DK Minister of Social Action;

Yun Yat, wife of Son Sen and DK Minister of Culture.

Two other figures who held regional posts in 1975 increasingly assumed responsibility for the implementation of genocidal policies throughout the country: Chhit Choeun, alias



Democratic Kampuchea leaders and members of the Standing Committee of the Central Committee of the CPK
 Source: Documentation Center of Cambodia

Mok, was CPK secretary of the key Southwest Zone and later Chief of the General Staff of the Khmer Rouge armed forces; and Ke Pauk, Party Secretary of the Central Zone of DK, later became Under Secretary-General of the Khmer Rouge armed forces.

The shadowy DK leaders gave few clues to their personal lives. In 1978, the first journalists into DK, from Yugoslavia, had to ask its Prime Minister, ‘Who are you, comrade Pol Pot?’.⁵ He never admitted that his real name was Saloth Sar. As a Cambodian student activist in Paris in 1952, he had stood out in his choice of a different *nom de plume*: the ‘Original Cambodian’ (*khmaer da'em*). Fellow students preferred less racial, modernist code-names, like ‘Free Khmer’ or ‘Khmer Worker’.

5. Victims

5.1 Genocide against a religious group

Pol Pot’s government tried to eradicate Buddhism from Cambodia. Eyewitnesses testify to the Khmer Rouge massacres of monks and the forcible disrobing and persecution of survivors. Out of a total of 2,680 Buddhist monks from eight of Cambodia’s 3,000 monasteries, only 70 monks were found to have survived in 1979.⁶ There is no reason to believe these eight monasteries were atypical. If the same death toll applied to the monks from all the other monasteries, fewer than 2,000 of Cambodia’s 70,000 monks could be said to have survived.



Pol Pot, 1978

Source: Documentation Center of Cambodia. Photo: Elizabeth Becker

'Monks have disappeared from 90 to 95 per cent.... Monasteries... are largely abandoned. The foundation pillars of Buddhism... have disintegrated. In the future they will dissolve further. The political base, the economic base, the cultural base must be uprooted.'⁷

A CPK Centre document dated September 1975

Buddhism was eradicated from the face of the country in just one year; by early 1977, there were no functioning monasteries and no monks to be seen anywhere in Cambodia.

5.2 Genocide against ethnic groups

The largest ethnic minority groups in Cambodia before 1970 were the Vietnamese, the Chinese, and the Muslim Cham. Unlike most other Communist regimes, the Pol Pot regime's view of these and the country's 20 other national minorities, who had long made up over 15% of the Cambodian population, was virtually to deny their existence. The regime officially proclaimed that they totalled only 1% of the population. Statistically, they were written off.

Their physical fate was much worse. The Vietnamese community, for example, was en-



Ethnic people at the market, selling fabrics
Source: Documentation Center of Cambodia.

tirely eradicated. About half of the 450,000-strong community had been expelled by the United States-backed Lon Nol regime in 1970 (with several thousands killed in massacres). Over 100,000 more were driven out by the Pol Pot regime in the first year after its victory in 1975. The ones who remained in Cambodia were simply murdered.

In research conducted in Cambodia since 1979 it has not been possible to find a Vietnamese resident who had survived the Pol Pot years there. However, eyewitnesses from other ethnic groups, including Khmers who were married to Vietnamese, testify to the fates of their Vietnamese spouses and neighbours. What they witnessed was a campaign of systematic racial extermination.⁸

The Chinese under Pol Pot's regime suffered the worst disaster ever to befall any ethnic Chinese community in Southeast Asia. Of the 1975 population of 425,000, only 200,000 Chinese survived the next four years. Ethnic Chinese were nearly all urban, and they were seen by the Khmer Rouge as archetypal city dwellers, and as prisoners of war. In this case, they were not targeted for execution because of their race, but like other evacuated city dwellers they were made to work harder and under much more deplorable conditions than rural dwellers. The penalty for infraction of minor regulations was often death. This basically constituted systematic

82 discrimination predicated on geographic or social origin.

The Chinese succumbed in particularly large numbers to hunger and to diseases like malaria. The 50% of them who perished is a higher proportion even than that estimated for Cambodia's city dwellers in general (about one-third).

Furthermore, the Chinese language, like all foreign and minority languages, was banned, and so was any tolerance of a culturally and ethnically distinguishable Chinese community. This, in essence, constituted being destroyed 'as such'.

