



UNITED STATES INSTITUTE OF PEACE

Simulation on The Cambodia Peace Settlement

This simulation aims at providing participants with a deeper understanding of how societies in conflict have to confront issues of war crimes and human rights violations. Participants role-play negotiators at a peace settlement conference in Cambodia, where, due to international pressure, a weakened government has agreed to negotiate with opposition leaders. Questions that must be dealt with include implementation of the peace settlement and issues of past accountability for genocide and war crimes.

Other participants will be asked to role-play a task force composed of representatives from Cambodian and international organizations that has been established to work out recommendations for the negotiators on how to proceed with the war crimes and human rights issues. The range of possible recommendations includes convening international or domestic war crime tribunals, limited or blanket amnesties, or the establishment of a truth commission or commission of inquiry.



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¹ All of the scenario events are imaginary and were created for the purposes of this simulation only.



Introduction

Simulations are essentially educational exercises which place students in situations of people different than themselves as a way to illuminate the kinds of issues, challenges and conflicts that such people face. When you have to think, debate or make decisions as a Cambodian who is trying to end conflict in his or her country, for example, you often develop insights that are much more than a simple history lesson. Simulations may attempt to recreate a historical event or a hypothetical event. For this exercise, you will simulate a hypothetical event which could actually happen in a similar fashion and which will deal with real problems that are being confronted now in Cambodia.

For the purposes of this exercise, you will be simulating the conflict in Cambodia as a way to deepen your understanding of how societies in conflict have to confront issues of war crimes and human rights violations. This simulation is also a way for you to apply and confront many of the ideas you put forth in your winning peace essays.

For the simulation, each student will be assigned one of fourteen different roles and will be notified of that assigned role and group in the accompanying packet of materials. In the following pages you will be given information about the conflict in Cambodia, the specific scenario in which each of you will act within your assigned role and descriptions of all the players in the simulation. You may also be given an individualized set of guidelines or suggested strategies that is written for your particular role shortly before the simulation begins.

Simulation role-players will be divided into two groups. The students in the first group (Group A) represent negotiators to a peace settlement conference in Cambodia. As you will read in the next section, violence has erupted in Cambodia during the latter half of 1998. Due to international pressure, a weakened government led by Hun Sen has agreed to negotiate with opposition leaders about a peace settlement. Much of an agreement has already emerged; so, for the simulation, only the question of implementation and the problems of past accountability, genocide and war crimes remain. The negotiators, which include Prime Minister Hun Sen and the main opposition leader Prince Norodom Ranariddh as well as other Cambodians and interested outside parties must reach several conclusions. What is the best way to implement the settlement? How should Cambodia address the issues of past war crimes and human rights violations? These negotiations will take place for the first half of the simulation.

To help the negotiators with these questions, a task force (Group B) has also been established. It will meet during the first half of the simulation and make a recommendation to the negotiators for how to proceed with the war crimes and human rights issues. This task force is charged with giving the negotiators (Group A) a concrete recommendation on how to address the issues of accountability and reconciliation for Cambodian society. The range of possible recommendations includes convening war crime tribunals, either an ad hoc international tribunal or prosecution before the Cambodian courts, calling for a limited or blanket amnesty, or establishing a truth commission or commission of inquiry. The task force members should address the question of whether putting war criminals on trial is necessary for the healing of the country or whether it would create another round of radicalism and undermine the negotiated settlement.

During the second half of the simulation, the task force in Group B will come together with the negotiators from Group A to present their recommendation. They will stay with Group A members to answer questions about their rationale for the recommendation, as well as provide their input as to the future of the settlement coupled with the issues of accountability. This will be not only a discussion among the members of Group A, but an interactive dialogue between all simulation participants. It is expected that the task force members will lobby hard for their individual perspectives in attempting to convince the negotiators of their position.



Each of you is being asked to assume the identity of someone who is involved in the conflict in Cambodia. You must try to act as you think that individual would, given the circumstances you face in the simulation scenario. Some of the roles are of real Cambodians and some are hypothetical but based on the experiences of Cambodians and others. You must constantly try to stay true to the role you have been assigned.

At the end of any simulation, there is a debriefing which gives the participants an opportunity to reflect upon what transpired during the simulation and what they learned. This provides an occasion to analyze the actions and arguments of your colleagues and discuss the consequences and implications of what happened. In addition, the debriefing is a time to think about and discuss how the simulation was related to your broader knowledge of the subject matter as well as general theories and propositions you and your colleagues may hold about such topics as conflict, war, accountability, genocide, how to achieve peace, how to reconcile a society in violent conflict, etc.



Materials

Each participant should receive the following materials:

- The Scenario and Background Documents (pages 6 – 16.)
- A simulation role

Teachers may wish to provide the following items for this simulation:

- A classroom or conference room and sufficient breakout rooms or additional space for any needed teamwork
- An overhead projector or multimedia data projector and an overhead screen.
- Flip charts (one per team) and flip chart paper (or white boards) and markers
- 1 pad and pen per student
- Several computers with printers
- Internet access for additional research or access to a library.



Scenario

The time is December 1998. Cambodia has been through five months of violence that has just ended. The violence was triggered by elections that were held on July 28. Considerable problems arose with the elections. First, they were boycotted by the main opposition coalition, the National United Front alliance (Funcinpec), headed by Prince Norodom Ranariddh, because he claimed there was not enough time to campaign. Close to thirty minor parties did participate in the elections which were dominated by Prime Minister Hun Sen's party. However, through voter intimidation and accusations of fraud in the balloting process, the Hun Sen government was widely viewed within Cambodia as having rigged the elections. There were no outside election monitors to verify this and the international community was at first ambivalent about the results, hoping primarily that the election would stand and help stabilize Cambodia. But, by August widespread violence had spread to many parts of the country, particularly those where forces loyal to Prince Ranariddh operated.

By early December, the combination of non-stop violence, strong economic decline and increased pressure from the international community forced the Hun Sen government to agree to enter into talks with Ranariddh and the main opposition coalition. The Cambodian economy, which had positive economic growth for a few years, is now in serious decline. As a result of the fighting, hundreds of thousands of refugees are now in camps along both sides of the Thai-Cambodia border. Finally, the international community, particularly the United States, China and Japan wanted to create a lasting peace in Cambodia once and for all. They put pressure on both Hun Sen and Ranariddh to compromise and come to the negotiating table.

The following general points have been agreed to in the negotiations and will, if the settlement is finalized, form the basis for a permanent and lasting peace in Cambodia.

1. Free and fair elections will be held in March of 1999. They will be monitored by the international community.
2. With the help of an international team of jurists, an independent and much stronger judicial system will be established. There will be considerable training of judges and lawyers.
3. The elected legislature will have much more power to check the prime minister and the executive branch in general.
4. Training will begin for an independent, non-political civil service (one of the ways Hun Sen was able to consolidate power and oust his rival in July 1997 was because most of the bureaucracy which made the government work was loyal to him).
5. A free press will be established, and independent Non-Government Organizations (NGOs) will be allowed the freedom to operate within Cambodia.
6. Forces loyal to Prince Ranariddh will be integrated into the Cambodian army.
7. In order to help Cambodia in the interim period, the United Nations will revive the UNTAC force as an arm of security during the transition period - from the signing of an agreement to the installation of a newly-elected government. But it will not serve as a transitional governing authority as it did previously.

