

# Cambodia – Aspects of Crimes Committed during the Pol Pot Regime

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## Introduction

It is estimated that between one and two million people were killed during the three years eight months and twenty days of Pol Pot's rule (between April 17<sup>th</sup> 1975 to January 6<sup>th</sup> 1979). The population of Cambodia as at the first half of the 1970s is estimated at between seven and eight million, meaning that the number killed was thirteen to twenty-nine per cent of the entire population.

It is this writer's aim to contribute to the scope of comparative genocide research by detailing the incidents which occurred in Cambodia. To this end, comprehensive analysis will be conducted regarding the "crimes committed during the Pol Pot regime". The first section of this paper will concentrate on the establishment of the Pol Pot regime, followed by a consideration in the second section of the various aspects of killings during Pol Pot's time in power, accounts of the situation in Cambodia after Pol Pot's reign in the third section, and changes in attitudes within the international community in recent years in relation to Cambodia in the fourth section.

Before advancing further, it is necessary to explain specific terms that will be used in the main body of this paper. When referring to party names or country names, the terms "Cambodia", "Kampuchea" and "Khmer" will be used, as is the custom. However, it must be pointed out that these are all interchangeable adjectives with the dual meanings of "of Cambodia" and "of the people of Cambodia". That is, they are terms that make no distinction between ethnicity and nationality.

Further, in the interest of simplicity, the terms "Pol Pot faction" or "Pol Pot era" will be used, but since there are many other terms used to refer to these concepts, clarification will be given here to enable easier understanding. The term "Pol Pot faction" is used to refer to the party core after Pol Pot was appointed as secretary. After Pol Pot faction usurped power in 1976, Cambodia was declared "Democratic Kampuchea"; thus the period of Pol Pot's reign can also be referred to as the Democratic Kampuchea era, but in this text, the term "Pol Pot era" will be used to refer to the era during which the Pol Pot faction wielded power. The Pol Pot faction fled to the Thai border in 1979, the faction itself took on the name "Democratic Kampuchea". More recently, within the international community, the faction is more commonly referred to as the "Khmer Rouge". "Khmer Rouge" derives from the French language, and was coined by the former head of state of Cambodia, Sihanouk, when

collectively referring to leftist groups. These days, however, it has become a term used to refer to the executive members of the Pol Pot faction. It may be more historically accurate to refer to the faction using its different names in relation to the era in question, but to avoid confusion, this paper will continue to use “Pol Pot faction” throughout, and in instances where another name is cited from another source, it will be made clear that it is indeed referring to the Pol Pot faction.

Further, it is also true that Pol Pot was an alias which was only publicly introduced in April of 1976, so strictly speaking, when referring to Pol Pot before this time, it is more accurate to use the name Saloth Sar. However, again, to avoid any unnecessary confusion, this writer will use “Pol Pot” throughout the text.

## 1. The establishment of the Pol Pot regime

### 1.1 The period until the 1955 General Election

The beginnings of communist activity in Cambodia, which would later lead to the establishment of the Pol Pot regime, lie in the founding of the Indo-China Communist Party in 1930. The Indo-China Communist Party declared at its first central meeting that moves towards revolutionary reform should stem from the fact that Indo-China was under French colonial rule, rather than from any ethnic demands of the Vietnamese people. As a result, the Vietnamese members, who accounted for the majority of the party, put aside any nationalistic ideals, and set themselves the goal of liberating the whole of Indo-China from French colonial rule (Furuta [1991:127]). However, as a result of the French Indo-China War (also known as the First Indo-China War of 1945 to 1954) which took place after World War Two, the Indo-China Communist Party decided, in 1950, to organize united ethnic fronts for each of the Cambodian and Laotian ethnicities (Furuta [1991:463]). After the successful establishment of the Unified Issarak Front (in Cambodia) and Nao Lao Issara (in Laos) in the following year, the Indo-China Communist Party decided to set up political parties in each country that would represent the united ethnic fronts (Furuta [1991:470]). As a result, the Khmer People’s Revolutionary Party (KPRP) was formed in Cambodia.

However, it was not the KPRP that eventually affected the independence of Cambodia. Rather, it was King Sihanouk, who, in June 1952, dismissed the Democratic Party cabinet en masse with the aid of the French military, then assumed the role of Prime Minister himself in a new cabinet free of Democratic Party members. In January of 1953, Sihanouk dissolved the Assembly, declared a state of national emergency, and issued a decree granting full authority to the government. The following month, Sihanouk left for France, and began a “royal crusade for independence”. At this time, anti-war sentiment was spreading throughout France, and the French government was considering a way to end the war while still maintaining face and protecting its interests as a nation. They declared their plans to transfer power to Cambodia in July 1953, and subsequently, judicial power, police power, and military power, in that order, were handed to the government of the Cambodian monarchy. On November 9<sup>th</sup>, 1953, King

Sihanouk declared Cambodia's independence.

The First Indo-China War thus ended in July 1954, with settlement of the Geneva Peace Accord. The Peace Accord stipulated that Cambodia be granted independence under Sihanouk, and demanded that general elections be held under the supervision of "International Commission of Supervision and Control (ICSC)". This dealt a double blow to the Khmer People's Revolutionary Party.