The Muslim Chams numbered at least 250,000 in 1975. Their distinct religion, language and culture, large villages, and autonomous networks threatened the atomised, closely supervised society that the Pol Pot leadership planned. An early 1974 Pol Pot document records the decision to 'break up' the Cham people, adding: 'Do not allow too many of them to concentrate in one area'. Cham women were forced to cut their hair short in the Khmer style, not wear it long as was their custom; then the traditional Cham sarong was banned, as peasants were forced to wear only black pyjamas. Ultimately, restrictions were placed upon religious activity.

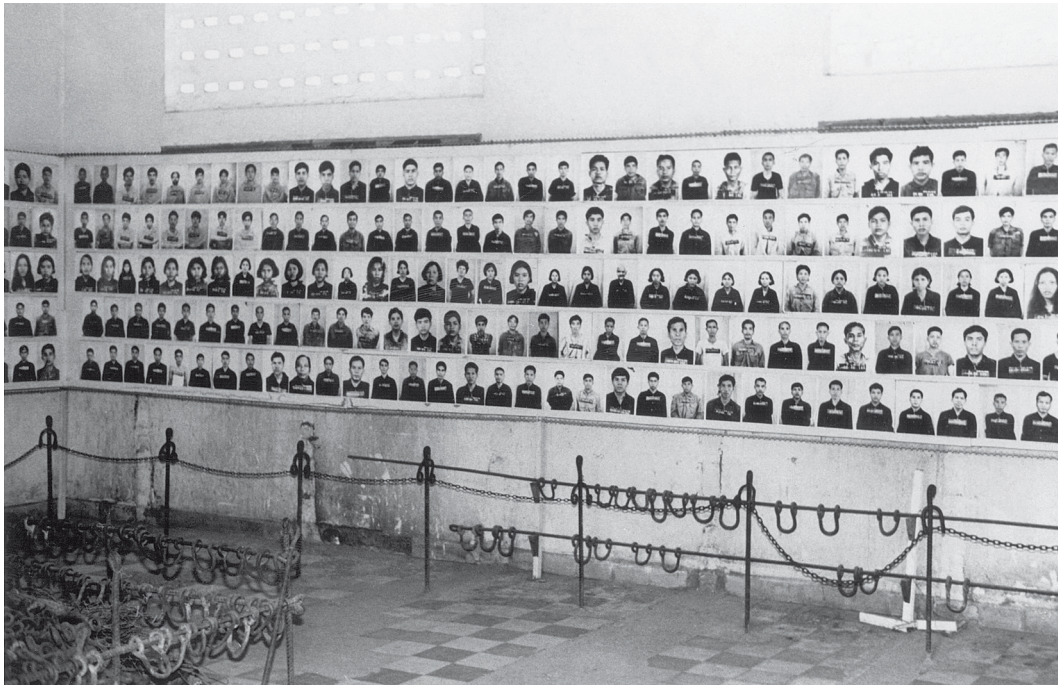
'Our Cham leaders were dismissed in 1976, and replaced by Khmers. We were not allowed to speak Cham. Only the Khmer language was allowed. From 1977, they said: "There are no Vietnamese, Chinese, Javanese [Chams and Malays] — only the Khmer race. Everyone is the same.'"

Nao Gha, a minority Cham Muslim woman

In 1975, the new Pol Pot government turned its attention to the Chams with a vengeance. Fierce rebellions broke out. On an island in the Mekong River, the authorities attempted to collect all copies of the Koran. The villagers staged a protest demonstration, and Khmer Rouge troops fired into the crowd. The Chams then took up swords and knives and slaughtered half a dozen troops. The retaliating armed forces massacred many and pillaged their homes. They evacuated the island, and razed the village, and then turned to a neighbouring village, massacring 70% of its inhabitants.

Soon after, the Pol Pot army forcibly emptied all 113 Cham villages in the country. About 100,000 Chams were massacred and the survivors were dispersed in small groups of several families. Islamic schools and religion, as well as the Cham language, were banned. Thousands of Muslims were physically forced to eat pork. Many were murdered for refusing. Of 113 Cham *hakkem*, or community leaders, only 20 survived in 1979. Only 25 of their 226 deputies survived. All but 38 of about 300 religious teachers at Cambodia's Koranic schools perished. Of more than a thousand who had made the pilgrimage to Mecca, only about 30 survived.⁹

The toll goes on. The Thai minority of 20,000 was reportedly reduced to about 8,000. Of the 1,800 families of the Lao ethnic minority, only 800 families survived. Of the 2,000 members of the Kola minority, 'no trace... has been found'.¹⁰



Photographs of victims that were imprisoned at S-21
Source: Documentation Center of Cambodia

5.3 Genocide against a part of the majority national group

Finally, of the majority Khmers, 15 percent of the rural population perished between 1975 and 1979, and 25% of the urban population (see Table 1). Democratic Kampuchea initially divided its population into the ‘old citizens’ (those who had lived in Khmer Rouge Zones before 1975) and ‘new citizens’ (those who had lived in the cities, the last holdouts of the Lon Nol regime). All cities were evacuated in April 1975.