At this point, there are two major sticking points in the negotiations. The first is the plight of refugees and repatriation of elements of the opposition. The second is whether and how to deal with accountability for war crimes and gross violations of human rights. An underlying question related to both these issues is what to do about what is left of the Khmer Rouge. There is strong concern among Hun Sen and his colleagues that allowing all refugees to return to Cambodia and be repatriated will mean thousands of hard-line Khmer Rouge fighters and followers will be integrated back into Cambodian society without punishment or accountability (nor with any ability to keep track of them). In addition, Hun Sen refuses to agree to pardons of two of Ranariddh's



top supporters nor allow them to be reintegrated back into the armed forces. These are Ranariddh's top general Nhek Bunchhay and his top security adviser Serey Kosal, who were convicted in absentia along with Ranariddh for alleged crimes while in the government of arms smuggling and attempting to topple the government by colluding with the Khmer Rouge. Hun Sen and other government officials have labeled Bunchhay and Kosal "war criminals." Ranariddh was also sentenced to 35 years in jail by the military court but, after considerable international pressure, Hun Sen agreed to a pardon of Ranariddh by King Sihanouk. Hun Sen fears that additional pardons will strengthen the opposition considerably and he remains convinced that the Khmer Rouge and Ranariddh are in league together even though the Khmer Rouge has been so weakened.

There is an additional concern within both camps about how to deal with war crimes issues and the Khmer Rouge. One fear is that the effort to deal with war crimes and human rights violations will open up a Pandora's Box - in large part because significant elements of the government and society at large could conceivably fall under suspicion. Hun Sen himself was once in the Khmer Rouge and Ranariddh and his father, Sihanouk, have been intermittent allies with the Khmer Rouge. Some elements of the Khmer Rouge military joined forces with some of the armed elements loyal to Ranariddh. Hun Sen does not want them integrated into the armed forces. While not allied with the most notorious Khmer Rouge leaders, the main opposition has counted on the support of some Khmer Rouge cadres. When Ranariddh and many of his colleagues fled the coup in 1997 they were aided in part by some in the Khmer Rouge when they took up arms against Hun Sen's forces. On May 1, 1998, General Bunchhay announced he had brought 1,600 Khmer Rouge soldiers under his command.

On the other side, Hun Sen himself and many of his top officials have been accused of gross human rights violations in the brutal executions and torture of 43 supporters and colleagues of Ranariddh and the arrests of hundreds of soldiers and party officials of Funcinpec in July 1997. There are also charges that some of the Khmer Rouge's top decision makers and many of the triggermen for the Khmer Rouge executions and killing policies are now either in the government or are afforded government protection.

What remains for the negotiators is the international community's insistence that war crimes, genocide and human rights violations (including those that resulted from the 1997 coup) during the long period of Cambodia's civil conflict be addressed as part of any settlement. The focus of the simulation, therefore, revolves around the question of whether war crimes accountability must be established in order for a long-lasting settlement to be achieved.

Because the negotiators are very wary of dealing with this issue and cannot agree on what to do about war crimes and human rights, the United Nations Security Council has asked the Secretary General to establish a separate task force made up of Cambodians which will recommend how to deal with the genocide, war crimes and human rights violation and review different options for how to create a process of reconciliation and accountability within Cambodia. The failure to do this in 1991 is considered by many as a fatal flaw in the first peace settlement. The United States in particular is urging that a U.N. Tribunal be formed to bring genocide charges against the surviving leaders of the Khmer Rouge. The newly-created task force will be provided with resources and expert advisers who have experience with these issues in other conflict areas. Questions to be considered by the task force include: Should Cambodia agree to an international tribunal or truth commission of some kind in order to heal the festering wounds of the past? Or would such a course of action prove damaging to the nation's stability? Remember, the United States, Thailand, China and almost every political figure in Cambodia today have, at some point in the past, directly or indirectly, supported the Khmer Rouge. Certainly the Khmer Rouge, laid to rest with the death of its leader, provides an easy scapegoat for the evils of Cambodian society. However, an examination of the atrocities committed by the guerrillas could expose the complicity of reputable members of Khmer society, causing more problems than it would solve.

As for the negotiators, they are all a bit nervous about the issue of accountability because all the Cambodians and all the main political parties in Cambodia either have had ties with the Khmer



Rouge or cooperated with the Khmer Rouge. The three outside parties involved in the negotiations have also had ties to or supported the Khmer Rouge for their own foreign policy reasons. Even before they debate the task force recommendations and take on the topic of accountability for war crimes and human rights violations, the negotiators must address the following questions:

1. What should be done with the remaining elements of the Khmer Rouge?

The disappearance of the Khmer Rouge leadership has dissipated the rebel movement, and the last holdouts of Khmer Rouge guerrillas were flushed from their jungle positions in late May 1998. Most have escaped, attempting to reintegrate themselves into Cambodian society. Several leaders are still at large, including Ta Mok, Khieu Samphon, and Nuon Chea. It is believed that the three are still in contact, and are in hiding along or just within the Thai border. However, the Thai government denies knowledge of their whereabouts, and claims it has more pressing domestic economic issues to deal with at present.

2. What should be done about the hundreds of thousands of Cambodian refugees, both inside Cambodia and just outside the border?
3. How should those who have taken up arms against the government authorities be dealt with? How can they be reintegrated back into society?
4. How can the scheduled elections for March 1999 be guaranteed to be free and fair?

The negotiators must further evaluate the future of civil society in Cambodia as well. How should such a settlement, comparable to the Paris Peace accords but lacking the direct intervention of UNTAC in carrying out many state functions, be implemented? 1998 is not 1992; the UN currently has neither the will nor the resources to sacrifice another \$2 billion to prop up the fledgling Cambodian democracy. As such, Cambodians themselves must take civil action in order to secure their country's stability. How do the task force's recommendations fit into your vision of the future Cambodia? It is up to you to prepare to answer these questions; always keeping in mind that you must faithfully represent the interests of your party or group.



Background

Early History

The Khmer Kingdoms: Funan and Chenla

Established during the first century AD, Funan was the first kingdom of the area now known as Cambodia. Funan existed as one of the first Indianized states among the Khmer kingdoms. The Kingdom was based greatly on Indian culture, religion, mythology and political thought. Toward the end of the fifth century, dynastic strife and civil wars caused domestic instability, weakening the kingdom's power.

These conflicts caused Funan to become easy prey for its hostile neighbors. In the early sixth century, the Kingdom of Funan was conquered by Chenla. Funan was reduced to a vassal state by Chenla, during which time it became an agriculturally oriented state. Despite the disappearance of these kingdoms, the Indian culture and agriculture would remain key components of Cambodian society throughout the ages.

The Angkor Empire

The reign of Jayavarman II in the eighth century began the period known as the Angkor Era. The Angkor Empire became the strongest and most culturally advanced civilization of all of Southeast Asia. During this period the Khmer control of power was extended west, out to the Korat Plateau of Thailand. In the 1100's however, signs of weakening started to show, and there were rebellions and epidemics that reduced the population. Angkor was captured briefly by the Thai army and then regained by Khmer forces. However, looting and continued fighting, along with the introduction of Theravada Buddhism and a loss of land to Thailand, left the Angkor Empire considerably weakened.

Foreign Domination

In 1431, Thailand invaded Angkor and after a long period of almost constant fighting, Phnom Penh was captured in 1594. During the 16th and 17th centuries, Cambodia was alternately dominated by the Thai and the Vietnamese, who set up a joint protectorate in 1846. In 1863, France proclaimed a protectorate over Cambodia, at the kings' request thus aiding in ridding the Cambodians of Thai and Vietnamese dominance. The colonial system of rule was very indirect, minimizing the effects of colonial rule on the local population and leaving most local institutions intact. The French did oversee the building of roads, ports and other main public facilities. Only when Japanese forces entered Indochina during World War II did Cambodian nationalism begin to emerge, particularly as the new king, Norodom Sihanouk (since 1941) was virtually a prisoner of the Japanese. After the war, Sihanouk declared Cambodian independence, but yielded to the temporary resumption of a French protectorate. Sihanouk had become head of a nationalist movement and finally a constitutional monarchy was declared in 1947 although still under French rule. It was not until 1953 that Cambodia gained full independence under the leadership of King Sihanouk.

The Sihanouk Era

The government of the new kingdom initially took a neutral stance in order to protect itself from neighboring countries. Sihanouk was an ardent nationalist, defender of the status quo, neutralist, and was accused by many of being involved in corruption. He also promoted himself as the major force behind the independence of Cambodia from the French. Sihanouk prevented the rise of much opposition, and dominated the political scene for fifteen years. Even today he is still consulted on matters of state and remains a central figure in Cambodian politics. He was so involved in the politics of Cambodia that in 1955 he abdicated his throne in favor of his father and



mother so he could be Prime Minister. After his father died in 1960, Sihanouk remained Chief of State and did not take back the throne officially.