The first blow to the KPRP was that the majority of its key party members defected to North Vietnam. It was decreed that the ICSI would protect the legal and political rights of the United Khmer Issarak, but since they held no trust in the ICSI, many of the members of Unified Issarak Front decided to accompany the Vietnamese forces as they withdrew, firstly to the Mekong Delta and then to North Vietnam. The group included the core activists in the People's Revolutionary Party who were responsible for the founding of the United Front and those involved in founding of the party. As a result, in Cambodia, especially in the capital, Phnom Penh, many of the party organizations came to be headed by those who had just returned from studying in France, and who had no personal experience of the French Indo-China War (Kiernan [1985:154-155]).

The second blow to the KPRP was that as a result of the 1955 general election held under the orders of the Geneva Peace Accord, Sangkum monopolized the Assembly. Sangkum ("Sangkum Reastr Niyum" or "Popular Socialist Community") was established by Sihanouk in March 1955, after his abdication from the throne in favour of his father, Suramarit, by combining different parties into a type of support group. Some members of the KPRP joined the race through establishing the Pracheachon Party (Cambodian People's Party), but lost by a landslide. Further, the 1955 general election was, "the last before the 1990s to be freely contested by a range of political parties, also marked the first attempt to mobilize the security apparatus of the state in favor of one particular group" (Chandler [1996:189]). Vickery also remarked that "the International Control Commission certified the election as "correct", which only shows how little such inspection may mean" (Kiernan [1985:162]). Nevertheless, after the elections, Sihanouk exercised his exclusive political power in Cambodia as the leader of Sangkum.

## 1.2 The rise of Pol Pot

While many senior activists of the domestic organization of the Khmer People's Revolutionary Party defected, and the Pracheachon Party was suppressed under Sihanouk, Pol Pot began to stand out within the party under this atmosphere of increasingly stringent attacks against leftist intellectuals. Pol Pot returned from his studies in France in January of 1953. He contacted the Indo-China Communist Party within the year, and was accepted as a party member. By as early as the mid-1950s, he was said to have been regarded as a powerful activist in the party in Phnom Penh (Kiernan [1985:173-174]). In September 1960, the Khmer People's Revolutionary Party held a second conference. At this meeting, while the incumbent leaders were elected as the party's secretary-general and deputy secretary-general, the lower authority positions within the party were filled by those such as Pol Pot, who had studied in France. Kiernan notes that "it

is significant that students who had returned from France, through their influence on the Phnom Penh Party Committee --- easily the largest urban committee in a Party many of whose rural committees had ceased functioning --- had emerged in position 3, 4 and 5 in the hierarchy. If 90 per cent of the KPRP's membership had in fact 'become passive', then active party cadres would now have numbered about one to two hundred, at any rate, overall membership was sufficiently small and scattered for twenty or so educated and confident young militants, concentrated in the capital and represented by a third of the participants at the Congress, to exert considerable influence " (Kiernan [1985:190]). In July 1962, the secretary-general went missing, and as a result, Pol Pot acquired the post of acting secretary-general. In February 1963, Pol Pot was officially appointed to the post of secretary-general at the third party convention.

The fact that Pol Pot and other young members of the party clinched power within the party had an enormous influence on their relationship with the Vietnam Labour Party. Particularly after 1965, when the Vietnam War developed into a total war between the South Vietnam army, which was mainly composed of the American military, and the North Vietnam army, and when Cambodia became strategically integral to the Vietnam Labour Party, the relationship between the two parties worsened. At this time in Cambodia, the head of state Sihanouk, having broken off diplomatic relations with the United States, signed a secret treaty with China, consenting to the protection of North Vietnamese military around the border between Cambodia and Vietnam, and allowing China to provide aid to the North Vietnamese military and the South Vietnam National Liberation Front, including the use of Sihanoukville Port and transportation of aid within Cambodian territory. Therefore, in order to wage war on United States military, the Vietnam Labour Party was forced to accept this "neutral position" adopted by Sihanouk. On the other hand, the Khmer People's Revolutionary Party in Cambodia (which changed its name to the Workers' Party of Kampuchea in 1960, and then to the Communist Party of Kampuchea in 1966) changed its tactics from the battle for colonial liberation to a battle against the feudal class system, following the change in leadership. In this way, Pol Pot's Communist Party established itself as an enemy faction with the aim of overthrowing Sihanouk.

In 1967, a dispute arose between the Communist Party of Kampuchea, which was about to head into war with Sihanouk's government, and the Vietnam Labour Party, which advocated a more peaceful political battle. The Communist Party of Kampuchea pushed ahead with full military force, but was successfully suppressed by Sihanouk's government, and suffered serious damage. In 1969, the party was persuaded to disperse its army by the Vietnam Labour Party and the Communist Party of China. At this time, Sihanouk's government urged the Vietnam Labour Party to stop its aid to the Communist Party of Kampuchea, by threatening to cut off their supplies brought via Sihanoukville Port. Ultimately, the relationship between the two branches of the Communist Party in Vietnam and Cambodia worsened considerably (Noguchi [1999:85]).

