

THE KHMER ROUGE AND NATIONAL RECONCILIATION - OPINIONS FROM THE CAMBODIANS



Center for Social Development
Phnom Penh
Kingdom of Cambodia

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Center for Social Development and
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for Human Rights

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March 2006

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FOREWORD

Dealing with Cambodia's troubled past, especially the legacy of the Khmer Rouge, is one of the most significant social issues that we, as a nation, face today. Every Cambodian should think about this problem and decide what is important to them.

The Center for Social Development (CSD), a non-governmental organization headquartered in Phnom Penh, took the daring step of opening this debate publicly including discussing it with the public as well as with former Khmer Rouge members, an unprecedented move by any organization. This step was not without risk. I have been much criticized for inviting former Khmer Rouge members to join in our Forum. I have been criticized for even speaking with them. Some people were suspicious about the ultimate goal of the Forum which they thought might jeopardize national and international efforts to bring the Khmer Rouge to trial. This is understandable after all the suffering we, Cambodians, have lived through. I too suffered greatly during the years of the Pol Pot regime.

But in order for our society to stabilize and move forward, and for all people to develop to their full potential, we must work together. Our society is faced with the difficult issue of how to deal with our past. We should discuss it in public: civil society and government should have a dialogue.

Some think that by talking to the Khmer Rouge, I want to forget what happened. This is not true. I want to help our people deal with this tragedy, find the truth and voice their opinions on the trial, on justice and on healing. This is the most important process to deal with justice, national reconciliation, healing, and genuine and lasting peace.

On January 27, February 24, and March 30, 2000, CSD successively held three public forums on these issues, respectively in Battambang, Phnom Penh and Sihanoukville. The recommendations of the participants are compiled in this booklet.

In the beginning, CSD Forum was meant to deal with the Khmer Rouge Trial only. But in the course of our planning and preparation, and from our own assessment when talking to people involved, it was clear that the Khmer Rouge Trial alone is not the issue nor the answer. The topic was then changed accordingly to "Khmer Rouge and National Reconciliation" that better fits with the circumstances and the opinion of the large majority of the populace.

We hope that the door CSD has opened can help free Cambodians and allow them to begin exploring and thinking about this important societal issue. The discussions must not be left alone to the government and the international community to decide. We, the people of Cambodia and the victims, should also have a voice in this process.

Chea Vannath
President
Center for Social Development

BACKGROUND

In 1975, the Khmer Rouge took over the government after defeating Lon Nol's Khmer Republic forces. For the next 3 years 8 months and 20 days, the Khmer Rouge ruled Cambodia and her people with an iron fist. As a result, over 1.7 million people of Cambodia's 8 million people died, according to generally accepted statistics. Many of them were dumped in mass graves after being deliberately killed by their torturers. The Khmer Rouge regime was toppled and replaced in 1979, but the war continued.

On October 23, 1991, after lengthy negotiations yielded an accord, all four factions to the conflict in Cambodia--the Khmer People's National Liberation Front (KPNLF), the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (usually known under its French acronym, FUNCINPEC), the Democratic Kampuchea (DK) and the People's Republic of Kampuchea (PRK)--adopted a comprehensive political settlement. Although the Khmer Rouge also signed the agreement and could have participated in the United Nations-organized general elections in 1993, they subsequently decided to stay away from them and chose instead to continue their armed struggle.

In 1996, Ieng Sary, one of the Khmer Rouge's top leaders, defected and surrendered to the government. Under an amnesty program offered by the Royal Government to encourage such defections, he was pardoned by King Norodom Sihanouk for his conviction by a PRK people's tribunal in 1979. The terms of this surrender also allowed the Khmer Rouge defectors to retain control of the Pailin region and continue to administer it as an autonomous zone.

On April 16, 1998, Khmer Rouge leader Pol Pot died mysteriously in the jungle of northwestern Cambodia. Following his death, other high ranking Khmer Rouge cadres rallied to the Government and were also allowed to resettle in the Pailin area. The infamous Ta Mok, known as "the Khmer Rouge Butcher" for his cruelty, was later captured. He and Duch, the "Tuol Sleng S-21 Prison Torturer", who was apprehended around the same time, now await trial for crimes against humanity while in power.

Since then, under pressure from the international community, the idea of a trial of not only those Khmer Rouge leaders in custody but of all others as well, has gained momentum. A draft law was negotiated in absolute secrecy between members of the Royal Government and representatives of the United Nations. This process remained in force until the law was debated at the National Assembly.

Copies of the draft law were made available to members of parliament and some member organizations of the civil society only days before the debate began. This process effectively stifled all criticism and comment that might have arisen from the public. The draft sailed through the National Assembly over two mornings, with no amendments. It was passed unanimously. A similar scenario was replayed at the Senate. But the draft law was rejected by the Constitutional Council over a technicality. After changes, the law was approved by the Constitutional Council and signed and proclaimed as law by His Majesty King Norodom Sihanouk on August 10, 2001.

The passage of this legislation has again highlighted the importance of the forums summarized in this report. The Cambodian people have not been consulted about whether this tribunal will appease their need for truth and justice in regard to the Khmer Rouge regime. In order for reconciliation to be achieved, the Cambodian people must feel that justice has been served.

INTRODUCTION

This Report provides a summary of the opinions voiced by Cambodian people at a series of three public forums held by the Center for Social Development. The topic for the forum was initially to have been “The Khmer Rouge Tribunal”. During the process of organizing the forums however, it became clear that the Tribunal is not the only issue, and the topic was expanded to become “The Khmer Rouge and National Reconciliation”.