Lon Nol and the Khmer Rouge

After relatively peaceful rule for 15 years, a coup was staged in March 1970, while Sihanouk was visiting the Soviet Union. Former Defense Minister, Army Chief and Prime Minister, General Lon Nol abolished the monarchy and declared Cambodia a republic. He demanded the immediate departure of all Vietnamese troops in the East, and allowed U.S. and South Vietnamese aid. He restored ties with the United States (severed in 1965 by Sihanouk) and acquiesced in allowing 30,000 American soldiers and 40,000 South Vietnamese troops. Meanwhile, the small Khmer Communist party guerrillas known as the Khmer Rouge were gaining strength as insurgents loyal to Sihanouk joined them and battled Lon Nol's regime. They were aided by the North Vietnamese and by Prince Sihanouk himself. Despite substantial U.S. assistance, the Lon Nol regime generally weakened as the country plunged into full-scale civil war and on April 17, 1975, two weeks following the resignation of President Lon Nol, Khmer Rouge forces seized Phnom Penh.

The Khmer Rouge Years: 1975-1979

A new government was declared with Sihanouk as Head of State, and Khmer Rouge leaders Pol Pot as Prime Minister and Khieu Samphan as Chairman of the State Presidium. Many believed Lon Nol's resignation would bring an end to the war that had plagued Cambodia since the 1970 coup d'etat, and peace would be ushered in with the Khmer Rouge regime. This was not to be.

Immediately following the Khmer Rouge occupation of Phnom Penh, the evacuations commenced. Though Phnom Penh's citizens were told that they would only be evacuated several kilometers outside of the capital and only for several days, the city was evacuated and many people never returned. It is estimated that between two and three million Cambodians died as a result of the evacuation and other Khmer Rouge policies. Those evacuated from the cities were actually sent out into the country to serve on forced labor battalions, were re-educated, or were simply executed. The huge number of people who perished then led to the phrase "the killing fields" to describe the genocide under the Khmer Rouge in Cambodia. The Khmer Rouge justified the evacuations by stating that it could not realistically transport enough food for the people in the cities and citing the threat of possible American air strikes against the cities.

Unofficially, the Khmer Rouge wished to transform Cambodia into a nation of peasants and erase the corruption associated with city life. Francois Penchaud, a French missionary in Cambodia at the time, recounts the observation of a young Cambodian man during the evacuation: "The food problem began that very first evening of April 17. The answer to every request for food was always the same: 'Ask the Angkar (organization)!' People heard it so often that they started asking 'But who is the Angkar?' The Khmer Rouge answered, 'It's everyone of you! You must figure out for yourselves how to find something to eat!'"

The Khmer Rouge wished to weaken the opposition and engaged in a campaign of execution. Anyone who had been associated with the Lon Nol government, whether military officers, civil servants, or police, were searched out and executed. Military officers were called out in order to be sent to Sihanouk who resided in Peking (Beijing). Rather than be sent to Sihanouk, however, these soldiers would be taken to a clearing in the jungle and executed. Though by mid-summer of 1975 the killings had decreased, the winter of 1975 and 1976 brought renewed aggression. "Many of the victims were educated people, such as school teachers. During the entire Democratic Kampuchea [as the Khmer Rouge called Cambodia] period from 1975-1978, cadres exercised the power of life and death, especially over 'new people' [former city dwellers], for whom threats of being struck by a pickaxe or an ax handle and of 'being put in a plastic bag' were a part of life. In order to save ammunition, firearms were rarely used. People were murdered for not working hard, for complaining about living conditions, for collecting or stealing food for their



own use, for wearing jewelry, for having sexual relations, for grieving over the loss of relatives or friends, or for expressing religious sentiments.”

The Khmer Rouge Communist revolution has been considered much more radical than those that occurred in the Soviet Union, China or Vietnam. According to Pol Pot, there were five classes in pre-Revolutionary Cambodia: the peasants, the workers, the bourgeoisie, the capitalists and the feudalists. The 1976 Constitution of Democratic Kampuchea stated that post-revolutionary society would consist of all Kampuchean working people, primarily peasants and workers. These people would be considered “old people”, the “new people” were the refugees, those who had been evacuated and considered unsympathetic to the new Democratic Kampuchea.

The new people would be used as slave labor; they were forced to do the harshest physical labor, enjoyed few rights, and were given the smallest rations of food. Families were separated, often because of the age and sex categorization of labor battalions.

Minorities suffered the most under the Khmer Rouge regime. Christian, Muslim, and even Buddhist communities were persecuted and forced to engage in activities repugnant to their religions. The Khmer Rouge forced Muslims to eat pork and killed those who refused. Ethnic Vietnamese were massacred. The Cham, the largest ethnic Cambodian minority group, who were half Malay Muslim after years of intermarriages, were forced to disregard all their ethnic distinctions. Their Islamic lifestyles were considered counter-revolutionary by Pol Pot and so they had to assimilate, change their lifestyles and even their names. The indigenous Hill Tribes of Cambodia were also forced to assimilate. The Chinese who had been the most economically prosperous of the ethnic minorities in Cambodia were persecuted for their “bourgeois lifestyles.”

The Khmer Rouge also carried out considerable purges and killing within the party. The Khmer Rouge had actually been a loose alliance of regional revolutionary movements that were then centralized in July 1975. It was made up of hard-core communists inspired by the Chinese communist movement and Cambodian nationalists opposed to the Lon Nol coup and American intervention. There were also regional differences. By 1975 there were distinct conflicts between the Eastern Zone revolutionaries who appeared to be slightly sympathetic to Sihanouk and Pol Pot's Khmer Rouge. At least two coup d'etats against Pol Pot and the center were attempted in the summer and fall of 1975. Those involved or suspected to have been involved were liquidated.

By March of 1976 when the new government was formed, Pol Pot's allies occupied most of the important positions. A pro-Vietnamese leader was elected to the position of second vice premier and initially 1976 brought about an ease of terror and friendlier relations with Vietnam. Pol Pot was forced to resign in September of 1976. However by late October/early November he had regained his post. In 1977, Pol Pot secured Chinese support and aid. Mao Zedong had died and Deng Xiaoping, though a moderate, considered Vietnam an agent of Soviet hegemonism. Because of Pol Pot's anti-Vietnamese tendencies, Deng found it in China's interest to support Pol Pot and his anti-Vietnamese allies.

Having secured his position, Pol Pot and Ta Mok, Khmer Rouge head of the Southwestern district, began to purge the opposition from the Kampuchea Communist Party in February of 1977. An abortive coup d'etat in August only intensified the purges. In May of 1978, So Phim, a longtime rival of Pol Pot and the first vice president of the Presidium, led a revolt in the Eastern Zone that led to the purge of over 100,000 people.

As the majority of Pol Pot's allies were vehemently anti-Vietnamese, Khmer Rouge troops had been intermittently engaged with Vietnamese forces. As early as May 1975, Khmer forces had attacked the Vietnamese islands of Phu Quoc and Tho Chu. The Vietnamese seized the Cambodian island of Poulo Wai by the end of May. Though Pol Pot concluded a treaty of friendship with the Vietnamese in August, skirmishes continued along Cambodia's northeastern border. Relations between Cambodia and Vietnam improved in 1976, but Pol Pot's resumption of power in 1977 caused the accelerated deterioration of relations between the two nations. Khmer Rouge atrocities were reported along all of Cambodia's borders, and Vietnam responded with air



strikes. On December 22, 1978, the Vietnamese launched an offensive attack on Cambodia. Seventeen days later Phnom Penh fell to the advancing Vietnamese army. A new administration under former Khmer Rouge commander Heng Samrin was established by the Vietnamese in competition with the established Khmer Rouge regime, though the latter was unable to remove the pro-Vietnamese administration.