### 1.3 The birth of the Pol Pot regime

On the 18<sup>th</sup> of March, 1970, Sihanouk was deposed from his position as the head of state following the so-called ‘Lon Nol’s Coup d’Etat’. Sihanouk, who was out of the country at the time, went to China to seek aid. In response to this, the Vietnam Labour Party planned the formation of a resistance power in Cambodia by allying Sihanouk with the Communist Party of Kampuchea (Noguchi [1999:92]). Persuaded by Vietnam and China, Sihanouk announced the establishment of a National United Front of Kampuchea (‘NUFK’) on the 23<sup>rd</sup> of March. The Communist Party of Kampuchea responded immediately by forming an alliance with Sihanouk. This alliance enabled a quick development in Cambodia’s revolutionary drive. This was due to two factors that came about as a result of the alliance. Firstly, the Communist Party of Kampuchea and the Vietnam Labour Party’s strategic aims became one and the same. As Sihanouk now stood in opposition to the Lon Nol administration, both parties were now involved in the military battle against the administration, as well as against the United States, which was allied with Lon Nol, and also the Saigon government. Secondly, it became possible for the Communist Party of Kampuchea to mobilize people by using Sihanouk’s name. In 1969, the Cambodian government under Lon Nol estimated that members of anti-government factions numbered 2,400 (Kiernan [1985:284]), but already by the end of 1970, the members of the NUFK had reached between 12,000 and 15,000, which in turn increased to a number between 18,000 and 25,000 by the end of 1971, and to between 35,000 and 40,000 by the end of 1972 (Furuta [1991:600]).

However, it was not only the two above-mentioned factors that resulted in NUFK’s victory. The importance of the military aid from North Vietnam in this matter cannot be underestimated. In September 1970, military aid in North Vietnam had reached 40,000 (Kiernan [1985:321]). Although the number of those deployed to Cambodia dropped drastically as a result of the Paris Peace Accord of 1973, the Lon Nol administration was effectively defeated by this point. Following NUFK, the Royal Government of National Union of Kampuchea (RGNUK) was established in Beijing, which was then transferred to within Cambodia in November 1973.

On the 17<sup>th</sup> of April, 1975, NUFK took Phnom Penh. After this point, the core faction of the Communist Party eliminated foreign elements within the government, and affirmed its authority. In May, in order to start spreading governmental policies nationwide, all of the nation’s military leaders were gathered in Phnom Penh (Kiernan [1996:55]). The secretary-general, Pol Pot, and the deputy secretary-general, Nuon Chea, explained the major strategies which included (1) Evacuate people from all towns. (2) Abolish all markets. (3) Abolish Lon Nol regime currency and withhold the revolutionary currency that had been printed. (4) Defrock all Buddhist monks and put them to work growing rice. (5) Execute all leaders of the Lon Nol regime beginning with the top leaders. (6) Establish high-level cooperatives throughout the country, with communal eating. (7) Expel the entire Vietnamese minority population. (8) Dispatch troops to the borders, particularly the Vietnamese border. (Kiernan [1996:55]). Besides, Hou Yuon, the minister of the interior, of communal reforms and cooperatives, openly opposed these plans, and was, as a result, assassinated by the party

immediately after the conference (Kiernan [1996:59]).

In July, a “revolutionary army founding ceremony” was held, in which military units in all military regions relinquished authority to the central government.

Additionally, Sihanouk’s return from Beijing was banned by the party core. As a result of persuasion by North Korea, Sihanouk was allowed to return temporarily in September, but by then, the party core was well enough established to declare confidently, “we have everything, everything is up to us, even the palace.” (Kiernan [1996:100]). In October, the Khmer Rouge held an executive committee meeting and allocated positions within the party. The point of this conference was to instill the idea that the party now ruled the nation, and was about to manage it fully (Kiernan [1996:100]). Later, in January 1976, a new constitution was promulgated, and the establishment of “Democratic Kampuchea” was announced. In March, elections for the People’s Representative Assembly were held, and in April, “the assembly elected Pol Pot as its new prime minister”, thus forming the Pol Pot cabinet.

## 2. Various aspects of the killings during the Pol Pot regime

The “three years, eight months and twenty days” of the Pol Pot regime started in this way. As was noted earlier, in this period alone, more than ten per cent of the whole population, or well over a million people, died. These people were killed in a variety of places and for a variety of reasons.

### 2.1 Place and method

The large-scale killings can be divided into the following three categories according to their place and method.

The first category is those incarcerated at S-21. S-21 was a code name for the prison camp/execution ground directly run by the party core. According to Chandler, the code name S-21 first appeared in government documents in September 1975 (Chandler [2002:34]). Originally, the police force was evenly distributed throughout the region, but in May to June of 1976, police were gathered in a high school in Tuol Sleng in the north of Phnom Penh. This location has been preserved as the Tuol Sleng Museum of Genocidal Crimes. Here at least 14,000 people were imprisoned, of whom a mere twelve lived to see the end of the Pol Pot era (Chandler [2002:38]).

The second category is those killed in the colonies. During the Pol Pot era, “educational facilities” (prisons) and execution grounds (mass graves) were set up in all regions (Map 1, Map 2). Honda (1989) reports the actual circumstances of massacres which occurred at these regional public security facilities. However, there are no reports of any links between the S-21 and these regional public safety facilities, and the chain of command has not been clarified either. Further, the number killed at these facilities remains unknown, and at present, all that can be said is that the total number killed was extremely high.

The third category includes deaths from illnesses and emaciation. There may be some



controversy to treat such “natural deaths” alongside those incarcerated at S-21 and at the regional colonies, but the truth remains that these people had no means of escaping the excessive labour enforced upon them. The insufficient nutrition provided by communal food preparation, and the desperate lack of medical facilities were also unavoidable aspects of their lives. It is therefore reasonable to term these deaths as “unnatural”, and thus they are rightly included in this section.

## 2.2 Reasons for the purges

Why were these people victimized? These killings can be divided into the following categories, along the lines of the factors responsible for these purges.

The first reason derives from the fact that they were of a different race. In Cambodia, the Khmer race makes up most of the population, and under the Pol Pot regime, the Khmer became positioned as the national race. Those that were targeted as victims of mass slaughter as a result of this were mainly the Vietnamese people, although the Cham people, the Chinese, Thai and Laotians were also persecuted.

