

Coming to Terms with the Past Cambodia

Ben Kiernan points out the progress, and difficulties, in recovering history and justice after genocide.

HALF A MILLENNIUM OF CIVIL CONFLICT, foreign invasions, and even genocide not only devastated Cambodia, but also prevented the Khmer people from weighing their experiences in historical perspective. Hindu, Buddhist, royalist, republican, colonial and communist regimes came and went. Five relocations of the Khmer capital preceded the three foreign occupations and seven regime changes of the past sixty years alone. Officials abandoned archives, rulers erased rivals from the record, international leaders denied Cambodia's history or blocked its documentation. Yet recent events offer some hope of an accounting for the Khmer Rouge genocide of 1975-79.

A substantial corpus of inscriptions and archaeological sites like the twelfth-century Hindu temple of Angkor Wat testify to Cambodia's medieval glory. Then, around 1432, the Khmer court moved downriver, founding a new capital, Lovek. Buddhist monks maintained Angkor, but its perishable palm-leaf records vanished. In 1594, a Thai army sacked Lovek. Within two years, Iberian conquistadores razed its successor. Later royal attempts to chronicle Cambodia's fifteenth and sixteenth centuries were, as Michael Vickery shows, 'composed artificially' from Thai court chronicles for lack of Khmer sources. Cambodian events stayed in shadow.

Civil wars also wracked the country, leaving little record. A rare inscription carved at Angkor in 1747 celebrates the Khmer king's defeat of an unnamed rebel princess. Tracking down her forces by 'blocking and searching every road', the royal army 'drove out, pursued and scattered' (*kchat kchay*) the rebels. The king was presented with 'many of the slaves and possessions of the princess' and all her 'commanders, troops, and goods'.

Ethnic violence followed. A French missionary wrote in 1751 that the new Khmer king, Ang Snguon,

gave orders or permission to massacre all the Cochinchinese [Vietnamese] who could be found, and this order was executed very precisely and very cruelly; this massacre lasted a month and a half; only about twenty women and children were spared; no one knows the number of deaths, and it would be very difficult to find out, for the massacre was general from Cahon to Ha-tien.

No survivors were found of the numerous Vietnamese resident in Cambodia. Nor do other records of that pogrom survive.

Better-documented conflicts raged for a century. From the west, Thailand seized the Angkor

region. Vietnam encroached from the east. Then France colonised Vietnam and, in 1863, imposed a Protectorate on Cambodia. The French moved the capital from Oudong to Phnom Penh, retook Angkor from Thailand, and restored its archaeological sites. But the colonialists neglected Khmer schools. Pagoda schools declined; literacy rates fell. Ninety years of colonial rule produced only 144 Khmer *Baccalauréats*.

While history publishing flourished in colonial Vietnam, even educated Cambodians lacked Khmer-language historical sources, which French and royal officials often suppressed to monopolise state legitimacy. After Cambodia's independence, the regime of Prince Norodom Sihanouk (1954-70) greatly expanded education. But, as

Sihanouk's adviser Charles Meyer later recalled with near accuracy, the kingdom permitted publication in Khmer of 'no serious work of history',

In the 1960s, as US forces intervened in neighbouring Vietnam, Sihanouk tried to keep Cambodia neutral. His ouster in 1970 brought the contending armies crashing over the border. Cambodia became a theatre of the Vietnam

War. 'That damned Air Force can do more about hitting Cambodia with their bombing attacks,' President Nixon told Henry Kissinger on December 9th, 1970; 'I want a plan where every goddamn thing that can fly goes into Cambodia and hits every target that is open ... I want them to use the big planes, the small planes, everything they can.' Kissinger ordered 'a massive bombing campaign in Cambodia. Anything that flies on anything that moves.' By 1973, half a million tons of US bombs had killed 100,000 peasants and devastated the countryside. The destruction helped Pol Pot's Khmer Rouge guerrillas recruit vengeful survivors, whom they misled, claiming that 'The killing birds came from Phnom Penh.' The guerrilla army expanded, and shelled the capital, diverting history against the innocent.

The Khmer Rouge won the war in April 1975, and emptied Cambodia's cities into the countryside, persecuting and murdering the deported townspeople. Pol Pot's new communist regime, called Democratic Kampuchea (DK), also committed genocide against the Khmer Buddhist monkhood, the traditional bearers of cultural literacy. DK expelled 150,000 Vietnamese residents from Cambodia, killed all 10,000 who stayed, and carried out larger, less systematic genocide



Skulls of victims of Pol Pot's Khmer Rouge

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against the country's Chinese and Muslim minorities. In all, 1.7 million people died in four years. Upgrading the traditional term for routing enemies, DK's slogan became *khat kchay os roling* ('scatter to the last'). Targeting history too, the Khmer Rouge scattered libraries, burned books, closed schools, and murdered schoolteachers. Three-quarters of Cambodia's 20,000 teachers perished, or fled abroad.