Human Rights in Cambodia: 1979-1993

"Nowhere in the world are human rights more beleaguered than in Kampuchea. For the individual Khmer in 1979, the fundamental human right of survival was threatened."

- [Country Reports on Human Rights Practices for 1979.](#)
- US State Department

After undergoing four years of brutality at the hands of the Pol Pot regime, the Khmer people experienced further terror, armed conflict and epidemic disease from a massive Vietnamese invasion and occupation of their country. Ever since the Pol Pot regime forced mass migration from the cities to the rural areas in an attempted imitation of Mao Zedong's dreams of an agricultural utopia the Cambodian people had lived in physical, psychological and sociological terror. The stamina and health of the people were greatly weakened by extremely harsh living conditions, a failing food production system, minimal food rations, non-existent medical care, destruction of the urban-based public health system, and dislocation of millions caused by the forced migration. In addition, Pol Pot's regime exercised terror, widespread systematic torture and executions as a means of consolidating control over the population. Among a greater portion of those executed were officials of the former government, the educated elite, and those who had foreign contacts. Its assault on family life and purge of traditional Buddhist heritage undermined the core of Khmer civilization.

In late 1978 Vietnam began ten years of occupying Cambodian territory. The Khmer Rouge retreated into the countryside and still controlled considerable territory particularly in the west of the country. Life in the Vietnamese controlled zones did not differ much from that in the Khmer Rouge of Democratic Kampuchea controlled zones. Theft, rape, seizure of food, personal property and international food aid, as well as reinstitution of tightly controlled food production teams and communal living by Vietnamese soldiers created similar living conditions to the ones under Pol Pot.

In 1979, a famine swept the entire country due to population controlling tactics. The Pol Pot regime often pushed displaced Cambodians off of fertile lands and into malaria infested Democratic Kampuchea controlled regions. The Vietnamese/Heng Samrin military forces denied food to thousands while obstructing international aid and hoarding any external food assistance.

While both the Vietnamese/Heng Samrin and Pol Pot leaderships claimed improved human rights, there still was no religious freedom, democratic rights, constitution, codified legal system, women's rights, or minority rights. 1979 was a year in which life and death survival remained a fundamental issue.

By 1981 the situation ameliorated slightly in some respect but generally remained the same. The ordinary Khmer had more access to food, and the People's Republic of Kampuchea claimed to have a constitution respecting human rights. Wanton violence and political murders still occurred, though at a diminished rate. In 1982, there is some evidence that suggests the use of chemical and biological warfare by the Vietnamese against Cambodians living in territory controlled by the Khmer Rouge. That same year, the Khmer Rouge formed a coalition with Prince Sihanouk and Son Sann, head of a non-communist opposition group. The coalition became the Coalition Government of Democratic Kampuchea with Sihanouk as President, Khieu Samphan as Vice President and Son Sann as Prime Minister. This government was recognized as the official government of Cambodia by most of the countries in the world, particularly China and the United



States, even though the coalition did not control much of Cambodia's territory. The only countries which recognized the Vietnam-backed government in Phnom Penh were the Soviet Union and its communist allies.

By 1985 Democratic Kampuchea had undergone many political changes and was now called Cambodia. Slowly some necessities of life were reestablished: access to food and medical care. However, many basic human rights were still being ignored, including killings, torture, disappearances, participation in a political system, no fair trials, etc.

Peace and the Supreme National Council

Until 1989, fighting continued with Cambodia in an almost constant state of civil war as the Phnom Penh government, their Vietnamese allies and the Khmer Rouge coalition vied for control of the country. However, with Vietnam's weakening control and waning interest in Cambodia and a new regime in the Soviet Union, the time was ripe for an attempt to resolve the conflict in Cambodia. Talks between the four main parties (the Phnom Penh government and the three groups in the Coalition Government of Democratic Kampuchea) began in Jakarta in 1988 and then continued when France convened the Paris International Conference from July 30 to August 30, 1989. There was optimism going into the Paris Conference that a peace accord could be reached. Numerous factors contributed to this optimism. First, the parties that were directly involved realized that their main objectives could not be reached through military means with acceptable costs. Military force was not able to break the stalemate that had resulted. Secondly, the parties involved came to the conclusion that the costs attributed to continuing the conflict outweighed the costs of a political settlement. The Soviet Union and China both became willing to accept a non-Communist government in Cambodia and stopped providing aid to the resistance. But no agreement could be reached.

The 19 participating countries, including the United Nations Secretary-General and the four rival Cambodian factions, were not able to reach an agreement and the forum expired amid the intransigence of Khmer factions on five basic issues: verification of the Vietnamese troop withdrawal; establishment for provisions for a cease-fire in the fighting; determination of the status of Vietnamese residents in Cambodia; official characterization of the Khmer Rouge period as a genocide; and the establishment of a power-sharing arrangement among the four factions.

The most basic problem was with the Cambodian factions' refusal to share power with each other. The factions did not want to see the others play a dominant role in a coalition government. Throughout its history, Cambodian leaders secured their power by eliminating their opposition. The Paris Conference was a continuation of this pattern. Each of the factions did not see the Paris Conference as a means to end the conflict, but rather as a way in which to win the conflict.

Two issues especially difficult to overcome were the government of the People's Republic of Kampuchea (PRK) in Phnom Penh, and the role of the Khmer Rouge. Vietnam wanted the PRK to remain in power until elections could be held, while China and the Cambodian resistance insisted that a quadripartite coalition government be established prior to the elections. The PRK insisted that it be allowed to organize the elections, as it saw itself as the legitimate government. However, the factions argued that the PRK was the result of Vietnamese domination over Cambodia. For this reason, it should not be allowed to organize the elections. The non-communist resistance headed by Prince Sihanouk lobbied for the inclusion of the Khmer Rouge on the grounds that they had already exercised a decisive presence in Cambodian affairs and that their exclusion from a future government would lead inevitably to a civil war. The Phnom Penh regime countered that to include the Khmer Rouge in a postwar government would lead to a repetition of the cruelty and repression it wrought during the Democratic Kampuchea period.

Vietnam finally withdrew its forces in September 1989 even though no final governance arrangement had been reached. In early 1990, the United Nations Security Council, concerned with ongoing instability and violence in Cambodia, agreed to set up a Supreme National Council which would essentially be a coalition of the four Cambodian parties. The foreign, defense,



interior, finance and information ministries would be placed under United Nations control until elections were held. The Supreme National Council would have six members of the government party (Cambodian People's Party) led by Hun Sen, and two each from the three "guerrilla coalition." The four parties ultimately agreed to the arrangement and a cease-fire in June 1991. Finally, after considerable debate, they agreed that Prince Sihanouk would be the chair of the Council. The parties also agreed with the UN Security Council plan which established that the cease-fire would be monitored by United Nations troops (the United Nations Transitional Authority in Cambodia - UNTAC) and authority for the five ministries would be temporarily exercised by U.N. officials until the elections. Some 22,000 U.N. soldiers, officials, and police were sent to Cambodia to disarm the parties and organize the elections.

Cambodia 1993-1997

The elections of May 23 - 28, 1993, overseen by UNTAC personnel, were considered by the international community to be a relative success. Ultimately, 4.7 million voters and twelve political parties registered for the election. Despite outbreaks of violence a few weeks prior to the elections, political stability promised by the new coalition government seemed worth the \$2 billion spent in international aid assistance to Cambodia for UNTAC. 85% of registered voters took part in the voting, despite intimidation efforts by the Khmer Rouge and the ruling Cambodian People's Party. Prince Norodom Sihanouk's FUNCINPEC party, led by his son Prince Norodom Ranariddh, won by a solid majority. Shocked by their electoral defeat, the CPP initially cried foul play in the elections. However, Hun Sen was eventually placated with a role as the junior Prime Minister (or Second Prime Minister) in a coalition government led by Prince Ranariddh. Despite occasional military skirmishes in the northwest regions, by 1994, the FUNCINPEC-CPP coalition had successfully sustained a degree of political stability unknown in Cambodia for decades. Finance minister Sam Rainsy reduced triple digit inflation to an expected 10%, and increased tax revenues. There were even promises that Cambodia would soon have one of the freest presses in all of Southeast Asia. Thus, the prospects for the establishment of a Cambodian civil society looked bright.

