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Recovering History and Justice in Cambodia

Half a millennium of intermittent civil conflict, foreign invasions, and even genocide not only devastated Cambodia, but also prevented the Khmer people from weighing their experiences in historical perspective. Hindu, Buddhist, royalist, republican, colonial and communist regimes came and went. Five relocations of the Khmer capital in as many centuries preceded the three foreign occupations and seven regime changes of the past sixty years alone. Time and again, officials abandoned archives. Rulers erased rivals from the record. International leaders denied Cambodia's history or blocked its documentation. Yet recent events offer hope at least of an accounting for the Khmer Rouge genocide of 1975–1979.¹

A substantial corpus of inscriptions and archaeological sites, like the twelfth-century Hindu temple of Angkor Wat, testify to Cambodia's medieval glory. Then, around 1432, the Khmer court moved downriver, founding a new capital, Lovek. Buddhist monks maintained Angkor, but its perishable palm-leaf records vanished. In 1594, a Thai army sacked Lovek. Within two years, Spanish and Portuguese *conquistadores* from Manila raided and razed its successor, Srei Santhor. Later royal attempts to chronicle Cambodia's fifteenth and sixteenth centuries were, as historian Michael Vickery has shown, "composed artificially" from Thai court chronicles for lack of Khmer sources.² Cambodian events stayed in shadow.

Civil wars also wracked the country, leaving little record. A rare inscription carved at Angkor in 1747 celebrates the Khmer king's defeat of an unnamed rebel princess. Tracking down her forces by "blocking and searching every road," the royal army "drove out, pursued and scattered" (*kchat kchay*) the rebels, showing them "the power of the monarch." The king's forces presented him with "many of the slaves and possessions of the princess" and all her "commanders, troops, and goods."³ Her fate, like so much of Cambodian history, passed into silence.

1 An abridged version of this article appeared in *History Today* (London), September 2004, pp. 16-19.

2 M. Vickery, *Cambodia After Angkor: the Chronicular Evidence for the 14th to 16th Centuries*, Ph.D. dissertation, Yale University, 1977.

3 Silacarik Nagar Vatt Ning Pateanukram, Phnom Penh, Buddhist Institute, 1958, 114. For a different translation see D. P. Chandler, *An Eighteenth Century Inscription from Angkor Wat*, in: *Journal of the Siam Society*, July 1971, p. 158.

Ethnic violence followed. “The Cambodians have massacred all the Cochinchinese [Vietnamese] that they could find in the country,” wrote a French missionary in 1751. The new Khmer king, Ang Snguon, “gave orders or permission to massacre all the Cochinchinese who could be found, and this order was executed very precisely and very cruelly; this massacre lasted a month and a half; only about twenty women and children were spared; no one knows the number of deaths, and it would be very difficult to find out, for the massacre was general from Cahon to Ha-tien, with the exception of a few who were able to escape through the forest or fled by sea.” No survivors were found of the numerous Vietnamese residents in Cambodia.⁴ Nor do other records of that pogrom survive.

Better-documented conflicts raged for a century. From the west, Thailand seized the Angkor region. Vietnam encroached from the east. Then France colonized Vietnam, and in 1863, imposed a Protectorate on Cambodia. The French moved the capital from Oudong to Phnom Penh, re-took Angkor from Thailand, and restored its archaeological sites. But the colonialists neglected Khmer education. Pagoda schools declined; literacy rates fell. Ninety years of colonial rule produced only 144 Khmer *Baccalauréats*.⁵

While history publishing flourished in colonial Vietnam, even educated Cambodians lacked access to Khmer-language historical sources, which French and royal officials often suppressed to monopolise state legitimacy. After Cambodia’s independence, the regime of Prince Norodom Sihanouk (1954–70) greatly expanded education. But, as Sihanouk’s adviser Charles Meyer later recalled with near accuracy, the kingdom permitted publication in Khmer of “no serious work of history, politics, economics or literature.”⁶