‘The Khmer Rouge victory in April 1975 and their evacuation of Phnom Penh city brought 600 more people to Banteay Chey. The newcomers were billeted with village families. Relatives of ours, a couple and their three children, and one single man, stayed in my father’s house. They had set out on foot from Phnom Penh 15 days earlier and arrived tired and hungry, although unlike some others they had not lost any of their family members along the way. [...] In return for food and shelter, the new arrivals in Banteay Chey helped the locals in their work in the fields. Also in April 1975, Khmer Rouge troops came to live in the village. It was not long before they began imposing a very harsh lifestyle on the villagers. Everybody was now obliged to work in the fields or dig reservoirs from 3 or 4 AM until 10 PM.’

Thoun Cheng (b. 1957), who fled the Pol Pot regime in 1977

84 In 1976, however, the ‘new citizens’ were redesignated as ‘deportees’, and most failed to even qualify for the next category, ‘candidates’, let alone ‘full rights citizens’, a group to which only favoured peasant families were admitted. But not even they were spared the mass murders of the 1977-1978 nationwide purges.

The most horrific slaughter was perpetrated in the last six months of the regime, in the politically suspect Eastern Zone bordering Vietnam. After the Khmer Rouge killed hundreds in mass executions, tens of thousands of other villagers were deported to the northwest of the country. En route through Phnom Penh they were ‘marked’ as easterners by being forced to wear a blue scarf, reminiscent of Hitler’s yellow star for Jews,¹¹ and later eliminated en masse. A total 1978 murder toll of over 100,000 (more than one-seventeenth of the eastern population) can safely be regarded as a minimum estimate.¹² The real figure is probably much higher (Table 1).

TABLE 1 Approximate Death Tolls under Pol Pot, 1975-1979

Social group	1975 pop.	Numbers perished	%
<i>‘New Citizens’</i>			
Urban Khmer	2,000,000	500,000	25
Rural Khmer	600,000	150,000	25
Chinese (all urban)	430,000	215,000	50
Vietnamese (urban)	10,000	10,000	100
Lao (rural)	10,000	4,000	40
TOTAL New citizens	3,050,000	879,000	29
<i>‘Base Citizens’</i>			
Rural Khmer	4,500,000	675,000	15
Khmer Krom	5,000	2,000	40
Cham (all rural)	250,000	90,000	36
Vietnamese (rural)	10,000	10,000	100
Thai (rural)	20,000	8,000	40
Upland minorities	60,000	9,000	15
TOTAL Base citizens	4,840,000	792,000	16
Cambodia	7,890,000	1,671,000	21

6. The long-term impact on the victim groups

In 1979 the population of Cambodia totalled around 6.5 million. The survivors thus emerged from the Pol Pot period nearly 3.5 million fewer than the 1980 population that had been projected in 1970.¹³ Not all of the difference is attributable to the Pol Pot regime; much is the result of the American war and aerial bombardment of the populated areas of Cambodia from



Cambodians rejoicing after liberation, January 17, 1979
Source: Documentation Center of Cambodia

86 1969-1973, and of projected population growth that was unrealised due to instability, population displacement, and harsh living conditions throughout the 1970s. But 1.7 million deaths are directly attributable to the Khmer Rouge regime.

The Cambodian population was severely affected by psychological trauma. Post-traumatic stress syndrome became a general problem, including illnesses such as psychosomatic blindness, which has been diagnosed among survivors living in the United States.

7. International responses

In January 1979, the Vietnamese army invaded Cambodia, driving out the Khmer Rouge. A much less repressive regime was established with Hun Sen, first as Foreign Minister, and then as Prime Minister from 1985 onward. Vietnamese troops withdrew in 1989, after training a new Cambodian army that succeeded in defending the country on its own. But most of the international community embargoed the new government and continued to recognise the 'legitimacy' of the defunct Pol Pot regime, voting for it to occupy Cambodia's UN seat for another 12 years. Therefore, until 1989, the Khmer Rouge flag flew over New York, and until 1992 Pol Pot's ambassador ran Cambodia's mission there. No Western country voted against the right of the government-in-exile dominated by the Khmer Rouge to represent their former victims in international forums.¹⁶ Most Western governments instead portrayed the Vietnamese invasion as the cause of the 'Cambodian problem'.