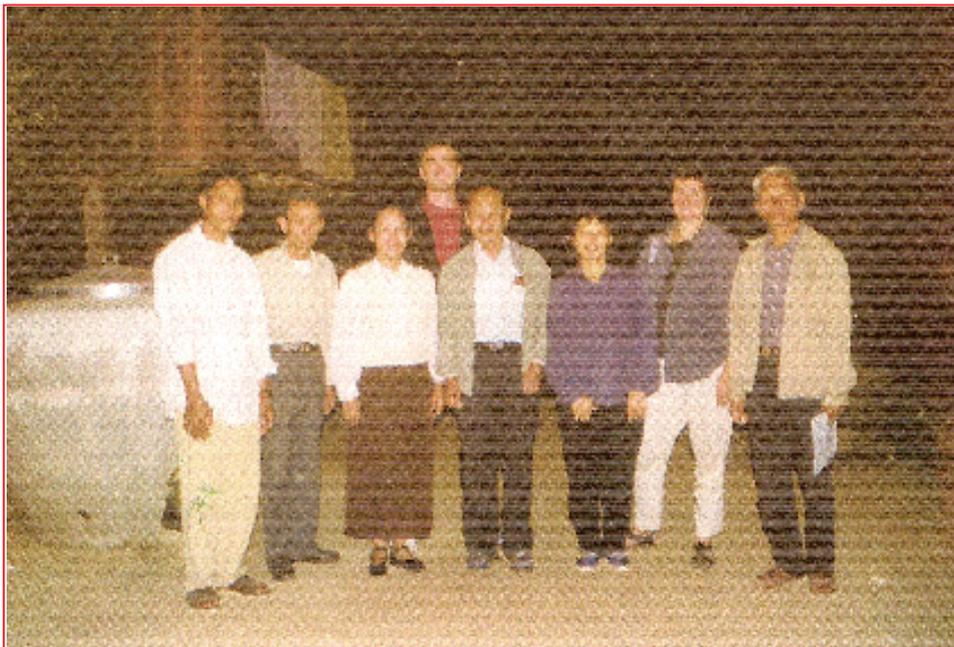
The idea of holding such forums was considered to be both controversial and also somewhat hazardous. Many observers were critical of the inclusion of former Khmer Rouge members in the public forums, as many Cambodians are unable or unwilling to confront their former oppressors. There was considerable daring on the part of Chea Vannath, President, and Sieng Huy, Program Director of the CSD, when they went to the Khmer Rouge stronghold area of Pailin. They went to see the leaders of people that had personally caused them so much suffering, in order to invite them to participate in the forums. It should also be noted that these former Khmer Rouge leaders entered a potentially hazardous situation by agreeing to take part. Talks of a tribunal has stirred feelings of retribution in many ordinary Cambodians, yet many of these former leaders still feel proud of their role in what they perceive as the just cause of liberating the poor masses of Cambodia.

At the forums themselves, everyone stated the need for truth, justice, healing and national reconciliation. Yet, it is clear that there are widely different views on what these things might mean in practical terms. The task now is to reconcile these truths to the satisfaction of all parties.

Any tribunal or trial is only one part of a comprehensive process of reconciliation. The ideas of harmony and peace that we associate with reconciliation cannot be suddenly achieved overnight, with one ruling or decision. There must be a balance between hollow apologies, which do nothing to appease the minds of the victims, but we must also be careful not to embark on witch-hunts that would unravel the progress that has been made in reintegrating former Khmer Rouge members into Cambodian society.

While the law establishing a Khmer Rouge tribunal was of great interest to Cambodian people, details of this law were negotiated between representatives of the Royal Government and the United Nations in utmost secrecy. It was the secrecy of that process that made any opportunity for the public to express its views, such as the forums organized by the CSD, so vital. These forums were the

first time that the Khmer Rouge position had been publicly heard since 1979. They were also one of the few opportunities that ordinary Cambodian people, the victims of the regime, have had to express their views on a tribunal.



From left: An unnamed teacher; Mr. Morm Lien, CSD Battambang Liaison Staff; Ms. Chea Vannath, CSD President; Mr. Max Howlett, CSD Legal Advisor; Mr. Soung Sikien, Spokesperson for the National Reconciliation Movement of Democratic Kampuchea; Mrs. Leap Soung Sikien; Ms. Laura McGrew, Researcher; and Mr. Long Norin, General Secretary of the National Reconciliation Movement of Democratic Kampuchea in Malai District, Banteay Meanchey Province, during the December 1999 preparations for the Battambang Forum.

It is hoped that the process of expressing these views will be, like the tribunal, another important step on the path to national reconciliation. If the aim is to heal Cambodian society of the wounds left by the Khmer Rouge regime, then the voices of the people must be heard.

THE PUBLIC FORUM IN BATTAMBANG

On January 27, 2000, the Center for Social Development conducted a public forum on “*Khmer Rouge and National Reconciliation*” at the Bek Chan Agricultural Station, in Battambang Province. The purpose of the Forum was to collect the views, ideas and suggestions of the people on the issues of the Khmer Rouge and national reconciliation, the trial of former Khmer Rouge leaders and the violence that may result when such a trial occurs.

124 people participated in this session of the Forum. They included ordinary people from different districts in Battambang and Banteay Meanchey provinces, and the Municipality of Pailin; and representatives from district, provincial, and municipal authorities. Others were Buddhist monks, nuns, and lay officials, teachers and students, representatives of the Pailin Department of Information, Culture, Women’s and Veterans’ Affairs and Tourism, representatives of Military Region Five, the lone parliamentarian from Pailin, a representative from the US Embassy, representatives of non-government organizations, and members of the national and international media.