Meanwhile, however, disagreements between Hun Sen and the Prince were beginning to manifest themselves politically. In October of 1994, Sam Rainsy was ousted from the cabinet in a government reshuffle. Five days later, Norodom Sirivudh, the liberal foreign minister and Sihanouk's brother, resigned from the government in protest of the coalition's recent decision to outlaw the Khmer Rouge. Sirivudh, Rainsy, and various other Royalists felt that in the interest of national reconciliation, the rebels should be drawn back into Khmer society. The world stood helpless as the Khmer multi-party democracy established by UNTAC elections gradually disintegrated into a one-party autocracy run by the CPP and led by its ambitious leader Hun Sen.

Ultimately, the place of the Khmer Rouge in Cambodian society became as important as ever. From a delicate coalition of Sihanouk, Son Sann and Hun Sen allied against the Khmer Rouge, politics regressed into the Cold War pattern of Sihanouk, Son Sann and the Khmer Rouge against Hun Sen's party. In this scenario, the Khmer Rouge, while courted by the Prince's party, could conceivably tilt the balance of power in either direction - toward the Royalist forces or toward Hun Sen's regime. This precarious situation collapsed in 1996, when Ieng Sary, Pol Pot's good friend, brother-in-law, and notorious second in command of the "Killing Fields" regime, accepted a government pardon in exchange for a cease-fire. About one-half of the Khmer Rouge's forces defected with Sary, dealing a severe blow to the vitality of Pol Pot's forces. Sary's departure presaged that of other members of the Khmer Rouge, who began to view Pol Pot as an obstacle to cutting deals with the government's competing factions. Never one to turn the other cheek, Pol Pot summarily murdered his old Khmer Rouge security chief Son Sen, in retaliation for his political overtures to the government. The slaying of Son Sen, his wife, some of his children and various associates, provided to dissenting Khmer Rouge factions an opportunity to summarily depose their leader. Led by Ta Mok, Pol Pot's longtime friend and advisor, a trial declared the aging ruler guilty of Son Sen's murder, and sentenced him to house arrest for the remainder of his life, guarded by Khmer Rouge guerrillas.



Meanwhile, Khieu Samphon, nominal president of the Khmer Rouge, announced he was setting up a party to back the Funcinpec. Hun Sen acted quickly, ousting his fellow Prime Minister Prince Ranariddh, who was head of Funcinpec, in a bloody coup on July 5 and 6. On the pretext that Ranariddh was smuggling weapons and colluding with the Khmer Rouge, Hun Sen, slaughtered between 41-60 Funcinpec supporters, according to various sources. He proceeded to consolidate his new power through a series of totalitarian measures, such as his stifling of Cambodia's fledgling free press.

Under pressure from the international community to establish at least a semblance of democratic rule in Cambodia, Hun Sen agreed to continue with the national elections scheduled for July 26, 1998. From the CPP's perspective, elections would allow Hun Sen to garner legitimacy for his government, and solidify his grip on power. In order to ensure his success, Hun Sen stacked the National Election Committee with CPP supporters, and limited other candidates' access to the press. However, in order to establish his candidacy after his expulsion from the government and from Cambodia, the Prince agreed to be tried in absentia on trumped up charges regarding actions precipitating the coup of 1997. According to the agreement, Hun Sen would then grant the Prince amnesty for his "crimes" in order to run as a candidate. Three weeks after the Prince's "trial," Prince Ranariddh returned to Cambodia triumphantly, asserting that a successful election and national conciliation was more important than a re-examination of the Khmer Rouge issue.

Meanwhile, the Clinton administration had been pressuring Cambodia, China, Thailand, and various international bodies to bring Pol Pot to justice. The Thai government claimed that it had not been contacted by the administration regarding such plans, and in any case would not participate in the arrest of Pol Pot. (In cooperation with Khmer Rouge rebels, the Thai government has for years reaped millions of dollars from illegal sales of timber and gems from areas of the northwest). The United States had proposed three options for trying Pol Pot and his cohorts. First, it could expand the jurisdiction of the UN War Crimes Tribunal for the former Yugoslavia, currently convened in the Hague, to include Cambodia. Second, it could turn to a third country, such as Germany or Canada, with "universal jurisdiction" to try war criminals. Finally, it could hold a trial in Cambodia with an international tribunal. However, the Prince and Hun Sen realized that such a witch-hunt would not only destabilize Cambodian society just before an important election, but could possibly implicate virtually every member of current and past Khmer governments, who have almost all been tied to the Khmer Rouge at some point in the past 30 years.

In April of 1998, two possibly related events occurred that helped to stabilize a Cambodian society still recovering from Hun Sen's coup. First, government forces made increasing headway into rebel territory near the Thai border, encouraging large numbers of guerrillas to desert the Khmer Rouge. Depleted by defections and overrun by government forces, Khmer Rouge forces fled towards the Thai border, as government forces finally captured Anlong Veng, official headquarters of the Maoist group. Rumors abounded that Ta Mok and Pol Pot had crossed the porous border into Thailand. However, speculation regarding the whereabouts of Pol Pot was quieted when on April 15, Pol Pot was found dead of natural causes in his bed in Ta Mok's house in Siem Reap, Cambodia, just a few hundred meters from the Thai border.

The refusal of the Khmer Rouge to conduct an autopsy and the quick cremation of the leader's remains have led to speculation that perhaps Pol Pot's death was not natural. For example, Khmer Rouge allies, anxious that Pol Pot's testimony before an international court would have implicated them in the crimes of his 1975-79 regime, could have slain their leader. On the other hand, some have suggested that a live Pol Pot could have been used as a bargaining chip by Khmer forces to garner amnesties and to prove that their ideology was no longer Maoist. Perhaps Thai military commanders ordered his death, fearful of his testimony regarding their giving shelter to the rebels throughout the civil war. Or Pol Pot, cognizant of his imminent capture, committed suicide via an overdose of his medications or perhaps a jungle retreat simply taxed the leader's frail health beyond its breaking point. Regardless, Pol Pot left the world with many questions unanswered, questions that must now be addressed by the citizens of Cambodia



and the international community, regarding the nature of the crimes committed during the “killing fields” regime, and regarding the future of those who propagated the genocide.



Roles

The following roles are planned for this simulation:

Group A

- Hun Sen
- Ieng Mouly
- Prince Norodom Ranariddh
- Sam Rainsy
- ASEAN Representative Rodolfo Certeza Severino
- Representative of the United States Government, Ambassador Charlotte Tormey
- Representative of the Chinese Government, Ambassador Wai Cheng

Group B

- Ka Chon, representative, Cambodian Mothers for Justice
- Arn Sudvay, Buddhist Monk
- Chea Chorn, representative of Cambodian refugees
- Hu Vet, Member of Cambodians for Justice
- Ieng Yat, Cambodian judge
- Toch Nim, retired Army General
- Quan Pong, World Health Organization

In addition, the following advisors are played by simulation instructors:

- Claire Verhaegan, Special Representative from the UN High Commissioner for Human Rights and the High Commissioner for Refugees
- Wilhelm Verwoerd, Adviser, South African Truth and Reconciliation Commission



Group A

Group A makes up the negotiators from different factions in Cambodian politics as well as three outside parties who have helped to mediate the conditions for a settlement. Final agreement of the settlement depends on whether these negotiators can agree on how to deal with the issues of war crimes, genocide and human rights violations as well as how to handle refugees and implementation of the peace agreement.