In the 1960s, as U.S. forces intervened in the war in neighbouring Vietnam, Sihanouk tried to keep Cambodia neutral. His ouster in 1970 brought several contending armies, Vietnamese and American, crashing over the border. Cambodia became a theatre of the Vietnam War. “That damned Air Force can do more about hitting Cambodia with their bombing attacks,” President Nixon told Henry Kissinger on the telephone on December 9, 1970. “I want a plan where every goddamn thing that can fly goes into Cambodia and hits every target that is open ... everything. I want them to use the big planes, the small planes, everything they can.” Kissinger ordered “a mas-

4 A. Launay, *Histoire de la Mission de Cochinchine 1658–1823*, II, Paris, 1924, pp. 366–70.

5 See B. Kiernan, *How Pol Pot Came to Power: A History of Communism in Cambodia, 1930–1975* (London 1985, pp. xii–xiv), second edition, Yale University Press, 2004, Introduction.

6 C. Meyer, *Derrière le sourire khmer*, Paris 1971, p. 181.

sive bombing campaign in Cambodia. Anything that flies on anything that moves.”⁷ By 1973, half a million tons of U.S. bombs had killed over 100,000 peasants and devastated the countryside.⁸ On May 2 of that year, the Directorate of Operations of the U.S. Central Intelligence Agency reported the results of its investigations in Kandal province:

1. Khmer Insurgent (KI [Khmer Rouge]) cadre have begun an intensified proselyting [sic] campaign among ethnic Cambodian residents in the area of Chrouy Snao, Kaoh Thom district, Kandal province, Cambodia, in an effort to recruit young men and women for KI military organizations. They are using damage caused by B-52 strikes as the main theme of their propaganda. The cadre tell the people that the Government of Lon Nol has requested the airstrikes and is responsible for the damage and the “suffering of innocent villagers” in order to keep himself in power. The only way to stop “the massive destruction of the country” is to remove Lon Nol and return Prince Sihanouk to power. The proselyting [sic] cadres tell the people that the quickest way to accomplish this is to strengthen KI forces so they will be able to defeat Lon Nol and stop the bombing.
2. This approach has resulted in the successful recruitment of a number of young men for KI forces. Residents around Chrouy Snao say that the propaganda campaign has been effective with refugees and in areas of Kaoh Thom and Leuk Dek districts which have been subject to B-52 strikes.⁹

The U.S. bombing thus helped the guerrillas of Pol Pot’s Communist Party of Kampuchea (CPK, or Khmer Rouge) to recruit vengeful survivors, whom they misled, claiming that “The killing birds came from Phnom Penh.” The Khmer Rouge army expanded, and shelled the capital, diverting history against innocent urban dwellers.

American officialdom continues to ignore this history, or bury its documentation in untraceable footnotes. In 2003, Henry Kissinger revealed in his book, *Ending the Vietnam War*, that he requested an estimate of the Cambodian civilian casualties of the US bombing from the Historical Office of the US Secretary of Defense (OSD). The Office, Kissinger says, “gave me an estimate of 50,000 based on the tonnage of bombs delivered over a period of four and a half years.” Kissinger cites this OSD figure only in a footnote leading to an endnote quoting two paragraphs excerpted from an unnamed,

7 The Kissinger Telcons, National Security Archive, Washington, D.C. accessed May 29, 2004: www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB123/.