The Vietnamese were particularly persecuted as a result of the declaration made by the party core in May 1975, which stated that “all Vietnamese and other minorities will be banished”. A glance at Cambodian history indicates that Pol Pot’s administration was not the only organization to persecute the Vietnamese (Amakawa [2003]), but the Pol Pot regime outdid all other administrations by aiming to expel this minority group in their entirety.

The second reason for their persecution was that they were “new people”. Under Pol Pot, those that were outside the “liberated zones”, especially those that were living in the urban areas controlled by Lon Nol until the end of the civil war, were deemed “new people”. They were distinguished from the so-called “old people” who lived in the rural areas labeled as “liberated zones” from the civil war days, and as a result, the “new people” were treated as the most inferior of all social classification. They were seen as “having no merit alive, nor was it deemed a loss for them to die” by the Pol Pot administration, and were thus provided insufficient food, were subjected to hard labour, and forcibly shifted to far-away, as yet undeveloped regions.

Kiernan has calculated the estimated number of those killed and the death rate, as a result of the two reasons mentioned above (see Table 1). His statistics show an horrific 100% death rate for the Vietnamese people, who were not even deemed worthy of being distinguished under the “new people” - “old people” classification. When comparing these two categories, the number killed amounts to 16% for the “old people”, an already high figure, but the death rate reaches a chilling almost 30% for the “new people”.

The third reason was that they were labeled as “enemies”. The targeted victims under this vague label changed with the change in Pol Pot faction’s perception of who constituted an “enemy of the party”. Chandler has divided the purges that were carried out at S-21 into two groups: those that were carried out during the first stage (between September 1975 and September 1976), and those that were carried out during the second stage (between September 1976 and the collapse of the regime in January 1979) (Chandler [2002:107]).

Those that were targeted during the first stage were governmental or military officials within the Lon Nol administration, people with experience of study abroad, those that had personal connections to the South Vietnamese government, or veteran activists that sought refuge in North Vietnam at first, then returned as a result of the establishment of NUFK. The party core had stated on many occasions that “the seven traitors including Lon Nol are to be executed, but that if the other military personnel are willing to cut their connection with the seven, they would be welcomed” (Yamada [2004:61]). In reality, however, immediately after “liberation”, the Lon Nol military forces were subjected to systematic slaughter in every region (Ponchaud [1979:88-89]). Further, of the veteran activists who sought refuge in North Vietnam, then returned as a result of the establishment of NUFK, relatively few ‘Hanoi Khmers’ were given political responsibility. “to the Pol Pot group, these highly trained cadres were a serious threat to the line it had adopted in the 1960’s” (Kiernan [1985:319-320]). Seen from this perspective, the first stage of these purges was a step towards ridding the country of any political powers opposing the party core.

On the other hand, the second stage can be described more as a step towards ridding the party of “spies” and “traitors”. The Pol Pot faction was extremely paranoid, as can be seen in the incomparably large-scale suppression and mass slaughter in the earlier half of 1978 in the eastern military region. One characteristic of these killings that must be pointed out is that, as well as the regional military personnel under the secretary-general, common citizens were also accused of being “Khmer bodies with Vietnamese minds” (Kiernan [1996:3]), and thus as “enemies”. After the executive military resistance subsided, residents of the eastern military region were forced to the northern and north-western outskirts. In these instances, the party distributed blue kroma scarves (a large towel-like cloth, worn in Cambodian rural areas for protection e.g. from the sun), which made it easy to distinguish these eastern residents from the rest. The purpose of this was to facilitate their efficient elimination once they reached their destination. (Kiernan [1996:405-411]).

### 3. Cambodia in the post-Pol Pot era

#### 3.1 The anti-Pol Pot campaign of the People’s Revolutionary Party government

Before considering the anti-Pol Pot position of the People’s Revolutionary Party, which assumed leadership of Cambodia after the collapse of the Pol Pot regime, it is firstly necessary to detail the beginnings of this party’s rule.

The aforementioned purges in the eastern military region in the first half of 1978 resulted in those members of the leadership of the eastern military zone who had somehow survived calling for assistance from Vietnam. Further, the purges also provided the impetus for Vietnam itself to come to the conclusion that they could not expect any revolt from within Cambodia, and that the only way to end the Pol Pot regime was through their own military intervention. Thus, on December 2<sup>nd</sup>, 1978, a group headed by former key officials of the eastern military zone, declared the official establishment of the National Union Front for the Salvation of



Kampuchea (NUFSK). On December 25<sup>th</sup>, the Vietnamese army invaded Cambodia in support of NUFSK.

The roots of the Kampuchean People's Revolutionary Party (KPRP) can likewise be found in the winter of 1978, in the foundation of a committee for the restoration of the Cambodian Communist Party in Ho Chi Minh City (Furuta [1991:611]). This committee was started by veteran activists who had entered the Indo-China Communist Party by way of the Unified Issarak Front. They fled to North Vietnam in 1954 but came back to Cambodia to participate in NUFSK in 1970. However they were soon broken off this Pol Pot faction, since when they had been living Vietnam.

These veteran activists were joined by the members of NUFSK, and on January 5<sup>th</sup>, 1979, just before the capture of Phnom Penh, they held a conference for the reformation of the Communist Party. At the fourth party conference in 1981, the party name was changed from the Cambodian Communist Party to the Kampuchean People's Revolutionary Party "in order to clearly distinguish it from the reacting Pol Pot party and underline and reassert the [continuity] of the people's best traditions" (Frings [1997:810]).