As the genocide progressed, for geopolitical reasons Washington, Beijing, and Bangkok all supported the continued independent existence of the Khmer Rouge regime. When President Gerald Ford visited Indonesian president Suharto on December 6th, 1975, the transcript reveals that Ford deplored the recent US defeat in Vietnam and then told Suharto: '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 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.'

When the Vietnamese communist army overthrew the Khmer Rouge in January 1979, the new People's Republic of Kampuchea (PRK) reopened cities and schools but faced an international embargo led by China and the USA. A Cambodian education official recalled starting from nothing. A UN consultant found a school 'surrounded by mines and graveyards'. Another possessed eight pens per class of fifty pupils. One class meeting under a tree had to stop for the rainy season. Some of its pupils being 'completely naked'.

With Vietnamese aid the PRK reopened the Teachers' College, and printed forty school textbooks by 1980. But for a decade, Cambodian schools offered no history subjects, only classes on 'Political Morality' and folk tales. DK destruction of books was not the sole reason for this curriculum gap. Vietnamese advisors at the new Education Ministry planned a new, revolutionary history syllabus, but the PRK dragged its feet. One official explained that the country's history had yet to be written. Yet from 1985 to 1987, the PRK banned as 'incorrect' even a new 584-page Khmer-language history of Cambodia, published in the USSR. In 1986 the Ministry published, but withheld from schools, a new fifth-grade history textbook. Some suspected that Cambodian history would be 'approved' only when defined in terms of Vietnamese history.

None of Cambodia's pre-1975 professors or lecturers who had remained in the country survived the genocide. But from 1979 the PRK trained a hundred new tertiary educators. In 1988, after thirteen years, Phnom Penh University re-opened its doors, with 2,000 students. Seventy studied History. The new History Department comprised two former graduates with *licences ès lettres* from the

pre-1975 Faculty of Arts, and three post-1980 Teachers' College graduates. They had already co-authored new history school texts, including the 1986 book, which now went into use, accompanied by three new texts for higher grades. At each level, pupils began to study Cambodian History and World History.

Classes addressed some symbolic issues. For instance, the fifth-grade text tried to assess Vietnam's nineteenth-century interventions in Cambodia. In that era, the Vietnamese court at Hue had vied with Thailand for dominance there. The textbook informed pupils that, to escape Bangkok's control, 'our Khmer kings ran to rely on the feudalists in the east, that is, the Vietnamese kingdom'. Hue's intervention 'became steadily more active', especially in the court of King Ang Chan II (1794-1834). Thailand, too, 'used force to pressure King Ang Chan II and to encourage him to accept absolute Thai sovereignty. Worried by such pressure, King Ang Chan II requested help from the Hue court'. Vietnamese troops invaded, defeating the Thai. However, the King died in 1834 leaving no male heir. The Hue court 'began to use manoeuvres to enthrone Princess Ang Mey, who was a daughter of King Ang Chan II, as ruler of the kingdom. In order to strengthen its own influence and eliminate Thai influence, the Hue court intervened in the internal affairs of the Oudong court with increasing power.'

This fairly frank discussion of past Vietnamese interventions was not matched by lessons on the Khmer Rouge genocide. After Hanoi's forces left Cambodia in 1989, few students gained access to primary documents or secondary accounts of the recent past. Crowds thronged the museum that had been DK's notorious Tuol Sleng prison. Western scholars perused its archives of torture and murder. Cambodian governments, excluded from the United Nations, protested at the exiled DK regime's presence there. An official eleventh-grade 1991 *political education* text lamented: 'During the Pol Pot regime, the Cambodian people lived in hopelessness, without meaning, and in constant fear; in addition they suffered every kind of oppression [by] those violent savage murderers, and were transformed into the slaves of that gang.' Yet school history classes omitted the Khmer Rouge period altogether.

The vacuum fostered an uneasy relationship with Cambodia's past. In January 2003, a Thai TV star reportedly asserted that Angkor belonged to Thailand. Khmer protesters sacked the Thai embassy in Phnom Penh. Gangs torched a Thai airline office, hotels, and restaurants. Yet Cambodian schoolteachers still have to skirt the Khmer Rouge genocide. In 2001 the Education Ministry published new history texts, which finally included sections on DK, but recalled them in 2003 after a semester of use.