I. Issues

Representatives of the former Khmer Rouge pointed out that the process of national reconciliation is still in its infancy and may easily be jeopardized. Given that the Khmer Rouge have, for all practical purposes, integrated into the mainstream, we should have no more talk about a trial. If we insist on doing so, we will teach the next generation the lesson of fighting until victory instead of integrating with society.

The desirability of a Khmer Rouge trial is a complex and emotional issue because every party was involved in the fighting and a lot of people sacrificed their lives for their country. If there is a trial for crimes committed only during the period of 1975 to 1979, real justice and the truth will not be found. True justice is to find out who was behind the killers. The Khmer Rouge problem is an international problem that has widespread ramifications like a “small-shrimp soup.”⁽¹⁾

They stated that furthermore, to target one party only for a trial is discrimination against Democratic Kampuchea. The Cambodian people want to live in peace and

(1) *Reference to a shrimp soup quite popular among Cambodians. Small shrimps' antennas intertwine together in clumps when cooked that way. Figuratively, it is the equivalent of the mythical Pandora's box. A trial could implicate many more people than thought.*

harmony, united with their families. They don't want any more bloodshed. It should be left to historians and researchers to search for the truth and document it for the next generations as a lesson for the present and for the future. If we pass judgement on the former Khmer Rouge now, it is as though we are tearing our whole society down just when we are beginning to see a bud of peace. A trial may lead to fighting and bloodshed again. Instead we should put all our efforts towards solving the problem of poverty of the Khmer people and rebuilding our society.

A number of people, mostly women, stated that according to Karma, there is no need for a trial for the Khmer Rouge who have already confessed their misdeeds and seek to reintegrate into society. Those who died during the Khmer Rouge years will not come back to life again. Buddha preached, "Hatred will cease with the absence of hatred". The past should be forgotten and we should reconcile in order to develop the country. The people in rural areas are tired of wars, displacement and of being constantly on the run. Instead they want peace and harmony.

On the other hand, some of the Forum participants wanted to have a trial as soon as possible for those former Khmer Rouge leaders with blood on their hands, who they accused of murder and other atrocities committed against the Khmer people during their 3-year-and-8-month rule. A trial does not necessarily mean that they bear the Khmer Rouge malice, but people who make mistakes should accept responsibility for those mistakes and submit themselves to the judgement of their peers. This will serve as an example for our leaders, present and future. The trial will also help them think carefully before undertaking anything and remind them not to abuse their authority. A trial will also show to the world that Cambodia is a state ruled by law. These participants said they want reconciliation and peace, but a peace with justice for all people. It is true that the past should not be brought back, but the experiences of the past should be documented so as to help us do the right thing in the future. History should seek justice for all of the victims. They believe that as a nation we must search for justice, otherwise some leaders, too eager for power and willing to make other people suffer for the sake of power, may think that they too will be pardoned if caught. Furthermore, these people who want to have a trial don't want anyone to use national reconciliation as a pretext for forgiving everyone and for bypassing the law. This trial will shed light on the truth for the innocent and guilty alike. It can clear people's hatred and reduce their suffering so that they can smile at and trust each other again.

On his part, the parliamentarian from Pailin believed that, according to the July 7, 1994 legislation outlawing the Khmer Rouge, amnesty could be provided only within six months of the law coming into force (i.e. before February 1995).

Therefore, to forgive the Khmer Rouge now contravenes existing law. If Cambodia is ruled by laws, we should respect the law and the leaders of the Khmer Rouge should be tried. Also, according to Article 8 of the Khmer Rouge Law, all property of the Khmer Rouge must be confiscated. In addition, the trial should have an international character to enable it to shed light on international involvement in the Khmer Rouge movement. He felt that the Khmer Rouge was not born by itself and he cautioned against allowing certain foreign countries to have more influence than others in determining this character.



Local and international audience members listen intently to the views aired at the first Forum of the series, held at the Agricultural Station, Battambang, January 2000

A representative of the non-governmental organization ADHOC reminded the Forum that according to a basic principle of law, until otherwise proven by a trial, all suspects are presumed to be innocent. The former members of the Khmer Rouge should not feel that they are being persecuted. If they think that they have not committed any crimes, they need not worry and won't have to escape to the jungle to start another war. What we should worry about is whether this trial will provide justice for the Khmer Rouge. But if we provide amnesty to someone who has killed millions of people, then all criminals presently in jail must also be set free in order to have equal justice for all. A trial should not be motivated by malice

against the Khmer Rouge, but it should be a search for the truth and also for justice for those Khmer Rouge leaders who have not committed any crimes.

The representative of the Khmer Institute of Democracy (KID) stated that the intervention of the UN was not a violation of Cambodia's sovereignty because in 1997 both our Prime Ministers at the time had written the United Nations requesting that the Secretary General of this world body lend assistance to establish an international tribunal to try the Khmer Rouge. The KID representative did not, however, favor such a tribunal. Instead, he suggested an alternative formula of a public confession by former key leaders of the Khmer Rouge, to be followed by a public apology and request for forgiveness. Such ceremonies could take place under the royal auspices of the King and Queen at the main stadium in Phnom Penh. Similar ceremonies could also take place throughout the rest of the country.

II. Recommendations

A. Recommendations Rejecting a Trial

- We should have a public religious ceremony to end the bad Karma of the past and choose the 30th day of December for this event.
- The past should be forgotten, all weapons thrown away, and we should hold on to Dharma (Buddhist law/teachings).
- We should think more about the poverty of the people than the trial of the Khmer Rouge.