International loyalty persists

While the Cambodian genocide progressed, Washington, Beijing, and Bangkok all supported the continued independent existence of the Khmer Rouge regime. The U.S. Secretary of State Henry Kissinger tells the foreign minister of neighbouring Thailand, on 26 November, 1975:

'You should also tell the Cambodians that we will be friends with them. They are murderous thugs, but we won't let that stand in our way. We are prepared to improve relations with them.'¹⁴

Two weeks later, Kissinger and U.S. President Gerald Ford visited Southeast Asia. Ford told Indonesia's President Suharto: 'The unification of Vietnam has come more quickly than we anticipated. There is, however, resistance in Cambodia to the influence of Hanoi. We are willing to move slowly in our relations with Cambodia, hoping perhaps to slow down the North Vietnamese influence although we find the Cambodian government very difficult.' Kissinger then explained Beijing's similar strategy: 'The Chinese want to use Cambodia to balance off Vietnam. We don't like Cambodia, for the government in many ways is worse than Vietnam, but we would like it to be independent. We don't discourage Thailand or China from drawing closer to Cambodia'.¹⁵

In the decade following Pol Pot's overthrow, many reputable legal organisations dismissed proposals to send delegations to Cambodia to investigate the crimes of the DK regime. They all refused such opportunities to report on what the UN's Special Rapporteur on genocide, Benjamin Whitaker, described in 1985 as genocide, 'even under the most restricted definition'.

A few voluntary organisations around the world pressed on, unaided by major human rights groups. These included the U.S. Cambodia Genocide Project, which in 1980 proposed a World Court case; the Australian section of the International Commission of Jurists, which in January 1990 called for 'international trials' of the Pol Pot leadership for genocide; the Minnesota Lawyers International Human Rights Committee, which in June 1990 organised a one-day mock trial of the Khmer Rouge following the procedures of the World Court, with testimony by a dozen victims of the genocide; the Washington-based Campaign to Oppose the Return of the Khmer Rouge, supported by 45 U.S. organisations, a former Cambodian Prime Minister, and survivors of the Khmer Rouge period; Yale University's Cambodian Genocide Programme; and the NGO Forum, an international body of private voluntary agencies working in Cambodia.

8. The road to justice

Finally in the early 1990s, public pressure on governments mounted in Western countries. The UN Subcommission on Human Rights, which the previous year had quietly dropped from its agenda a draft resolution condemning the Pol Pot genocide, now passed a resolution noting 'the duty of the international community to prevent the recurrence of genocide in Cambodia' and 'to take all necessary preventive measures to avoid conditions that could create for the Cambodian people the risk of new crimes against humanity' (UN Subcommission on Human Rights, 1991). For the first time, the genocide was acknowledged in an official international arena. *The New York Times* called on Washington to publish its 'list of Khmer Rouge war criminals and insist on their exclusion from Cambodian political life', and for their trial before 'an international tribunal for crimes against humanity'.

In Paris on 23 October 1991, as the Paris Peace Agreement was signed, U.S. Secretary of State James Baker stated: 'Cambodia and the U.S. are both signatories to the Genocide Convention and we will support efforts to bring to justice those responsible for the mass murders of the 1970s if the new Cambodian government chooses to pursue this path'.¹⁷

In October 1991, U.S. Assistant Secretary of State Richard Solomon said Washington 'would be absolutely delighted to see Pol Pot and the others brought to justice for the unspeakable violence of the 1970s'. He blamed Hun Sen for the Paris Agreement's failure that year to include provision for a trial: 'Mr. Hun Sen had promoted the idea over the summer months of a tribunal to deal with this issue. For reasons that he would have to explain he dropped that idea at the end of the negotiations'. The facts show, however, that the United States had not supported the idea of a trial from the time it was broached in June 1986 by Australia's Foreign Minister Bill Hayden, and that it was the United States and China that had forced Hun Sen to drop the demand.¹⁸

88 The struggle to bring the Khmer Rouge leaders to justice began to bear fruit after the 1993 UN-sponsored elections, when the Khmer Rouge killed peacekeepers from Bangladesh, Bulgaria, Japan, and China. Following the UN's withdrawal, in 1994, the new Cambodian coalition government outlawed the Khmer Rouge insurgency, which began to fragment. Treason and paranoia led to the final downfall of the Khmer Rouge leaders. In June 1997, fearing further betrayal, Pol Pot murdered Son Sen. In the jungle of northern Cambodia, as the last military forces loyal to Pol Pot abandoned their base, they drove their trucks over the bodies of their final victims: Son Sen, his wife Yun Yat — the DK Minister of Culture — and a dozen of their family members. Mok turned in pursuit, arrested Pol Pot, and subjected him to a show trial in the jungle for the murder of Son Sen. But in March 1998, former Deputy Commander Ke Pauk led a new mutiny against Mok, and also defected to the government. The next month, as the various factions slugged it out, Pol Pot died in his sleep.