Hun Sen

The current prime minister, Hun Sen has firmly entrenched himself as one of the leaders of the government of Cambodia for almost two decades. He has several objectives in these negotiations, in particular to maintain his grip on power. Other parties are here to discuss the role of war crime accountability in the future of Cambodian government, Hun Sen is here to use that accountability to his political advantage. As the leader of the CPP (Cambodian People's Party), Hun Sen has traditionally been enemies with both the Khmer Rouge and Prince Ranariddh. In particular, he wants to tie Ranariddh and his colleagues to the Khmer Rouge. His strength lies in the strong support he receives from some elements of the armed forces and particularly the loyalty of the mid-level and lower-level civil servants who implement and promulgate government policies.

Hun Sen joined the Khmer Rouge when Sihanouk, in exile after being ousted by Lon Nol, urged the people to do so in the hopes of overthrowing the illegitimate government. In June 1977, after having risen to a position of leadership as a commander in the Khmer Rouge, Hun Sen became disillusioned with the Khmer Rouge and defected to Vietnam. When Vietnam invaded Cambodia in December 1978, Hun Sen was installed as the Foreign Minister at age 28. He eventually became Prime Minister in 1985 of the Vietnamese-backed Marxist government in Phnom Penh. When Vietnam was finally compelled to withdraw from Cambodia in 1989, Hun Sen was able to use the levers of government (and behind-the-scenes negotiations with Sihanouk) to retain power even without his old backers. In fact, he was not the original leader of the CPP as many felt he would fade away without his Vietnamese patrons. But he slowly won back control of the party and consolidated power for himself and the CPP once he returned to the government by sharing power as the second prime minister with Ranariddh. Hun Sen usually claims that any one who opposes him or disagrees with him is pro-Khmer Rouge or a Khmer Rouge sympathizer. The disintegration of the Khmer Rouge and re-integration back into society denies him a handy scapegoat.



Ieng Mouly

Ieng Mouly is currently one of three Deputy Prime Ministers of Cambodia and Cambodia's former Information Minister. He entered the government as an ally of Son Sann in the Buddhist Liberal Democratic Party (BLDP). But he has since broken with Son Sann, created his own faction of the BLDP and become a strong supporter of Prime Minister Hun Sen and the Royal Government of Cambodia (RGC).

Mouly, when he was formerly a leader in the BLDP strongly opposed the founder, Son Sann, a long-time colleague of Sihanouk, for his support of Prince Norodom Ranariddh when Ranariddh was First Prime Minister. This caused a split of the BLDP into two factions. Both Mouly and Sann claimed to be the legitimate representatives of the BLDP, but with Prince Norodom Ranariddh in exile, Son Sann had little support. At age 85, has now retired. The government itself only recognizes the faction of Ieng Mouly as the legitimate BLDP and further recognizes Mouly as the President of the BLDP.

In exchange for the support of Mouly's BLDP faction, the RGC has rewarded Mouly with a place of prominence in the government. Mouly insured the strong support of Hun Sen by constantly attacking Funcinpec and its leadership, particularly Ranariddh. Mouly called for Hun Sen to drop all Cabinet Members who were loyal to Prince Ranariddh and when this was carried out, Mouly filled a vacated position of Deputy Prime Minister, securing his position in the government.

Mouly has been particularly critical of the pressure by the United Nations in trying to force a settlement on Cambodia as it did in 1991.



Prince Norodom Ranariddh

French-educated and well-traveled, Prince Ranariddh was in exile in Thailand until he was pardoned in March 1998 and then shuttled back and forth between Thailand and Cambodia. He is committed to bringing about a stable government to Cambodia, in hopes of someday obtaining power in such a government, but the initial inexperience that he and his colleagues demonstrated during the coalition government with the CPP led to Hun Sen's ability to consolidate power and eventually oust Funcinpec from the government. At the same time, in order to cooperate with Hun Sen and the government bureaucracy, he went back on many election pledges of his party, thus earning himself some continued enmity of a number of communities in Cambodia. Following the tradition of his father, Norodom Sihanouk, Ranariddh has denounced the Khmer Rouge as criminal, and like his father who was allied with them at the beginning of the Civil War has also cooperated with certain elements of the Khmer Rouge.

The strong showing of Funcinpec in the 1993 elections was due considerably to the stature of Sihanouk in Cambodia, yet it was his son who took up the reins of governance, in a coalition that was to some extent forced upon him by the father who was watching developments from outside the country. During the 1993 elections Sihanouk was convinced the CPP would win and distanced himself from the Funcinpec and his son. This helped weaken the Prince when he was First Prime Minister. The two remain somewhat estranged. When sharing power with Hun Sen, Ranariddh joined in the fight against the Khmer Rouge, something his father opposed. Since his exile, Ranariddh has cooperated with some elements of the Khmer Rouge, something Hun Sen accused him of doing and formed the public rationale for the July 1997 coup and subsequent trial and conviction of Ranariddh.



Sam Rainsy

Considered by many as Cambodia's leading dissident, Sam Rainsy is the founder of the Khmer Nation Party (KNP). He was a businessman and financial analyst for various banks in Paris before returning to Cambodia in 1992 where he joined the Funcinpec movement at its inception. He became one of the founding members of the Funcinpec party and was elected to Parliament in 1993. From 1993-1994 Rainsy served as Minister of Finance before he was ousted by Norodom Ranariddh and Hun Sen because of his campaign against corruption. Soon thereafter, he founded his own party. The party has subsequently been outlawed and has to this day been prevented from registering for elections.

In the spring of 1997 Rainsy and many of his supporters were attacked at a party rally that left Rainsy injured and a number of key advisers dead. While he and Ranariddh have had their differences, Rainsy is quite close to Ranariddh's uncle, a former foreign minister of Cambodia. Rainsy blames Hun Sen for most of Cambodia's current problems and distrusts him, but has worked to create some kind of workable agreement for future elections. Rainsy has considerable ties to the west and has been very vocal in pushing the international community to pressure the parties in Cambodia for a cease-fire and ultimately a long-lasting peace settlement.



ASEAN Representative Rodolfo Certeza Severino

The current ASEAN (Association of Southeast Asian Nations) Secretary-General. A Filipino with his masters degree in International Relations from Johns Hopkins University, Severino wants to lead ASEAN in assisting the UN's monitoring of the situation in Cambodia. Cambodia has been given observer status in ASEAN and will become a member when its internal problems are resolved. Thus, ASEAN will wait until after the elections to decide if Cambodia will become a member. In the interim, Severino wants to see Cambodia make some tangible progress in securing human rights for Cambodians and dealing with the legacy of past genocide and war crimes violations.

Hun Sen has criticized ASEAN's emphasis on human rights in Cambodia, saying a sovereign nation cannot be lectured on human rights, they must be consulted on human rights. He does not see how ASEAN member states are justified in criticizing Cambodia, since all these states have governments that are from true democracies and have themselves abused human rights.

ASEAN wants to see "fair and credible" elections with the participation of all political parties and forces that wish to take part. ASEAN maintains close contact with Prince Ranariddh, and wants him to regain political status. ASEAN demands that Cambodia regain political stability if it is to obtain membership in the Association. Unlike the United States, ASEAN members want the issues of war crimes and human rights violations to be dealt with internally, not as part of a UN tribunal.



Representative of the United States Government, Ambassador Charlotte Tormey

The Clinton administration has sent a career foreign service officer as representative to the negotiations in Cambodia in order to ensure that a settlement is concluded and to push hard for a UN Tribunal to prosecute war criminals. Ambassador Tormey served as political officer in Thailand and was later attached to UNTAC and played a key role in arranging the 1991 settlement. She subsequently became Ambassador to Singapore and then Assistant Secretary of State for East Asian affairs during which time she objected to allowing Hun Sen to join the government in 1993 as Second Prime Minister after his party finished a distant second in the elections.