8 B. Kiernan, *The American Bombardment of Kampuchea, 1969–1973*, in: *Vietnam Generation*, 1:1 (Winter 1989): 4-41.

9 United States, Central Intelligence Agency (1973), *Efforts of Khmer Insurgents to Exploit for Propaganda Purposes Damage Done by Airstrikes in Kandal Province*, Intelligence Information Cable, May 2, 1973, Directorate of Operations, declassified February 19, 1987.

undated memo, “on civilian casualties in Cambodia.” Kissinger omits to quote the actual passage containing the estimate of 50,000 casualties. In his endnote, he quotes the OSD only as stating: “B-52 area bombers accounted for a much higher proportion of bomb tonnage in Cambodia than in North Vietnam – two-thirds in Cambodia versus a quarter in North Vietnam. During 1969–1973 in Cambodia, it was difficult for reporters in Phnom Penh to estimate the proportion of civilian casualties caused by air operations. There is no doubt that most of those casualties occurred in 1973 ... Reporters in Phnom Penh could see that many nearby villages had been destroyed by bombing. According to the American air commander, General Vogt, those villages had already been vacated by civilians fleeing into the city ... The worst error occurred at Neak Luong, when more than a hundred civilians were killed ...”¹⁰ But many similar incidents went unreported. The unverified official estimate of 50,000 dead may be regarded as a minimum, in a possible range of 50,000-150,000 Cambodian civilians killed by US bombing from 1969 to 1973.¹¹

CPK internecine purges also accelerated during the U.S. bombardment. Portending the genocide to come, the purges targeted ethnic as well as political groups. After secretly and systematically killing nearly all of the one thousand Khmer communists returned from training in Hanoi, in 1973/74 Pol Pot’s “Party Center” (*mocchim paks*) stepped up violence against ethnic Vietnamese civilian residents of Cambodia. It also purged and killed ethnic Thai and other minority members of the CPK’s Western and Northeast Zone committees, banned an allied group of ethnic Cham Muslim revolutionaries in the East, and instigated severe repression of Muslim communities. Other victims of the Center included its Sihanoukist allies, moderate local communists, and more independent Marxists such as Hou Yuon, a popular Paris-educated intellectual who had differed with Pol Pot. The Center marginalized Hou Yuon, then murdered him in 1975.

The Khmer Rouge won the war in April 1975. They emptied Cambodia’s cities into the countryside, persecuting and murdering the deported townspeople, who tended to be more educated than the peasantry. Pol Pot’s new communist regime, called Democratic Kampuchea (DK), also committed genocide against the Khmer Buddhist monkhood, the traditional bearers of cultural literacy. DK expelled 150,000 Vietnamese residents from Cambodia, killed all 10,000 who stayed, and carried out larger, less systematic genocide against the country’s Chinese and Muslim minorities. In all, 1.7

10 H. Kissinger, *Ending the Vietnam War*, New York 2003, pp. 70 n., 586 n.7

11 For details see B. Kiernan, *The American Bombardment of Kampuchea, 1969–1973*, *Vietnam Generation*, 1:1, Winter 1989, pp. 4-41.

million people died in four years. Upgrading the traditional term for routing enemies, DK's slogan became *kchat kchay os roling* ("scatter them to the last").¹² Targeting history too, the Khmer Rouge scattered libraries, burned books, closed schools, and murdered schoolteachers. Three-quarters of Cambodia's 20,000 teachers perished, or fled abroad.¹³

As the genocide progressed, for geopolitical reasons, Washington, Beijing, and Bangkok all supported the continued independent existence of the Khmer Rouge regime. When U.S. President Gerald Ford and Secretary of State Kissinger visited Indonesian president Suharto on 6 December 1975, the transcript released in 2001 reveals that Ford, deploring the recent U.S. defeat in Vietnam, told Suharto: "There is, however, resistance in Cambodia to the influence of Hanoi. We are willing to move slowly in our relations with Cambodia, hoping perhaps to slow down the North Vietnamese influence although we find the Cambodian government very difficult." Kissinger explained Beijing's similar strategy: "the Chinese want to use Cambodia to balance off Vietnam.... We don't like Cambodia, for the government in many ways is worse than Vietnam, but we would like it to be independent. We don't discourage Thailand or China from drawing closer to Cambodia."¹⁴