In December 1998, the top surviving Khmer Rouge leaders — Nuon Chea, former Deputy Party Secretary, and Khieu Samphan, former DK Head of State — surrendered to the government. Cambodian troops captured Mok in March 1999. And the next month, Kang Khek Iev, alias Deuch, the former commandant of Tuol Sleng prison, was discovered by a British journalist. He, too, was quickly arrested by Hun Sen's police. Phnom Penh prosecutors announced that Deuch and Mok would be charged with genocide, and that both Nuon Chea and Khieu Samphan would be summoned to testify and would also be charged with genocide. Despite the deaths of Son Sen, Pol Pot, Ke Pauk (who died in 2002), and Mok (2006), five or more DK leaders remain liable to prosecution.

7.1 The ECCC

Cambodia's two Prime Ministers, Hun Sen and King Sihanouk's son Norodom Ranariddh, had appealed in 1997 to the UN to establish an international tribunal to judge the crimes of the Khmer Rouge. In response, the UN created a Group of Experts to examine the evidence, including the documents collected by Yale's Cambodian Genocide Programme and its now-independent offshoot, the Documentation Centre of Cambodia. The UN experts concluded in 1999 that the Khmer Rouge should face charges 'for crimes against humanity and genocide'. They reported that the events of 1975-1979 fit the definition of the crime outlawed by the United Nations Genocide Convention of 1948. In their view, the Khmer Rouge regime had 'subjected the people of Cambodia to almost all of the acts enumerated in the Convention. The more difficult task is determining whether the Khmer Rouge carried out these acts with the requisite intent and against groups protected by the Convention.' The experts' response to this challenge was affirmative.



Khmer Rouge leader Deuch sentenced by ECCC, 26 July 2010
Source: United Nations

Intent — Could ‘genocidal intent’ be proved in the case of Cambodia?

UN Experts: ‘In the view of the group of experts, the existing historical research justifies including genocide within the jurisdiction of a tribunal to prosecute Khmer Rouge leaders. In particular, evidence suggests the need for prosecutors to investigate the commission of genocide against the Cham, Vietnamese and other minority groups, and the Buddhist monkhood. The Khmer Rouge subjected these groups to an especially harsh and extensive measure of the acts enumerated in the Convention. The requisite intent has support in direct and indirect evidence, including Khmer Rouge statements, eyewitness accounts, and the nature and numbers of victims in each group, both in absolute terms and in proportion to each group’s total population. These groups qualify as protected groups under the Convention: the Muslim Cham as an ethnic and religious group; the Vietnamese communities as an ethnic and, perhaps, a racial group; and the Buddhist monkhood as a religious group.’

‘Specifically, in the case of the Buddhist monkhood, their intent is evidenced by the Khmer Rouge’s intensely hostile statements towards religion, and the monkhood in par-

ticular; the Khmer Rouge's policies to eradicate the physical and ritualistic aspects of the Buddhist religion; the disrobing of monks and abolition of the monkhood; the number of victims; and the executions of Buddhist leaders and recalcitrant monks. Likewise, in addition to the number of victims, the intent to destroy the Cham and other ethnic minorities appears evidenced by such Khmer Rouge actions as their announced policy of homogenisation, the total prohibition of these groups' distinctive cultural traits, their dispersal among the general population, and the execution of their leadership.'

From 1999 to 2006, the UN negotiated with the Cambodian government and established a joint tribunal in Phnom Penh to ensure legal accountability for the Khmer Rouge's crimes. In 2007, the Cambodian and international co-prosecutors of the new Extraordinary Chambers in the Courts of Cambodia (ECCC) alleged that the defunct CPK regime had committed 'crimes against humanity [and] genocide'. The ECCC assumed custody of the imprisoned S-21 commander Deuch, and also jailed, pending trial, four surviving leaders of the CPK 'Party Centre': Nuon Chea, Khieu Samphan, Ieng Sary, and Ieng Thirith. After Deuch's 2009 trial for crimes against humanity, the ECCC announced that the other four defendants would face the additional charge of genocide for Khmer Rouge crimes against Cambodia's Cham and Vietnamese minorities. Their trial began in mid-2011.

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