Cambodia has played a significant role in U.S. foreign policy during the Cold War and continues to be of special interest because the United States would like to see Southeast Asia more democratic and prosperous. Cambodia's attempts to stay neutral during the Vietnam War helped lead to the overthrow of the Sihanouk regime by General Lon Nol, who was supported by the United States. Many young Cambodians joined the Khmer Rouge in order to fight the Americans who were bombing Cambodia in the early 1970s to stem the use of Cambodian border areas by the Viet Cong for incursions into Vietnam. The Cold War was fought through both Cambodia and Vietnam by the United States, Soviet Union and China. Because Vietnam was strongly supported by the Soviet Union, the Khmer Rouge was helped by China and even the United States on occasion turned a blind eye to the genocide that was occurring in Cambodia in the mid-1970s.

Clinton has stated, and the US representative will also contend, that justice must be brought to those perpetrators of war crimes. Before Pol Pot's death, Clinton advocated his capture and trial, and now has specifically targeted the surviving leaders of the Khmer Rouge for genocide charges before an international tribunal. The United State is prepared to ask the UN Security Council to establish a tribunal based in the Hague and modeled on the international courts set up to prosecute war criminals in the Balkans and Rwanda. Americans claim that Khmer Rouge documents show that about 1.7 million Cambodians died from execution, starvation or disease during Pol Pot's four-year rule. Some insist that the numbers are considerably higher. Those sought for trial would include Ta Mok, the military commander known as "The Butcher," Khieu Samphan, who was the formal President of the Khmer Rouge and the most public face of the organization, and Nuon Chea, who was Pol Pot's second in command and alter ego. At present, the United States is primarily interested in war crimes and genocide charges brought against the Khmer Rouge leadership and is much less interested in others in Cambodian society who may be guilty of war crimes and human rights violations.



Representative of the Chinese Government, Ambassador Wai Cheng

One of the top female Chinese diplomats, Ambassador Cheng is China's ambassador to Laos, having served in the embassy in Phnom Penh as a junior diplomat in the mid-1970s. In the latter capacity, she became acquainted with most of the Khmer Rouge leadership; she has also become well acquainted with King Norodom Sihanouk during his many years of exile in China.

The Chinese Government has long been directly and indirectly involved in Cambodia's politics. During the Khmer Rouge years, China was Cambodia's only ally in the region. Both regimes were Communist, and the shared ideology created a bond between Pol Pot and the Chinese. Pol Pot's agrarian utopia was inspired directly from the ideas of Mao Zedong.

During Pol Pot's regime, 1975 - 1979, the ties between China and Cambodia were so close that a combined military strategy was sometimes adopted. For example, in early 1979, Cambodia suffered numerous invasions from the Vietnamese. In order to punish the Vietnamese, China invaded Vietnam in February and March of 1979 to teach them a lesson for invading Cambodia.

While the Chinese no longer defend Pol Pot and his followers, the Chinese government does not want the Khmer Rouge to be made the scapegoat for all that has befallen Cambodia. China has previously indicated that it will veto any Security Council resolution to establish a war crimes tribunal on the grounds that this is a matter for the Cambodians to decide. The U.S. is lobbying China for at least an abstention.



Group B

This Group is a task force that will bring a recommendation to Group A regarding how the final peace settlement should deal with the issues of war crimes, genocide and human rights violations. A specific proposal is expected that can be incorporated into the peace agreement itself, if accepted by the negotiators.



Ka Chon, representative, Cambodian Mothers for Justice

Ka Chon is a member of Cambodian Mothers for Justice. This woman has seen the horrors inflicted on her country by Pol Pot and his regime. Her husband, a university professor of biology was executed by the Khmer Rouge while one son was killed by a soldier in the Khmer Rouge and two small daughters starved to death when the family was forced from their home in Phnom Penh into the countryside. She has one surviving son, whose health has never been very good since he survived the killing fields. What has occurred to her family is her motivation to take an active role in the task force. She wants to tell her story and let the rest of the world know she holds Pol Pot and the Khmer Rouge responsible for the destruction of her family. She doesn't trust the Cambodian government to ensure justice.

Ka Chon wants some kind of closure to the entire affair. She has lived 20 years without most of her family and feels her family's murderers should see some sort of justice, and be held accountable for their crimes.

Ka Chon would like to see a war crimes tribunal set up for Cambodia because amnesty is not an option.



Arn Sudvay, Buddhist Monk

As a persecuted religious minority during the years of the Khmer Rouge, Buddhist monks like Arn Sudvay experienced firsthand the persecution and horrors of life during the Civil War. He is most interested in re-building and healing his country, but in a way as to uplift it spiritually. It is important for Cambodians to look to the future rather than dwell in the past. He is very concerned for the plight of refugees and wants to stop the abuse of power and the continuous killings by the government and the opposition forces.

During the persecution, Buddhists remained faithful to the tenets of their religion. Even after the years of hardship, the Buddhists today look to their religion for answers. As a monk, Arn Sudvay stresses forgiveness.



Chea Chorn, representative of Cambodian refugees

Chea Chorn and hundreds of thousands like him have lived as refugees for over two decades. Mostly these people have fled the violence and killing. Almost all have lost family members and friends. Usually, they have been forced to choose sides by either the Khmer Rouge or the government forces pursuing the Khmer Rouge. When a particular refugee camp or territory changes hands, many refugees are punished by the new force in power. Often, young men have been conscripted into joining the forces of one side or the other. Chorn's father was killed by the Khmer Rouge, his brother by government forces. Many refugees are concerned that a witch-hunt will ensue so that someone like Chea Chorn, who for a brief period fought with the Khmer Rouge, will be branded a war criminal. The refugees simply want to be repatriated and have an end to the war and violence. But they have a great distrust of any Cambodian institutions and officials.



Hu Vet, Member of Cambodians for Justice

Hu Vet is an ethnic Chinese woman whose family ran a small dry goods store in Lomphat, a medium-sized town in Northeast Cambodia. As ethnic Chinese and small shopkeepers, the Khmer Rouge singled them out as enemies of the Khmer people. A girl of ten in 1975, Hu Vet never saw her family again. She was beaten and left for dead by a group of Khmer Rouge. She walks with a noticeable limp, lost an eye and has severe scars from that beating. When the Vietnamese ousted Pol Pot, a Vietnamese official came to her orphanage where she was singled out as the best student. She was one of the few to get an opportunity for higher education, spending a few years in Vietnam and then in Thailand studying law and economics. She has always been grateful to the Vietnamese for her opportunities and does not see them as the evil invaders as many Cambodians do but almost as rescuers and those who brought an end to the killing fields.

On the other hand, her time in Thailand and what she saw of the Cambodian refugee camps there led her to believe in the need to take care of the many individuals who have been victims of the civil war. She came to believe that only through a strong legal framework can the necessary institutions be created to protect the individual. She believes that the weakest members of society must be protected and those who have power and abuse it must be punished and stripped of that power. One way the law and the legal institutions of a society protect the individual is through the consistent and forceful application of the law; this is critical to deter those in power from believing they are above the law or can manipulate the law without consequences. Hu Vet is torn between whether justice for the war criminals and human rights violators should be carried out by Cambodians despite a weak legal tradition or by the international community. If the Cambodians do a bad job of it then legal reform will be set back and the legal redress of wrongs will lose credibility among the people. If the international community punishes the most notorious war criminals, a useful precedent may be built upon by the Cambodians; on the other hand, there may be a sense of imposed and incomplete justice. And, should all sides not be held accountable? Shouldn't justice be equal and blind?



Ieng Yat, Cambodian judge

When the Vietnamese invaded Cambodia in 1978, the Khmer Rouge had essentially purged all judges and lawyers. So the Hun Sen regime rounded up some of the surviving lawyers and judges and put them on the bench. Ieng Yat, had been a relatively junior professor of law in Phnom Penh and had once studied law for two years in France. Having been brutalized by the Khmer Rouge, Judge Yat was distrustful of the government and he ruled from the bench in whatever way he thought would satisfy the government so as to keep his family and himself out of harm's way. With respect to the task force, he would like simply to convict the Khmer Rouge leaders and leave it at that. He believes that western notions of law and justice have no place (at least not yet) in Cambodia and that the law in this case should serve the needs of the government and the people. For him, the law should simply support the peace agreement with a few show trials. This will satisfy the international community and those in Cambodia who want revenge against the Khmer Rouge without bringing up the past and ending up with a witch hunt as happened in 1975.