When the Vietnamese communist army overthrew the Khmer Rouge in January 1979, the new People's Republic of Kampuchea (PRK) re-opened the cities and schools, but faced an international embargo led by China, the USA, and Thailand. A Cambodian education official recalled starting from nothing, "in shorts."¹⁵ A UN consultant found a school "surrounded by mines and graveyards." Another school possessed eight pens per class of 50 pupils. A class that met under a tree had to stop for the rainy season. Some students were "completely naked."¹⁶

With Vietnamese aid the PRK re-opened the Teachers' College, and printed forty school textbooks by 1980. But for a decade, Cambodian schools offered no history subjects; only classes on "Political Morality" and

12 Pol Pot Plans the Future: Confidential Leadership Documents from Democratic Kampuchea, 1976/77, ed. C. Boua, D. Chandler and B. Kiernan, New Haven, Yale Council on Southeast Asia Studies, 1988, p. 170.

13 D. Ayres, *Anatomy of a Crisis: Education, Development and the State in Cambodia, 1953-1998*, Honolulu 2000, pp. 126, 217 n.16.

14 US Embassy Jakarta to Secretary State, 6 Dec. 1975, www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB62.

15 J. Jordens, A 1991 State of Cambodia Political Education Text: Exposition and Analysis, Monash University Centre of Southeast Asian Studies Working Paper 71, Clayton, Victoria, Australia, 1991, p. 6.

16 Ayres, *Anatomy of a Crisis* (n. 13), p. 133.

Folk Tales. DK destruction of books was not the sole reason for the curriculum gap. Vietnamese advisors at the new Education Ministry planned a new, revolutionary history syllabus, but the PRK dragged its feet.¹⁷ One official explained that the country's history had yet to be written! Yet from 1985 to 1987, the PRK banned as "incorrect" even a new 584-page Khmer-language history of Cambodia, published in the USSR.¹⁸ In 1986 the Ministry published, but withheld from schools, a new fifth-grade history textbook.¹⁹ Some suspected Cambodian history would be "approved" only when defined in terms of Vietnamese history.

None of Cambodia's pre-1975 professors or lecturers who had remained in the country survived the Khmer Rouge genocide. But from 1979 the PRK trained a hundred new tertiary educators. In 1988, after thirteen years, Phnom Penh University re-opened its doors, with 2,000 students. Seventy were studying History, including ten majors. The new History Department comprised two former graduates with *licences ès lettres* from the pre-1975 Faculty of Arts, and three post-1980 Teachers' College graduates. They had already co-authored new history school texts, including the 1986 book, which now went into use in fifth grade classes, accompanied by three new texts for higher grades. At each level, pupils began to study Cambodian History and World History.

Classes addressed some symbolic issues. For instance, the fifth-grade text tried to assess Vietnam's nineteenth century interventions in Cambodia. In that era, the Vietnamese court at Hue had vied with Thailand for dominance over the Cambodian court at Oudong. The textbook informed pupils that, to escape Bangkok's control, "our Khmer kings ran to rely on the feudalists in the east, that is, the Vietnamese kingdom." Hue's intervention "became steadily more active," especially in the court of King Ang Chan II (1794–1834). Thailand, too, "used force to pressure King Ang Chan II and to encourage him to accept absolute Thai sovereignty. Worried by such pressure, King Ang Chan II requested help from the Hue court." Vietnamese troops invaded, defeating the Thai. However,

King Ang Chan II died in 1834 leaving no heir. The Hue court at this time had very great influence over the Khmer royal family and it began to use manoeuvres to enthrone Princess Ang Mey, who was a daughter of King Ang Chan II, as ruler of the kingdom. In order to strengthen its own influence and eliminate Thai influence, the Hue court intervened in the internal affairs of the Oudong court

17 Ayres, *Anatomy of a Crisis* (n. 13), pp. 134, 219.

18 Y. Y. Miheyev, *Prowatisas songkep nei prates kampuchea*, Moscow, 1985, 584 pp.; Ayres, *Anatomy of a Crisis* (n. 13), p. 219.