B. Recommendation in Support of a Trial

- We should have the presence of a representative of the Secretary General of the United Nations, representatives of the five permanent members of the United Nations Security Council and the signatories of the Paris Peace Agreement in the Khmer Rouge trial.
- The trial should be in an international court.
- We should set a time frame for the trial.
- We should try members suspected of committing crimes against humanity of all regimes including before, during and after the 1975-1979 period.
- We should try only the stubborn leaders of the Khmer Rouge who did not defect to the government.
- We should try to keep politics completely separate from the trial.

C. Other Recommendations

- We should allow historians to investigate and research this issue, and share the results with the public before the trial.
- We should leave it to the government to handle the issue of the trial.
- We should ask the United Nations to support Cambodia in order to reach peace and reconciliation.
- People should be united to defend justice.
- Leaders should set good examples and take responsibility for their actions.
- We should not use the Khmer Rouge problem as a tool for politics.
- We should find out who is behind the Khmer Rouge.
- We should not penalize the people. If we do not help the country, at least we should not destroy it.

III. The Polling

An opinion poll through secret ballots was conducted at the end of the Forum. Participants were asked to fill out the same questionnaire. ***106 completed questionnaires were returned.*** The results are as follows:

Questionnaire I: *Which solutions can bring about a true National Reconciliation?* (Participants were allowed to choose more than one answer)

- There is no need to try the former Khmer Rouge leaders; the past should be forgotten
 - **28** votes = **26.41%**
- The former Khmer Rouge leaders should publicly admit their guilt and apologize
 - **34** votes = **32.07%**
- A public religious ceremony should be held to put the bad karma of the past to an end
 - **26** votes = **24.52%**
- More time should be spent on educating people to be more aware about the issue before a trial of the former Khmer Rouge leaders takes place
 - **34** votes = **32.07%**
- The former Khmer Rouge leaders must be tried
 - **43** votes = **40.56%**

- The trial should apply to persons from all regimes both before 1975 and after 1979 and not just to the Khmer Rouge leaders
 - 31 votes = 29.24%
- **Other opinions**
 - There were 40 other different suggestions and ideas (see Appendix).



Public Forum participants voting to express their opinions on the issue of national reconciliation and the Khmer Rouge trial, Battambang, January 2000

Questionnaire II: *Will the trial of the former Khmer Rouge leaders be advantageous or disadvantageous to true National Reconciliation? (Participants were allowed to choose either or both answers)*

Advantageous
 - 68 votes = 64.15%

Disadvantageous
 - 38 votes = 35.84%

Abstentions
 - 6 votes = 5.66%

THE PUBLIC FORUM IN PHNOM PENH

On February 24, 2000, the Center for Social Development conducted its second Public Forum on “*Khmer Rouge and National Reconciliation*” at the Juliana Hotel in Phnom Penh. It centered around the same issues as the previous one. The same format as the previous session was used in this session also.

206 participants attended this session of the forum, many more than anticipated. Unlike the other two forums however, none of the invited former Khmer Rouge members participated in Phnom Penh, presumably for fear for personal safety and security. Some of the participants did not have any prior understanding or knowledge of the purpose of the forum. The composition of the attendees included ordinary people; representatives of district, provincial, and municipal authorities; Buddhist monks and lay officials; teachers and students. There were also representatives of the Ministry of Information, the Ministry of Labor and Social Affairs, the Ministry of Interior, and the Ministry of Education, Youth, and Sport; members of Parliament representing the people of the City of Phnom Penh and the province of Kandal; the Chairpersons of the National Assembly Legislative Commission and National Assembly Commission on the Protection of Human Rights and Reception of Complaints; representatives of the Embassies of France, Sweden, Australia, and the United States; and representatives of non-governmental organizations and the media.

I. Issues

Most of the people that attended the Forum supported a trial of the Khmer Rouge leaders who ruled Cambodia and caused the death of millions of Khmer people. The participants expressed with emotion and anger their opinion that the mistakes of those Khmer Rouge leaders are so big that nothing can erase them. If those people who committed crimes against humanity are not tried, then there is no need for any law or tribunal at all in Cambodia. A trial will provide justice for the victims and help them find peace of mind--a closure to their own personal tragedy without which there would not be any national reconciliation. This trial will also serve as a good example for history, for future generations, and to show the world that the rule of law prevails in Cambodia.

The trial should also bring national reconciliation, which is important for national reconstruction and development. A large number of participants did not wish to see national reconciliation without a trial for those whose hands are stained with the

blood of millions of people. A number of Forum participants expressed their feelings that a fair trial would bring genuine national reconciliation as it would reaffirm people's trust in our political system and the people again. Moreover, they believed that a fair trial will not lead to civil war because the former rank and file of the Khmer Rouge movement are also fed up with incessant fighting. Like everyone else, they also long for peace and a better life.

Nevertheless, there were some people who do not support the trial of those former Khmer Rouge leaders for fear that it will lead to war again. Instead, they ardently wish to forget the past and devote all energies toward combating poverty and trying to improve the quality of people's lives. Additionally, there were some who felt that the Khmer Rouge is no longer an issue for Cambodian society.

There were also different opinions expressed about how to organize the trial, and whether it should take a national or international character. The composition of the tribunal itself was also an issue.

A. Opinions for a Trial by an International Court

A group of people stated that the trial should be well organized in order to avoid the suffering which could happen again afterwards: both the suffering caused if hostilities resume, and also the suffering caused by the deepening mistrust of the national justice system. Because the Khmer Rouge issue is linked to foreign countries, a national court (notoriously incompetent and partial) will not be able to find justice. It is like asking an automobile driver to fly an airplane. Thus, there is a need for an international court, recognized by the international community.