International actors also fostered a lack of

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accountability. Behind the scenes, the ousted Khmer Rouge received US support from the Carter, Reagan and first Bush administrations. Carter's national security advisor Zbigniew Brzezinski echoed Kissinger's earlier policy when he revealed that in 1979: 'I encouraged the Chinese to support Pol Pot. Pol Pot was an abomination. We could never support him, but China could.' Washington 'winked, semi-publicly' at Chinese and Thai aid to the Khmer Rouge. In 1982 the US and China encouraged Sihanouk to join a DK coalition-in-exile. Secretary of State George Schultz refused to support a proposed international genocide tribunal. In 1989 his successor James A. Baker even urged that the Khmer Rouge be included in the Cambodian government.

Twenty years of UN silence on the Khmer Rouge genocide further encouraged Cambodians to ignore the past. After a meeting of the Southeast Asian countries in 1988, the Indonesian chairman noted a consensus opposing any return to 'the genocidal policies and practices of the Pol Pot regime'. Yet in 1989 the UN General Assembly declined to identify the perpetrators of 'the universally condemned policies and practices of the recent past'. The Security Council's five permanent members deplored only unspecified, unauthored, undated 'policies and practices of the past'. During the 1991-93 UN operation in Cambodia, Pol Pot would enjoy 'the same rights, freedoms, and opportunities to participate in the electoral process' as others.

In 1990 the UN Human Rights Sub-commission considered condemning the 'genocide committed in particular during the period of Khmer Rouge rule' and urging states to 'bring to trial those who had been responsible for crimes against humanity committed in Cambodia, and prevent the return to governmental positions of those who were responsible.' However, the Sub-commission deleted this agenda item after speakers denounced its 'disservice' to the UN. Only in 1991 did it urge 'the international community to prevent the recurrence of genocide in Cambodia'. Washington now pledged cooperation in bringing the Khmer Rouge to justice. But the next year the director of the UN's Human Rights Component in Cambodia deplored its 'complete inability to work in one of the zones', a feeble criticism of Khmer Rouge obstruction, and he silently assimilated the 1975-79 genocide into what he called 'decades of conflict, upheaval and confrontation'. This obfuscation made it harder to blame Cambodians for failing to face their history.

Yet they had no choice. From jungle bases, the Khmer Rouge boycotted the UN-organised 1993 elections, and kept killing Cambodian troops and civilians. Bringing them to justice became US law under President Clinton in 1994. Two years later, Yale University's Cambodian Genocide Program uncovered 100,000 pages of secret DK documents revealing the role of top Khmer Rouge leaders in the 1975-79 mass killings, and

began posting their contents on the internet (at www.yale.edu/cgp). In 1997, Cambodia's rival Prime Ministers, Hun Sen and Sihanouk's son Norodom Ranariddh, jointly requested UN aid to prosecute DK leaders for their past crimes. The UN Secretary-General appointed a 'Group of Experts' to examine the case.

As the international lawyers worked, defections and mutinies wracked the Khmer Rouge army. Pol Pot died in 1998, and was cremated in the jungle, and his former deputy, Nuon Chea, and the DK head of state, Khieu Samphan, surrendered. The Khmer Rouge were defeated. Within months, Cambodian troops captured former DK military commander Chhit Choeun (alias Mok) and arrested the former commandant of Tuol Sleng prison, Deuch. Both went to jail pending trial.

In early 1999, the UN Experts recommended charging the surviving DK leaders 'for crimes against humanity and genocide' perpetrated in 1975-79. As well as committing 'war crimes' against Vietnam and Thailand, DK had 'subjected the people of Cambodia to almost all of the acts' listed in the 1948 UN Genocide Convention: 'Evidence also suggests the need for prosecutors to investigate the commission of genocide against the Cham, Vietnamese and other minority groups, and the Buddhist monkhood.'

The UN began negotiations with Hun Sen's government for a mixed national/international trial of senior Khmer Rouge leaders. Cambodia's National Assembly passed a 'Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea'. On June 6th, 2003, Cambodia and the UN signed their cooperation Agreement, which awaits ratification by Ranariddh's royalist party and the Assembly.

Under President George W. Bush, it is unclear whether Washington will fulfil its commitments to justice for Cambodians, especially as American leaders ignore the earlier US contribution to Cambodia's tragedy. But in 2004, seventeen members of Congress co-sponsored a resolution in support of the Khmer Rouge tribunal.

Twenty-five years after the genocide, Cambodia's tourism ministry plans to commercialise the jungle site of Pol Pot's cremation, complete with a local Khmer Rouge guide. But UN-Cambodian cooperation on a tribunal brings legal accountability within reach. On April 9th, 2004, Cambodia's General Prosecutor asked local officers 'to lay charges, and ask the magistrate to issue warrants' for the arrests of former DK leaders Khieu Samphan, Nuon Chea, and Ieng Sary.