In this manner, those, who had earlier or later parted with the Pol Pot-led main branch of the party, concentrate on the way of national liberation front, which Pol Pot had rejected. At the same time, the fact that they had seized power largely thanks to the significant military aid provided by the Vietnamese army (there were a mere 15,000 NUFSK soldiers as opposed to some 150,000 Vietnamese), left them vulnerable. As a result, it was natural for them to stress the political legitimacy of their government from the point at which they toppled the Pol Pot regime, and for them to position themselves as the only political force capable of preventing Pol Pot's return to power.

In August 1978, the People's Revolutionary Courts held a hearing "to try the Pol Pot, Ieng Sary faction for the crime of genocide," and a guilty verdict and death sentence were delivered with the defendants in absentia (*Sekai Seiji Shiryō Henshūbu* [1980]). Further, each year on May 20<sup>th</sup>, when the rounding up of citizens in the liberated zones began, commemorating a "Day of Hate" ceremony to keep the incidents fresh in the national consciousness. On such occasions, anti-Pol Pot demonstrations for school children were organized and S-21 survivors would be invited to discuss their experiences (Chandler [2002:45]). Literary works were also used as a source of propaganda, with standard phrases repeated throughout, including "the three million" killed in the "terrible and unforgivable ethnic massacres organized by Pol Pot and Ieng Sary", and references to our country becoming filled with "mountains of bones, rivers of blood and seas of tears" (Okada [1995:75]).

### 3.2 The Cambodian conflict

Having fled to the Thai border with Cambodia, the Pol Pot faction declared that they would fight against "the Vietnamese invasion and rule". The Khmer People's National Liberation Front (founded October 1979) and the United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC, founded March 1981) also joined this cause.

The international community welcomed the anti-Vietnam position of these three groups at

this time. The United Nations General Assembly noted that they “deeply regretting the armed intervention by outside forces in the internal affairs of Kampuchea”, and called for the immediate withdrawal of foreign troops (United Nations Document A/RES/34/22). The member nations of ASEAN also hardened their stance toward Vietnam, particularly after the cross-border attacks on Thai territory launched by the Vietnamese military in June 1980. From this point on, ASEAN blocked moves towards the realization of a People’s Revolutionary Party government, and clarified their position in support of anti-Vietnamese forces. In this regard, Kuroyanagi claims that “bearing in mind the backlash of the international community against its policy of genocide, Democratic Cambodia (that is, Democratic Kampuchea, or the Pol Pot faction) would have found it extremely difficult to maintain its seat on the United Nations without the active lobbying of ASEAN” and that “the fact that the Heng Samrin government (the People’s Revolutionary Party government) was never able to gain United Nations representation despite ruling the country practically for over a decade, was due solely to the diplomatic manoeuvres of the ASEAN member states” (Kuroyanagi [1992:32]).

In June 1982, the three aforementioned groups agreed to the formation of a “loose coalition government”. The United Nations membership rights, which had continued to be held by Democratic Kampuchea (the Pol Pot faction) even after 1979, were bestowed upon this Democratic Kampuchean coalition government at the United Nations General Assembly meeting of that same year. Thus, the battle-lines for the Cambodian conflict were drawn. The stand-off between the People’s Revolutionary Party and the three anti-Vietnamese factions was destined to continue for as long as foreign nations continued to provide aid.

It was not until 1989 that foreign nations began to withdraw from matters concerning Cambodia. France and Indonesia co-chaired the Paris International Conference on Cambodia in July 1989, and although talks were suspended one month into the conference, it was significant as the first tentative efforts towards peace in Cambodia by foreign governments. In September of the same year, the Vietnamese army, which had occupied Cambodia since 1979, withdrew its last forces. In response to these movements, the permanent members of the United Nations Security Council took over the drive towards peace by drawing up a “framework document” for peace in Cambodia. “Accords on a comprehensive political settlement of the Cambodian conflict” (the Paris Peace Accord) was signed by the nineteen nations attending the conference in October 1991.

In its introduction, this document expressed the hope of the signatories to “restore and maintain peace in Cambodia, to promote national reconciliation.” Overt criticism of the Pol Pot faction was avoided, with mention of the Pol Pot era going no further than to refer to “Cambodia’s tragic recent history” and “the policies and practices of the past”. This treatment was understandable, in that the Paris Peace Accord was an agreement for peace in Cambodia signed by related parties as well as a prescription for a political reconciliation between the four opposing factions within the nation, including the Pol Pot group.

### 3.3 The decline of the Pol Pot faction

As well as being a means by which those foreign nations involved in the internationalization of

the Cambodian conflict could withdraw from the situation in Cambodia while still maintaining face, the Paris Peace Accord of October 1991 was an attempt to settle the disputes between the four factions in Cambodia without resorting to military force, but instead through political systems (that is, via constitutional elections). In June 1993, the United Nations Security Council ratified the results of the elections for the national assembly immediately, and resolved to give the assembly its utmost support (United Nations Document S/RES/840). Having boycotted the elections, the Pol Pot faction was officially positioned on the political outer as a result of this resolution.