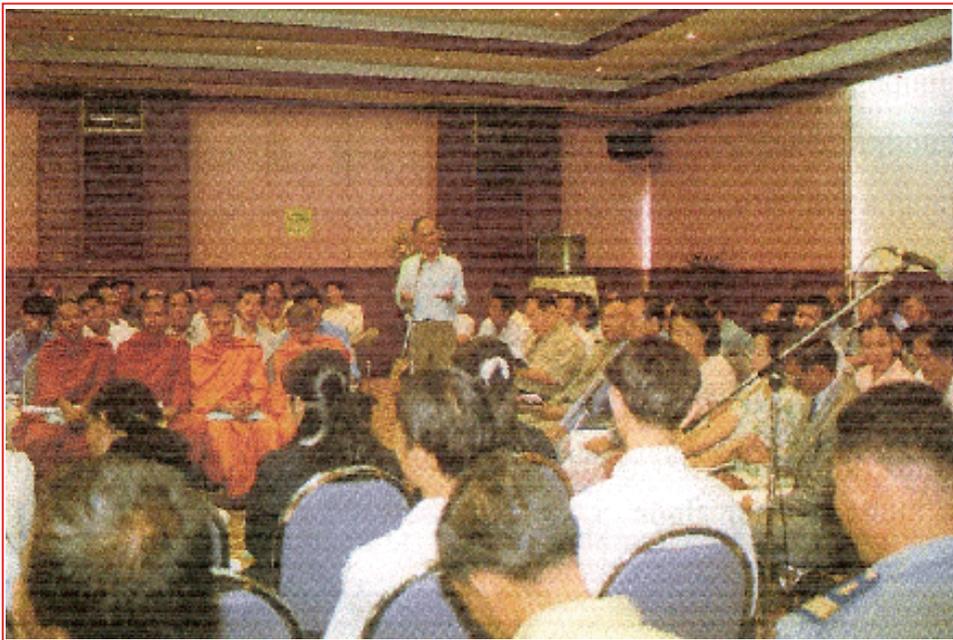
Other participants argued that a trial by an international court would give the opportunity to implicate the foreign powers involved in the genocide of the Cambodian people. Once this is done, it might be possible to assess the damages and request just compensations from them.

B. Opinions Supporting a Trial by a National Court

People who supported a trial by a national court said that they did so because the victims were all Cambodian and the crimes were committed in Cambodia. Cambodia is a sovereign nation which has the ability to handle the trial by Cambodian people themselves. The United Nations should just be an observer, as only Cambodians can solve this problem. During the period of Democratic Kampuchea, when the genocide was taking place, no foreigners acted to help us.

Thus, no foreign intervention in the trial should take place. If the international community insists on having an international court, they should guarantee peace for the Cambodian people.

The parliamentarians who participated in the Forum stated that the trial should clearly separate the guilty from those not guilty and that it should provide for real justice. The trial has to be genuine for the sake of national reconciliation. One also said that the Khmer Rouge movement was born from the progressive ideology of people oppressed by injustice and corruption, or from regressive communist ideology.



Unprecedented numbers attended the second Forum of the series, held at the Juliana Hotel in Phnom Penh, February 2000

The Chairman of the National Assembly Legislative Commission affirmed that both the government and the people supported the trial. However, there are still some procedural issues regarding the trial that need to be resolved and which are now under consideration by his Commission. Then it will be up to the full chamber to decide. The other issue is whether to conform to the standards suggested by the United Nations for a tribunal as there are still some differences between the draft law as submitted to his Commission and the United Nations minimum requirements.

II. Recommendations

A. General Recommendations

- Foreign countries involved in the killings of Cambodians must be held accountable and pay for the damages caused by their involvement.
- A trial should be just and perfect.
- National reconciliation must be real, not fake.
- The Government must help people live in peace and prosperity.
- The Khmer Rouge issue should not be politicized.
- There should be nationwide public opinion survey to discuss the trial.
- Other public forums should be organized, e.g. at the Stadium or at other venues with more room for public participation.

B. Support for a Trial by an International Tribunal

- An international trial could prosecute some foreign countries that provided the Khmer Rouge with the arms that killed Cambodians.
- The international community must observe the court proceedings.
- Investigations must be conducted by international judges.
- A tribunal must have international standards.

C. Support for a Trial by a National Tribunal

- A trial of the Khmer Rouge leaders must be conducted by a national court.
- The Government must have the authority to decide on the trial itself.
- Cambodian judges must outnumber foreign judges because Cambodians have the complete knowledge of this problem.

III. The Polling

As in the last session of the Forum, an opinion poll using secret ballots followed this second session. 136 members of the session participated in the survey and their answers are summarized as follows:

Questionnaire I: *Which solutions can bring about a true National Reconciliation?* (Participants were allowed to choose more than one answer)

- There is no need to try the former Khmer Rouge leaders; the past should be forgotten:
 - **0** votes = **00.00%**
- The former Khmer Rouge leaders should publicly admit their faults and apologize:
 - **51** votes = **37.5%**
- A public religious ceremony should be held to put the bad karma of the past to an end:
 - **21** votes = **15.44%**
- More time should be spent educating people to be more aware, before the trial of the former Khmer Rouge leaders takes place:
 - **34** votes = **25.00%**
- The former Khmer Rouge leaders must be tried:
 - **114** votes = **83.82%**
- The trial should apply to persons from all regimes both before 1975 and after 1979 and not just to the Khmer Rouge leaders:
 - **77** votes = **56.61%**
- **Other opinions**
 - There were 53 different suggestions and ideas.

Questionnaire II: *Will the trial of the former Khmer Rouge leaders be advantageous or disadvantageous to true national reconciliation?* (Participants were allowed to choose either or both answers)

Advantageous
 - **112** votes = **82.35%**

Disadvantageous
 - **44** votes = **32.35%**

THE PUBLIC FORUM IN SIHANOUKVILLE

On March 30, 2000 CSD conducted the third and final session of the series of Public Forum on “*Khmer Rouge and National Reconciliation*” at the Studio of TVK, Department of Information, in Sihanoukville.