19 Provatvichea (Grade 5), Phnom Penh, Ministry of Education, 1986, 106 pp.

with increasing power. Thus it happened that the city of Bangkok pressured Cambodia more powerfully, and along with this the court and the people of Cambodia were not happy either.²⁰

That fairly frank discussion of past Vietnamese interventions was not matched by lessons on the Khmer Rouge genocide. Even after Hanoi's forces left Cambodia in 1989, few students gained access to primary documents or secondary accounts of its recent past. Crowds thronged the museum that had been DK's notorious Tuol Sleng prison. Western scholars perused its archives of torture and murder.²¹ Cambodian governments, excluded from the United Nations, protested the exiled DK regime's presence there. An official eleventh-grade 1991 *political education* text lamented: "During the Pol Pot regime, the Cambodian people lived in hopelessness, without meaning, and in constant fear; in addition they suffered every kind of oppression [by] those violent savage murderers, and were transformed into the slaves of that gang."²² Yet school history classes omitted the Khmer Rouge period altogether.

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

International actors also fostered a lack of accountability. Behind the scenes, the ousted Khmer Rouge received U.S. support from the Carter, Reagan and first Bush administrations. Carter's national security advisor Zbigniew Brzezinski recalled Kissinger's earlier policy when he revealed that in 1979, "I encouraged the Chinese to support Pol Pot. Pol Pot was an abomination. We could never support him, but China could." According to Brzezinski, Washington "winked, semi-publicly" at Chinese and Thai aid to the Khmer Rouge.²³ In 1982 the U.S. and China encouraged Sihanouk to join a DK coalition-in-exile. Secretary of State George Schultz refused to support a proposed international genocide tribunal. In 1989 his successor James A. Baker even urged that the Khmer Rouge be included in the Cam-

20 Ibid., pp. 39-40.

21 A. Barnett, C. Boua and B. Kiernan, *Bureaucracy of Death*, *New Statesman* (London), 2 May 1980.

22 Vonyasa Oprum Noyobay Thak ri 11, translation by Justin Jerdens, in: *A 1991 State of Cambodia Political Education Text*, p. 8.

23 E. Becker, *When the War Was Over*, New York, 1986, p. 440.

bodian government. When Japan proposed a commission of inquiry into Khmer Rouge crimes, US Assistant Secretary of State Richard Solomon opposed the idea, stating on 18 March 1991 that it was “likely to introduce confusion in international peace efforts.”²⁴

Twenty years of UN silence on the Khmer Rouge genocide further encouraged Cambodians to ignore the past. After a 1988 meeting of the Southeast Asian countries, the Indonesian chairman noted a consensus opposing any return to “the genocidal policies and practices of the Pol Pot regime.” Yet in 1989, the UN General Assembly declined to identify the perpetrators but merely mentioned “the universally condemned policies and practices of the recent past.” A proposal for UN intervention watered that down to “the human rights abuses of a recent past.” And the Security Council’s five permanent members deplored only unspecified, unauthored, undated “policies and practices of the past.” During the 1991–93 UN operation in Cambodia, Pol Pot would enjoy “the same rights, freedoms, and opportunities to participate in the electoral process” as others.²⁵

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

24 H. Yamada, *Japan’s Peace Plan Proposes to Disarm Factions*, Daily Yomiuri, 5 May 1991. See also B. Kiernan (ed.), *Genocide and Democracy in Cambodia: The Khmer Rouge, the United Nations, and the International Community*, New Haven, Yale Council on Southeast Asia Studies/Schell Center for International Human Rights, Yale Law School, 1993, pp. 207, 255 n.78, 260 n. 137. For consistent statements also made by Solomon at the time, see pp. 203-4. For details on Japan’s diplomacy, see *Indochina Digest*, 10 May 1991.

25 See Kiernan, “The Inclusion of the Khmer Rouge in the Cambodian Peace Process: Causes and Consequences,” in *Genocide and Democracy in Cambodia*.