By the mid 1990s, having lost international support and been positioned as an anti-governmental force, the Pol Pot faction began to show significant signs of decay. In August 1996, Ieng Sary, one of the faction's leaders, defected from the faction with an entire military division in tow. Internal divisions broke out in the first half of 1997 concerning the coalition relationship with FUNCINPEC (after the Paris Peace Accord, FUNCINPEC retained its name as a political party), leading to Pol Pot's fall from power, and by July he was on trial. When the news of Pol Pot's sudden death was reported in April 1998, he was cremated by the Thai military after confirmation of his identity. By the end of 1998, the party's last stronghold, Anlong Veng, fell, and key officials Khieu Samphan and Nuon Chea surrendered. In March of 1999, the final remaining leading member of the faction, Ta Mok, was arrested by government forces, and was charged with treason under the law on outlawing Democratic Kampuchea (i.e. Pol Pot faction). This spelled the end of the Pol Pot faction's anti-government activities.

However, the Cambodian government continues to allow the city of Pailin, formerly under the control of Ieng Sary, to remain as effectively a protected area for the former Pol Pot faction. Alongside the capital Phnom Penh, Pailin has been made a specially designated city, and the head of the military division which defected to the government in 1996 was appointed mayor. Having surrendered in late 1998, Khieu Samphan and Nuon Chea were released to Pailin early the following year. The Cambodian government continues to allow those who defected from the Pol Pot faction, to live there in safety.

## 4. The position of the international community in recent years

### 4.1 The results of civil movements in the United States of America

In the United States in 1989, the Campaign to Oppose the Return of the Khmer Rouge (i.e. Pol Pot faction) (CORKR), a coalition of over a hundred non-governmental organizations, was founded. The greatest success achieved by this group was the drafting and passage of the Cambodian Genocide Justice Act in 1994. By the end of the same year, an Office of Cambodian Genocide Investigations was established by the Bureau of East Asian and Pacific Affairs of the United States Department of State, as determined by this law.

In December 1994, the Cambodian Genocide Program at Yale University was presented with just under half a million dollars as a research grant for two years by the Office of Cambodian Genocide Investigations, enabling the full-scale undertaking of research activities

such as the archiving of written materials pertaining to the S-21 camps. At the present time, S-21 documents have been placed on microfilm in the university library, and are available for perusal. Further, reports of other resources are posted on the program's website at <http://www.yale.edu/cgp/index.html>.

Yale University also established the Documentation Center of Cambodia (DC-Cam) in Phnom Penh as a base for personnel training and field work related to the Cambodian Genocide Program. With the termination of Yale's mission in January 1997, the center was made independent, and became a non-partisan organization, with no allegiance to the Cambodian government or any political party. The current official aims of the center are (1) to record and preserve the history of the Khmer Rouge (i.e. Pol Pot faction) regime for future generations.; and (2) to compile and organize information that can serve as potential evidence in a legal accounting for the crimes of the Khmer Rouge (i.e. Pol Pot faction).

## 4.2 The Khmer Rouge tribunal

In June 1997, the Cambodian government requested the United Nations and the international community for aid in order to conduct trials of those responsible for the mass killings and crimes against humanity committed in the Pol Pot era. In December, the United Nations General Assembly passed a resolution calling for the Secretary General to consider this request (United Nations Document A/RES/52/135), and the Secretary General responded by sending an envoy to Cambodia to examine the possibility of holding trials against the leaders of the Pol Pot faction in July of 1998. In February 1999, this envoy determined that there was "sufficient material evidence to prove that serious crimes such as mass killings and crimes against humanity took place in the Pol Pot era", and recommended to the Secretary General that an international court be established to try these cases. In turn, the Secretary General recommended the establishment of an international tribunal to the Security Council and to the General Assembly in March.

The Cambodian government opposed this recommendation and claimed that the leaders of Pol Pot faction should be judged by internal court of Cambodia. China was sympathetic to this claim. China, who is a permanent member of the Security Council of the United Nations, took a stand that it considers punishment of the leaders of Pol Pot faction as an internal issue, and support the claim of Cambodian government. As a result, establishing of an international court by the Security Council was given up.

After the Secretary General's recommendation, the Cambodian government held intermittent talks with the United Nations, but all that was agreed upon was that the trials should be held in Phnom Penh. Responding to this deadlock, the United States proffered a compromise solution whereby the majority of judges would be Cambodian, but any verdict would require "a majority plus one" of the judges to agree. This respected both the Cambodian position that a majority of Cambodian judges were required in order that Cambodia remain in charge of the process, and satisfied the United Nations' concerns regarding the fairness of the trials by requiring at least one foreign judge to agree with any verdict passed. The Cambodian government accepted this compromise, but the United Nations continued to insist upon a

majority of foreign judges. Meanwhile, without waiting for the agreement of the United Nations, the Cambodian government went ahead and drafted a bill for the establishment of a court for the Khmer Rouge (i.e. Pol Pot faction) tribunal, which was passed in both assemblies in January 2001. From this point, the Cambodian government has adopted the position that this law represents the final word as regards the Khmer Rouge (i.e. Pol Pot faction) tribunal, and that agreement with the United Nations is unnecessary.

With the ideological distance between themselves and Cambodia remaining significant, the United Nations announced the conclusion of the talks in February 2002. However, after the pronouncement of the United Nations Secretary General in a report to the General Assembly that the best alternative would be a United Nations-supported tribunal (United Nations Document A/57/230) in September of the same year, talks between the United Nations and the Cambodian government were reopened. The United Nations and the international community had judged that rather than entrusting the tribunal entirely to Cambodia, even if the tribunal were internally managed by Cambodia, it would be preferable to have some level of foreign involvement.