The purpose of the Forum was the same as that of those in Battambang and Phnom Penh. One hundred and fourteen (114) people attended the Forum. Amongst the participants were ordinary people from the city of Sihanoukville and neighboring Kampot province including former Khmer Rouge soldiers; representatives of provincial, district, and municipal authorities from Sihanoukville and Kampot; members of the police and armed forces; members of the Buddhist clergy including nuns and lay officials; teachers and students; local representatives of the Ministries of Information, Culture and Fine Arts, and Education, Youth and Sport; the Director of the Documentation Center of Cambodia; a representative of the Embassy of the United States; representatives from other non-governmental organizations, and members of the national and international media.

I. Issues

An old woman whose husband and all of her children had died during the Pol Pot regime expressed with emotion that, even though they denied that they had killed Khmer people, the former leaders of the Khmer Rouge should be held responsible for all the killings and deaths occurred from 1975 to 1979 and should be tried properly. She said that people were evacuated and forced to work. They lived like animals. There were no hospitals, schools, medicines, or any other support services. Malnutrition was rife and many died painful deaths. This was what actually killed people, which the former Khmer Rouge leaders cannot deny.

Some of the former Khmer Rouge soldiers who participated in the forum said that it is very important to try the people who committed atrocities in order to find justice for the dead and thus allow their relatives to have peace of mind and not feel anger anymore. The trial is a way to seek the truth and to find out who gave the orders to kill people, who supplied the weapons, who dropped the bombs that killed the Cambodians, and who destroyed Cambodian natural resources. Those who did so should take responsibility for their actions.

The former Khmer Rouge added that even though they followed the Khmer Rouge’s policy, they had also become victims and had lost relatives during that regime. Now they realize that all their struggles were useless and that they were also deceived by their political leaders. They said that it is the job of the

government to protect the peace after the trial. Government leaders should know that peace and prosperity are very important to the people, that they must find ways to avoid the starvation that threatens most Cambodians, and that the process of national reconciliation will be complex. For this reason, if the Khmer Rouge trial is not advantageous, or impacts negatively on this process, or even brings about civil war, then we should forgive those former leaders of the Khmer Rouge who have now fully integrated into society and try only the most stubborn and defiant ones.



A woman spoke with emotion at the final Forum in Sihanoukville, March 2000

Some participants said that the effects of the destruction during the Democratic Kampuchea regime remain as a chronic disease called '**the Khmer Rouge disease**' and it is still very much in the minds of most Cambodians. We have to find the best method to cure it, because if we don't, the Khmer people may never be able to achieve reconciliation smoothly. This may have a negative impact on the process of developing the country.

The Director of the Documentation Center of Cambodia said that we should use the word 'Khmer Rouge' the right way. If we talk about history, we need to use the term 'Khmer Rouge' and if we talk about the law we must use the term 'Regime of

Democratic Kampuchea.' We are still the hostages of the Khmer Rouge ideology and until we know the truth, we cannot be released. He said that a trial is the way to find the truth. International law states that a group of people -- who are directly involved in atrocities against, or killing of, other people, or are responsible for policies guiding or in support of these actions -- are all responsible for the wrongdoing. A trial will sort out the innocent from the guilty: those who did wrong must accept their guilt; those who made no mistakes will have any doubts about them dispelled. Holding a trial is very important for the development of peace and happiness in this country and will contribute to national reconciliation and social harmony and stability, therefore a trial is not contrary to the spirit of national reconciliation. The Khmer Rouge trial will be a lesson for future generations, telling them to never let this happen again and to show that Cambodia is a country ruled by law.

The representative of the Municipality of Sihanoukville stated that national reconciliation is needed because, as a people, we have lost our love and respect for each other. If we do not properly implement the law, if we do not respect and comfort each other, there will not be true rule of law. The tribunal must be held in order to punish those who have wronged and it will be an example for future generations.

II. Recommendations

A. Support for a National Tribunal

- The Khmer Rouge tribunal should be staffed by Cambodians only.
- International Organizations should not interfere in a Khmer Rouge tribunal.

B. Support for a National and International Tribunal

- The Khmer Rouge tribunal should combine both national and international prosecutors for the sake of balance.
- The international community must observe the process of the trial court.
- The international community should control the Khmer Rouge trial because the national legal system cannot be relied upon to provide true justice.

C. Other Recommendations

- We should try the former high ranking leaders of the Khmer Rouge and this should not lead to war.
- We should try only the stubborn Khmer Rouge leaders who did not defect to the government.
- The Khmer Rouge leaders should courageously accept responsibility for their actions.
- We should try the Khmer Rouge leaders so that future leaders do not follow their example.
- We must follow the letter and the spirit of the law.
- Genocide should never again happen in Cambodia.
- We are all Khmer and we ought to make a public religious ceremony to put an end to bad karma. The past should be forgotten and we should take care of poor people.
- The Khmer Rouge trial legislation should be passed soon.
- We should continue to live in peace and give comfort to the people.