A legal accounting of the crimes of the Khmer Rouge era cannot restore to Cambodians their lost loved ones, but it could give them back their history. If at last the tribunal goes ahead, Cambodian pupils may one day have textbooks to study the tragedy. Pol Pot's ashes are 'scattered to the last', but the growing documentation of his genocide cannot be lost like so much of Cambodia's earlier history. ■



**108th CONGRESS, 2d Session, H. CON. RES. 399
IN THE HOUSE OF REPRESENTATIVES, March 25, 2004**

Ms. MILLENDER-MCDONALD (for herself, Mr. ROHRBACHER, and Mr. LANTOS) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Urging the President to provide encouragement and support for the ratification, establishment, and financing of a tribunal for the prosecution of surviving leaders of the Khmer Rouge regime.

Whereas the Khmer Rouge regime of Democratic Kampuchea, led by Pol Pot, Secretary General of the Communist Party of Kampuchea, and other members of the Standing Committee of the Central Committee of the Communist Party of Kampuchea, subjected the people of Cambodia, including various religious groups and ethnic minorities, to genocide and other crimes against humanity between April 17, 1975, and January 7, 1979;

Whereas genocide and other crimes against humanity committed during the Khmer Rouge regime led to the deaths of over 1,700,000 Cambodians;

Whereas former United States Secretary of State James A. Baker, III, stated in 1991: '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';

Whereas the Cambodian Genocide Justice Act [1994] states that 'it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity' and 'urges the President to collect, or assist appropriate organizations and individuals to collect, relevant data on crimes of genocide committed in Cambodia; ... to encourage the establishment of a national or international criminal tribunal for the prosecution of those accused of genocide in Cambodia; and ... to provide such national or international tribunal with information collected pursuant to' the Cambodian Genocide Justice Act;

Whereas the Group of Experts for Cambodia, established pursuant to United Nations General Assembly Resolution 52/135, recommended in a report dated February 18, 1999, that 'the United Nations establish an ad hoc international tribunal to try Khmer Rouge officials for crimes against humanity and genocide' and that 'as a matter of prosecutorial policy, the independent prosecutor appointed by the United Nations limit his or her investigations to those persons most responsible for the most serious violations of international human rights law and exercise his or her discretion regarding investigations, indictments and trials so as to fully take into account the twin goals of individual accountability and national reconciliation in Cambodia';

Whereas, after 5 years of negotiations, the United Nations and the Royal Government of Cambodia have agreed to establish a tribunal, the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, that recognizes Cambodian sovereignty and has jurisdiction under Cambodian law to try those accused of crimes against humanity during the Khmer Rouge regime;

Whereas, although a majority of the judges on the tribunal will be from Cambodia, all decisions will require the affirmative vote of at least one judge nominated by the Secretary General of the United Nations;

Whereas the Extraordinary Chambers will combine the advantages of national justice with international procedural and legal standards in a manner similar to the tribunals established for Sierra Leone, East Timor, and Kosovo;

Whereas, on May 13, 2003, the United Nations General Assembly approved the agreement between the United Nations and the Royal Government of Cambodia and appealed to the international community to provide assistance, including financial and personnel support, to the Extraordinary Chambers;

Whereas, on June 6, 2003, the United Nations and the Royal Government of Cambodia signed an agreement 'to regulate the cooperation between the United Nations and the Royal Government of Cambodia in bringing to trial senior leaders of Democratic Kampuchea';

Whereas the agreement now awaits ratification by the National Assembly of Cambodia and financial support from the international community;

Whereas Chhit Choeun (also known as Ta Mok), former Chief of the General Staff of the Armed Forces of the Khmer Rouge, and Kang Khek lev (also known as Deuch), commandant of the Tuol Sleng prison during the Khmer Rouge regime, are now in detention in Cambodia awaiting trial; and

Whereas other surviving leaders of the Khmer Rouge regime continue to live freely in Cambodia with complete impunity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress--

(1) urges the President to encourage the National Assembly of Cambodia to ratify the agreement between the United Nations and the Royal Government of Cambodia to establish a tribunal, the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, for the prosecution of surviving leaders of the Khmer Rouge regime of Democratic Kampuchea who committed genocide and other crimes against humanity between April 17, 1975, and January 7, 1979; and

(2) urges the President, after such agreement is ratified, to provide support for the establishment and financing of the Extraordinary Chambers, consistent with the Cambodian Genocide Justice Act.