In March 2003, the draft of “Agreement Between the United Nations and the Royal Government of Cambodia Concerning the Prosecution Under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea (i.e. Pol Pot regime)” was published. On May 13<sup>th</sup>, as well as ratifying this agreement via a consensus, the United Nations General Assembly also agreed to separate spending on the Khmer Rouge tribunal from the main budget, and fund the tribunal via voluntary contributions from national governments (United Nations Document A/RES/57/228B). On October 4<sup>th</sup>, both houses of the Cambodian national assembly ratified this agreement, completing the legal framework required for the establishment of the Khmer Rouge tribunal with the United Nations recognizing the trials to be held in Cambodia.

Regarding the budget, it was agreed that the United Nations would provide 43 million of the 56.2 million dollar total, with the Cambodian government responsible for the remainder. The United Nations solicited contributions from around the world, by holding such events as the Khmer Rouge (i.e. Pol Pot faction) tribunal pledging conference in March 2005, and on April 28<sup>th</sup> of the same year, it announced that “sufficient contributions and pledges” had been secured. The following day, the Agreement between the United Nations and Cambodia concerning the Khmer Rouge (i.e. Pol Pot faction) tribunal came into effect. The only remaining issue was the procurement of funds on the Cambodian side.

Moreover, there remain a number of issues to be resolved, such as the appointment of judges, and decisions regarding the number of defendants to be charged.

## In conclusion

Ishida and Kawakita have clearly identified the issues in the field of genocide studies which require examination (Ishida, Kawakita [2005]). I would like to conclude this chapter with a simple re-examination of the case of Cambodia in the light of the issues identified in their work. However, the issue of whether all or some of the large number of deaths which occurred

in the Pol Pot era constitute “genocide” under international law, will not be considered here. This is because the issue of exactly what crimes were committed during the Pol Pot era remains contentious and under consideration, as evidenced by the ambiguous phrasing of the Cambodian and United Nations Agreement concerning “crimes committed in the Democratic Kampuchean (i.e. Pol Pot) era.”

Firstly, the identification of the fact that “while the perpetrators of mass slaughter appear to be destroying a given category of human beings, they often arbitrarily determine the category to be destroyed themselves” (Ishida, Kawakita [2005:73]), is particularly applicable to the case of Cambodia. During the Pol Pot era, the party core altered what was considered “the enemy” at will. By inventing the phrase “Khmer bodies with Vietnamese minds”, the party core enabled this group to be identified as “Vietnamese”, and to become the target of persecution.

Secondly, the Cambodian case reinforces the necessity, as suggested in Ishida and Kawakita’s work, of considering the occurrence of genocide in the context of various theories of modernity, most particularly theories of the modern nation state (Ishida, Kawakita [2005:74-75]). For example, the anti-Vietnam position of the Pol Pot faction was not something they generated on their own. The latter-day influence of the fact that independence from France was achieved not by “Indo-China” but only after the establishment of the three nation states of Vietnam, Laos and Cambodia, is worthy of further study, as is the official view of the history of post-independence Cambodia and its influence on the perceptions held by its people. It is quite possible that the theories of unity and expulsion promulgated in such an extreme manner by the actions of the Pol Pot faction remain held in the consciousness of the Cambodian people to a greater or lesser extent.

In a certain sense of the term, Pol Pot-era Cambodia was an extremely modern society. The people were strictly divided and organized, and were mobilized fully and effectively. This case provides an opportunity to consider the relationship between theories of modernity and genocide.

Thirdly, the case of Cambodia provides many issues worthy of examination in terms of the rebuilding of a society after genocide. During the “Cambodian conflict” of the 1980s, under the practical leadership of KPRP, what was most strongly reviled were the “ethnic massacres” perpetrated by the Pol Pot faction, and the Pol Pot faction was seen as an “external” enemy against which the people needed to unite and fight. As a result of this paradigm, problems of any reconciliation between the administration and one part of the populace did not considered any political issue. There was no way for internal problems or their solutions to be raised in the national consciousness. At the same time, by focusing the nation’s emotions on the leaders of the Pol Pot faction, this may have served to speed up the healing process of the cracks engendered in society.

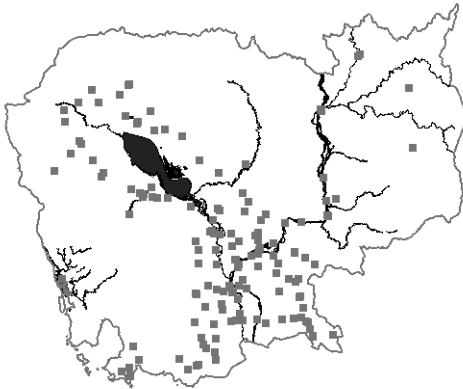
For its part, the international community prioritized international politics over the reconstruction of the Cambodian state and society, and supported the activities of the Pol Pot faction. Even the Paris Peace Accord, whereby the various warring militant factions, including the Pol Pot faction, were repositioned as political parties, was intended as a means whereby this support could be legally continued after constitutional elections (Yotsumoto [1999:67]). The effects of this reintroduction of the Pol Pot faction on Cambodian society in the 1990s is also



worthy of further examination.

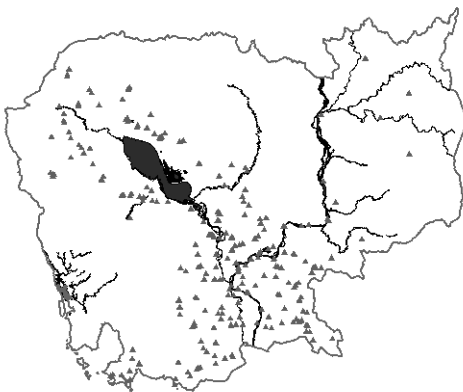
Over twenty-five years have passed since the collapse of the Pol Pot government. Such platitudes as “past crimes against humanity must be explicated,” and “the Pol Pot faction must be tried” only go so far. The questions of what meaning there is in conducting the Khmer Rouge (i.e. Pol Pot) tribunal at this date in time and what influence it will have on Cambodian society must be considered at a level beyond these simple assertions.