III. The Polling

An opinion poll with secret ballots immediately followed this session of the Forum as at the previous sessions in Battambang and Phnom Penh. Of the 114 participants, 95 responded to the survey. The following is the summary of results of the survey:

Questionnaire I: *Which solutions can bring about a true National Reconciliation?* (Participants were allowed to choose more than one answer)

- There is no need to try the former Khmer Rouge leaders; the past should be forgotten:
 - 17 votes = **17.89%**
- The former Khmer Rouge leaders should publicly admit their faults and apologize:
 - 35 votes = **36.84%**
- A public religious ceremony should be held to put the bad karma of the past to an end:

- **24** votes = **25.26%**
- More time should be spent on educating people to be more aware, before the trial of the former Khmer Rouge leaders take place:
 - **31** votes = **32.63%**
- The former Khmer Rouge leaders must be tried:
 - **52** votes = **54.73%**
- The trial should apply to persons from all regimes both before 1975 and after 1979 and not just to the Khmer Rouge leaders:
 - **35** votes = **36.84%**

Questionnaire II: *Will the trial of the former Khmer Rouge leaders be advantageous or disadvantageous to true national reconciliation?* (Participants were allowed to choose either or both answers)

Advantageous
- **72** votes = **75.78%**

Disadvantageous
- **24** votes = **25.26%**

Abstentions
- **4** votes = **4.21%**

COMPILED RESULTS FROM ALL POLLS

Opinion polls with secret ballots immediately followed each session of the Forum series - in all, 337 participants gave their views. These same questionnaires were also put to readers of the *CSD Research Bulletin*, to which there were 295 respondents. Below is a summary of the compiled results of the opinions of 632 Cambodians:

Questionnaire I: *Which solutions can bring about a true National Reconciliation?* (Participants were allowed to choose more than one answer)

- There is no need to try the former Khmer Rouge leaders, the past should be forgotten:
 - **55** votes = **9%**
- The former Khmer Rouge leaders should publicly admit their faults and apologize:
 - **187** votes = **30%**
- A public religious ceremony should be held to put the bad karma of the past to an end:
 - **95** votes = **15%**
- More time should be spent educating people to be more aware, before the trial of the Khmer Rouge leaders takes place:
 - **155** votes = **25%**
- The former Khmer Rouge leaders must be tried:
 - **430** votes = **68%**
- The trial should apply to persons from all regimes both before 1975 and after 1979 and not just to the Khmer Rouge leaders:
 - **320** votes = **51%**

Questionnaire II: *Will the trial of the former Khmer Rouge leaders be advantageous or disadvantageous to true national reconciliation?* (Participants were allowed to choose either or both answers)

Advantageous		Abstentions	
- 517 votes	=	82%	- 10 votes = 2%
Disadvantageous			
- 217 votes	=	34%	

APPENDICES

- * Press Release
- * Other Comment on the Khmer Rouge Issue
- * Comments on the Public Forum
in the Media
- * About CSD

July 20, 2000

PRESS RELEASE

Newly compiled results of a nationwide survey conducted by the Center for Social Development (CSD), an independent non-governmental organization, show that almost two thirds of all respondents believe that a trial of the former Khmer Rouge leaders would be advantageous to true national reconciliation.

CSD polled 632 persons at public forum discussions organized and conducted in Battambang, Phnom Penh and Sihanoukville and through the readership of the CSD monthly research bulletin. A copy of the survey results is attached.

Initially when CSD planned the public forums our idea was to ask whether a trial of the Khmer Rouge should or should not be held. However, after undertaking ground preparation including consultations in the former Khmer Rouge areas of Pailin and Phnom Malai, we realized that the overriding issue was peace and national reconciliation, of which the question of a trial of the former Khmer Rouge was a component.

The holding of a trial must be seen as a part of the ongoing process of attaining the goals of healing the country, maintaining lasting peace and fostering sustainable development. In order to avoid increasing or extending existing divisions within Cambodian society it is of utmost importance that a trial provides justice for all - at the international, national and personal levels. Only by dealing with the past honestly, openly, fairly and holistically, can all Cambodians hope to achieve those goals for the future.

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OTHER COMMENTS ON THE KHMER ROUGE ISSUE

(Following the 3 sessions of the Forum, CSD ran the same questionnaire that was administered to Forum participants in the April and May 2000 issues of its monthly publication *The Bulletin*. 295 responses were received. The following are some of the comments compiled from these responses)

* Former Khmer Rouge leaders must be tried by a national tribunal. Not only the leaders should stand trial, but also anyone who was involved, particularly those Khmer Rouge leaders who are hiding in the ranks of the current government.

* I can never forget the past. No matter how many thousand times the Khmer Rouge apologize, even until they all die, they should all be tried because this regime was so barbarous. There is no need to further discuss the issue or to educate people about it. They understand everything. Do not delay any further. Let's just get it over with in an international tribunal.

* There is no need to try the Khmer Rouge because it has been so long now. Besides, the dead are already dead (we can not bring them back to life). We must avoid taking revenge so we can devote more time to thinking about territorial infringements by neighboring countries.

* If we decide not to prosecute the Khmer Rouge, we must release all other prisoners from jail. If all prisoners are freed, it will be as though we have no laws.

* We must avoid discrimination and unite ourselves so we can rebuild our nation together. We must instead find out who was behind all the politicians from 1970 to 1979 and convince them to accept responsibility and make reparations for causing the destruction of Cambodia.

* We must eliminate the culture of impunity in Cambodia. Justice and social stability will happen when we will get rid of all the bad leaders.

* A trial may somewhat affect national reconciliation. But it will serve as an example for the future: if you cause the destruction of the country and the death of millions of your fellow countrymen, you must be brought before justice.

* If a civil war starts again, only our neighbors will stand to benefit, just as they have for decades already.

* There must be a trial of the former Khmer Rouge because this is the will of all the people. They must be penalized and this will serve as a lesson for future

leaders and will show the international community that Cambodia is a democratic country ruled by law.

* It may be too late to try the Khmer Rouge at this time. It may not even make sense at all because all the parties to the Khmer Rouge issue, including the United Nations, do not have a strong stand on this issue. They have been flipflopping and do not seem to have a genuine desire to seek justice for the people. If they want justice, they need to look to the period 1970-1979.