Yet they had no choice. From jungle bases, the Khmer Rouge boycotted the UN-organized 1993 elections, and kept killing Cambodian troops and civilians. Bringing them to justice became U.S. law under President Clinton in 1994. Two years later, Yale University's Cambodian Genocide Program uncovered 100,000 pages of secret DK documents revealing the role of top Khmer Rouge leaders in the 1975-79 mass killings, and began posting their contents at www.yale.edu/cgp. In 1997, Cambodia's rival Prime Ministers, Hun Sen and Sihanouk's son Norodom Ranariddh, jointly requested UN aid to prosecute DK leaders for their past crimes. The UN Secretary-General appointed a "Group of Experts" to examine the case.

As the international lawyers worked, defections and mutinies wracked the Khmer Rouge army. Pol Pot died in 1998, and was cremated in the jungle. Late that year, his former deputy, Nuon Chea, and the DK head of state, Khien Samphan, surrendered, saying 'Sorry' for their crimes. The Khmer Rouge were defeated. Accepting the surrender, Hun Sen offered to "dig a hole and bury the past," provoking fears that he no longer favoured a tribunal. Another government spokesman stated that under international law "no one can grant amnesty" for crimes against humanity. Arrests of Khmer Rouge leaders were "up to the decision of an international tribunal, but the tribunal does not take place yet, and so far, there have been no charges lodged against these people."²⁶ Within months, however, Cambodian troops captured former DK military commander Chhit Choeun (alias Mok) and arrested the former commandant of Tuol Sleng prison, Duch. Both went to jail pending trial.

In early 1999, the UN Experts recommended charging the surviving DK leaders "for crimes against humanity and genocide" perpetrated in 1975-1979. As well as committing "war crimes" against Vietnam and Thailand, DK had "subjected the people of Cambodia to almost all of the acts" listed in the 1948 UN Genocide Convention.

Evidence suggests the need for prosecutors to investigate the commission of genocide against the Cham, Vietnamese and other minority groups, and the Buddhist monkhood. The Khmer Rouge subjected these groups to an especially harsh and extensive measure of the acts enumerated in the Convention. The requisite intent has support in direct and indirect evidence, including Khmer Rouge statements, eyewitness accounts and the nature and numbers of victims.²⁷

26 Khieu Kanharith, quoted in Reaksmei Kampuchea, December 28, 1998.

27 Report of the Group of Experts for Cambodia established pursuant to General Assembly resolution 52/135, United Nations, AS, A/53/850, S/1999/231, March 16, 1999, Annex, pp. 19-20, 57.

Finally pursuing accountability, the UN began negotiations with Hun Sen's government for a mixed national/international trial of senior Khmer Rouge leaders. Cambodia's National Assembly passed a "Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea." On June 6, 2003, Cambodia and the UN signed their cooperation Agreement. After a year of delays by Cambodian opposition parties, the Agreement was expected to be ratified in the National Assembly in August 2004.

Under President George W. Bush, it remains unclear whether Washington will fulfill U.S. commitments to justice for Cambodians, including the 1994 U.S. law, or if Congress will acknowledge them. American leaders ignore the earlier U.S. contribution to Cambodia's tragedy. But in 2004, seventeen members of Congress co-sponsored a resolution in support of the Khmer Rouge tribunal.²⁸

Twenty-five years after the genocide, Cambodia's tourism ministry plans to commercialize the jungle site of Pol Pot's cremation, complete with a local Khmer Rouge guide.²⁹ But UN-Cambodian cooperation on a tribunal brings legal accountability within reach. On April 9, 2004, Cambodia's General Prosecutor asked local officers "to lay charges, and ask the magistrate to issue arrest warrants" for the arrests of former DK leaders Khieu Samphan, Nuon Chea, and Ieng Sary.

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

28 For the text of the Resolution see www.yale.edu/cgp/hcon399ih.html.

29 A. Sipress, Visit Cambodia! Package Tours to a Despot's Hideout, in: Washington Post, April 24, 2004, p. A17.