Map 1: Location of regional prison camps during the Pol Pot era.



Source: <http://www.yale.edu/cgp/maplicity.html>

Map 2: Location of execution grounds (mass graves) during the Pol Pot era.



Source: <http://www.yale.edu/cgp/maplicity.html>

Table 1:

Estimate of the number killed during the Democratic Kampuchea era (1975-1979)

Social group	Population as at 1975	Number who perished	Death rate (%)
“New people”			
Khmer (urban residents)	2,000,000	500,000	25
Khmer (rural residents)	600,000	150,000	25
Chinese (all urban residents)	430,000	215,000	50
Vietnamese (all urban residents)	10,000	10,000	100
Laotian (rural residents)	10,000	4,000	40
Total of “new people”	3,050,000	879,000	29

“Old people”			
Khmer (rural residents) (Of which Khmer Krom) *	4,500,000 (5,000)	675,000 (2,000)	15 (40)
Cham (all rural residents)	250,000	90,000	36
Vietnamese (rural residents)	10,000	10,000	100
Thai (rural residents)	20,000	8,000	40
Upland minorities	60,000	9,000	15
Total of “old people”	4,840,000	792,000	16

Total number in Cambodia	7,890,000	1,671,000	21
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\* The Khmer Krom are Khmer people living in the Mekong Delta which was originally the region known as Cochinchina under the French colonial rule of Indo-China, and which is now part of southern Vietnam. Many of these people migrated to Cambodia during the French Indo-China period.

Source: Kiernan [1996:458]

## References

### Japanese sources:

- Amakawa, Naoko (2003), “Cambodia no jinshushugi” in Takeuchi, Shin’ichi (ed.) *Kokka / Bōryoku / Seiji*, Kenkyu Sōsho, No. 534, Institute of Developing Economies, Japan External Trade Organization, pp.109-145.
- Ishida, Yūji and Atsuko Kawakita (2005), “Genocide kenkyū no tenkai – kokusai symposium “Heiwakōchiku to chi’iki kenkyū” no hokoku o chūshin ni” in *Asia Keizai*, Vol. 46, No. 6, pp.66-76.
- Okada, Tomoko (1998), “1980 nendai no shakaishugi seikenka ni okeru Cambodia gendaibungaku – minshin kakutoku o neratta seijisenden no dōgu” in *Keio Gijuku Daigaku Gengo Bunka Kenkyūjo Kiyō*, No. 30, pp.71-92.
- Kuroyanagi, Yoneji (1992), “Cambodia funsō shūketsu katei to ASEAN shokoku – “Post-Cambodia” e no kyōkun” in Tatsumi Okabe (ed.) *Post Cambodia no tōnan asia*, JIA Library 1, Nihon Kokusai Mondai Kenkyūjo, pp.27-51.
- Sekai Seiji Shiryō Henshūbu (1980), *Cambodia jinmin kakumei hōtei no kiroku*, Shin Nihon Shuppansha.
- Chandler, David (1999), *Voices from S21: Terror and History in Pol Pot’s Secret Prison*, Berkeley, Los Angeles and London: University of California Press, (trans. Hiroshi Yamada) (2002), *Pol Pot - shi no kangoku S21: Khmer Rouge to tairyō gyakusatsu*, Hakuyōsha.
- Noguchi, Hiroshi (1999), “Vietnam sensō no bunmyaku kara mita 1970nen Cambodia seihen – Vietnam kaihōseiryoku no gunji hokyūro to no kanren de” in *Tōnan asia – rekishi to bunka*, Tōnan Asiashi Gakkai, June, pp.81-103.
- Furuta, Moto’o (1991), *Vietnam-jin kyōsan shugisha no minzoku seisakushi – kakumei no naka no ethnicity*, Ōtsuki Shoten.
- Honda, Katsuichi (1989), *Kenshō Cambodia daigyakusatsu*, Asahi Bunko.
- Ponchaud, François (1977), *Cambodge année zéro*, Paris: Julliard, (trans. Kasumi Kitabatake) (1979) *Cambodia zero nen*, Rengō Shuppan.
- Yamada, Hiroshi (2004), *Pol Pot <kakumei> shi – gyakusatsu to hakai no 4nenkan*, Kōdansha.
- Yotsumoto, Kenji (1999), *Cambodia Kenpōron*, Keisōshobō.

### Non-Japanese sources:

- Chandler, David (1996), *A History of Cambodia*, 2<sup>nd</sup> edition (updated), Colorado and Oxford: Westview Press.
- Frings, Viviane (1997), “Rewriting Cambodian History to ‘Adapt’ it to a New Political Context: the Kampuchean People’s Revolutionary’s Historiography (1979-1991),” in *Modern Asian Studies*, Vol.31, Part 4, Cambridge: Cambridge University Press.
- Kiernan, Ben (1985), *How Pol Pot Came to Power: A History of Communism in Kampuchea, 1930-1975*, London, Verso. (2<sup>nd</sup> edition published 2004 by Yale University Press.)
- (1996), *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79*, New Haven and London: Yale University Press.