* The (Khmer Rouge) trial should be public. Its proceedings must be broadcast live on television. There is no doubt that we should have a trial but before we do, we must force those Khmer Rouge to confess and apologize first.

* We must involve the international community in any trial of the Khmer Rouge, especially the United Nations, to ensure the security of the people (in case of violence as the result of the trial). Personally, I am very concerned that we would not be able to find justice. Will we get justice if some people who seem responsible for the killings are now amongst the top leaders? We should also try whoever was behind the killers. This is why we should have an international tribunal to take care of the matter.

* The trial will be a good example for our next generation of leaders. They should be warned not to abuse their power, act as they please, and disregard the law. Justice must be equally applied to everyone, even to those with power, if they have broken the law.

* We will show the world that Cambodia is a country with justice. Those responsible for the genocide must face justice. We will show future generations that we will not allow those who commit genocide to go unpunished.

* The trial will give people the satisfaction of knowing that the Khmer Rouge are being punished for their wrongdoing and inhumane actions.

* The Khmer Rouge tribunal will not be able to find true justice because the culprits will never admit to their mistakes. This will create renewed confusion that might lead to war again. The people do not trust the government to properly handle the trial.

* It is absolutely correct that, as members of the same country, if we continue to quarrel amongst ourselves, we will not accomplish anything. We would only cause the loss of more lives and to further weaken our country. But we must also obey the law once in a while, as the law is the backbone of a nation.

COMMENTS ON THE PUBLIC FORUMS IN THE MEDIA

The three public forums were reported in the press and broadcast on radio. Some of the quotations from different papers are reported here. The forums were both criticized and praised.

The Cambodia Daily, January 28, 2000:

"They ask who is responsible for these crimes? We all are responsible. All Cambodian people," Long Narin said. "Am I responsible?"

Yes, I, too am responsible... I have family members who will not speak to me because I am in the Khmer Rouge... But if I am called to a trial, I will go. I will go and defend myself."

And at least one, Suong Sikoeun, who serves as the spokesman for Ieng Sary's new party, echoed the Khmer Rouge's characteristic xenophobic rhetoric by renouncing foreign intervention in Cambodia's problems.

"Who can help Khmers for reconciliation? The foreigners, they cannot.

If someone forces a trial, that is not in good faith, because we are Khmer and we must establish democracy, Khmerstyle. Europeans don't understand about democracy, Khmerstyle. Let us forgive and forget."

Phnom Penh Post, February 18-March 2, 2000:

Letters to the Editor

"...If a KR forum aims to educate people about national reconciliation, it would have to allocate time and participants equally in a fair environment. I believe this is best done by a fair trial, where victims and possible perpetrators can always freely and equally express their opinions, where they both are given equal opportunity to seek information and support for their argument, and where there are independent, competent, neutral judges and jurors." Sorya Sim

Bangkok Post, February 6, 2000:

"...In private talks with the *Bangkok Post* prior to the public forum, former rebels admitted that the planned genocide trial would be an acid test of Hun Sen's policy of national reconciliation and building a new Cambodia based on defections..."

"...A trial will divide our country. We will never have national reconciliation, said In Sopheap, a former KR ambassador to Switzerland, on the public forum in Battambang."

Bangkok Post, February 6, 2000:

"...A veteran soldier, Prom Soo is now fed up with war. He saw how violence and hatred plunged his country into destruction..."

"...A public forum is good thing, he noted, but it is unlikely to affect the international calls for a Khmer Rouge trial. It all depends on the United Nations, the United States, Japan and Hun Sen," he said. "The ball is in their court."

The Cambodia Daily, February 25, 2000:

"Most Cambodians want a trial of former Khmer Rouge leaders, but they are divided over whether it should be run by local authorities or with the help of the UN, said participants at a public forum in Phnom Penh Thursday..."

Phnom Penh Post, February 4-17, 2000:

"The animosity and the killings for the last three decades were not only on the part of the KR. There were other factions, too. If only one faction is prosecuted for trial, it can lead to discrimination or a form of racism," said In Sopheap, former KR counselor in China and the UN and ambassador to Egypt.

Reuters, March 30, 2000:

"I am an ex-Khmer Rouge soldier, but some of my family members were also killed during the Pol Pot regime," Long Van told the forum.

"Anyone who commits a crime must be held responsible for his act and must tell who the main people who gave orders to kill people were", Long Van, now a 46-year-old farmer, said.

"...A political group headed by former Khmer Rouge foreign minister Ieng Sary said in a statement March 30 that a trial could threaten new-found peace."

The Cambodia Daily, March 31, 2000:

'Long Van, who defected to the government in 1996, said: "It was war. And during war you follow the orders of your leaders... I had family who died, too. I think if we have a trial, it will be no good. We have to remember that everyone was involved in the Khmer Rouge in one way or another."

ABOUT CSD

The Center for Social Development (CSD) was established in Phnom Penh, Cambodia, in June 1995 and was registered as an NGO with the Council of Ministers on 6 June of the same year. CSD is a non-profit, non-governmental organization, which seeks to promote democratic values and improve the quality of life of the Cambodian people through practical research, training, advocacy, awareness-raising and public debate. CSD envisions a prosperous, peaceful and harmonious Cambodia – the kind of society that will support moral values and technological and social modernization.

Goals

To promote public accountability and transparency

To monitor the development and implementation of the electoral process

To build citizens' participation in the democratic process

To advocate for good governance through the institutionalization of democratic values and principles

To strengthen the implementation of human rights

To act as a neutral forum for open and candid debates and discussions on issues of concern to society.

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