Toch Nim, retired Army General

General Nim had just become a captain when General Lon Nol took power in Cambodia. While loyal to the Cambodian military Nim was personally distressed by Lon Nol's seizure of power because he strongly feels that the military must remain removed from or above politics. He also felt that Lon Nol was greatly manipulated by the United States and that the Khmer Rouge was subsequently manipulated by the Chinese. As a result, he is very distrustful of outside powers who he believes act only in their own interest irregardless of what is best for Cambodia. When the Khmer Rouge came to power, Nim fled to Thailand where his experiences there reinforced his belief that the military should stay out of politics.

When the Vietnamese invaded, Nim returned to Cambodia and helped form new units of the Cambodian military who were pledged to destroying the Khmer Rouge but at the same time were not tainted with ties to the Vietnamese. He was relentless in leading government forces in the pursuit of the Khmer Rouge in the Cambodian highlands and particularly around Batdambang. His independence at times got him into trouble with the Hun Sen government but he was too valuable in his military campaigns against the Khmer Rouge and so well respected by the military rank and file that replacing him was too risky for the authorities.

In the past decade, General Nim has earned the respect of both the Hun Sen government and the opposition forces. He was in charge of most of the victorious campaigns against the Khmer Rouge in the past few years. At the same time, while condemning the apparent alliance of convenience between Ranariddh and some in the Khmer Rouge, General Nim refused to participate in the crackdown in the summer of 1997 on Funcinpec. With the Khmer Rouge essentially destroyed, he retired just before the July elections and has not taken any side in the subsequent violence except to urge all parties to the negotiating table in order to create a lasting and final peace settlement.

General Nim strongly believes that reconciling Cambodia's past requires a Cambodian solution and feels that outside involvement has brought Cambodia nothing but grief.



Quan Pong, World Health Organization

Dr. Quan Pong is a Cambodian doctor with the World Health Organization. She came from a prominent family of doctors and intellectuals in Phnom Penh, most of whom were killed by the Khmer Rouge in 1975. Dr. Pong began her medical work in refugee camps in Thailand in the mid-1970s after returning from the United States where she received her medical training (and where she escaped the killing fields). She has helped set up medical clinics in rural areas throughout Cambodia and has established programs to train doctors and medical staff to care for the needs of both poor rural communities as well as refugee populations in camps. Over the years, just as she saw her family killed by the Khmer Rouge, Dr. Pong saw many of the refugees she worked with as well as aid workers (including doctors and nurses) killed by both sides in the constant fighting in Northwest Cambodia.

For the past ten years, she has been a senior official in the World Health Organization in Geneva where she has served as Director for Southeast Asia. Dr. Pong believes that the international community and international organizations and non-governmental organizations have a useful and necessary role to play in Cambodia. She feels strongly that the past twenty-five years, particularly the policies of the Khmer Rouge, decimated the ranks of doctors, lawyers, engineers, even business people to the extent that Cambodia does not have the needed expertise to create a civil society or a very strong economy and infrastructure. So, outside help and expertise is critical. She believes that giving the international community a role in reconstructing Cambodia and giving it a stake in the specific outcome of such a process will bring needed resources into Cambodia, both human resources and financial and capital resources.



Advisors



Claire Verhaegan, Special Representative from the UN High Commissioner for Human Rights and the High Commissioner for Refugees

Claire Verhaegan is a young professional who has worked for the UN Secretariat since her graduation from the University of Louvain, Belgium. In 1996, Ms. Verhaegan participated in the Bosnian Women's Initiative (BWI), a \$5 million project sponsored by the UN High Commissioner for Human refugees and funded by the United States of America. The BWI supports communities, especially focusing on war affected women and families, and often internally displaced refugees.

While in Bosnia-Herzegovina, Ms. Verhaegan often dealt with women who had been brutalized and raped during the war. She supports the Commission on Human Rights, which has repeatedly expressed its profound concern for the abused women of the former Yugoslavia. In its resolution 1997/57, the Commission demanded that the perpetrators of rape be brought to justice. Article 5(g) of the International Tribunal for the Former Yugoslavia includes rape as a crime against humanity. The ICTFY is mandated to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

The Commission on Human Rights and the High Commissioner for Refugees concentrate mostly on aiding both injured civilians and displaced civilians and do so by providing programs such as BWI.

Ms. Verhaegan is an ardent supporter of ICTFY, and its quest to bring to justice those people who have committed such horrific crimes and violated the basic tenets of humanitarian law. Ms. Verhaegan would disagree with Professor Wilhelm Verwoerd, stating that the only way to end the grieving and pain caused by war is to bring those individuals responsible for human rights violations to justice. Often these individuals are political leaders, their removal from the political arena could only advance the democratization process. Furthermore, in areas where ethnic tensions are high, the only way in which to maintain peace is to not incite those tensions. With the creation of a tribunal, victims are able to have closure on a horrific chapter of their lives, This, Ms. Verhaegan argues, is essential to the rebuilding and reconciliation of a society.

Though Ms. Verhaegan's primary concern is to rehabilitate those civilians displaced and injured after by war, she strongly recommends the establishment of a tribunal similar to that for the Former Yugoslavia for Cambodia. Cambodia, she argues, was not subject to an illegitimate regime of apartheid as South Africa had been. Rather, much like the Former Yugoslavia, Cambodia was faced with a devastating civil war, and plagued by human rights violations that must not go unpunished. As with the former Yugoslavia, she feels that it is critical to target those who were gross violators of human rights, even those who are in political power today.



Wilhelm Verwoerd, Adviser, South African Truth and Reconciliation Commission

Recently, as the political situations in South Africa and the Former Yugoslavia began to garner international interest and involvement, the global community has resorted to the establishment of international tribunals. Many have put the two, the South African Truth and Reconciliation Commission (TRC) and the ICTFY into one category of International Tribunals. Needless to say, the two serve very different functions. The ICTFY is an actual international criminal tribunal, currently operating at the Hague, Netherlands, and prosecuting individuals for war crimes, crimes against humanity and crimes of genocide. The ICTFY was a response to the horrible nature of the war in the Former Yugoslavia. Conversely, the TRC does not prosecute nor punish individuals who admit participation in gross human rights violations under the former Apartheid regime. Those individuals are granted amnesty, as was agreed upon in 1994 in order to establish a more just and democratic regime.

Professor Wilhelm Verwoerd is not only an adviser for the Truth and Reconciliation Commission, but is also a professor of Philosophy at the University of Stellenbosch, South Africa. Professor Verwoerd has repeatedly defended the TRC against public criticism and a perceived lack of justice. The Commission grants amnesty to those individuals that acknowledge their guilt for having committed horrible human rights crimes; however, the victims of Apartheid wish to be able to prosecute and punish those individuals who have caused them great pain and seek civil redress. Many victims claim the TRC has taken those rights of prosecution and punishment away from them. Professor Verwoerd states this kind of criticism is misdirected, "The TRC is not trying to achieve justice. Guaranteeing amnesty is the price that we, unfortunately have to pay for peace, for the common good, for a negotiated settlement in 1994 which led to a democratic South Africa." In many ways, the establishment of what occurred during the Apartheid period is meant to acknowledge and document the tremendous injustices done to the victims without resorting to revenge and retribution. And, the truth that is established, coming as it does from the perpetrators of the crimes, destroys any legitimacy of apartheid.

Essentially, Professor Verwoerd argues that the purpose of the TRC is not to establish justice in a criminal sense, but to reconcile the nation and establish democracy in South Africa. He argues that often in cases where large numbers of people and possibly organizations are involved in "political crimes" as had been the case in Nuremberg, very few actually get convicted. Thus, though these people were prosecuted for their crimes they were never punished and the victims gained nothing. The goal of the TRC is to establish justice, not at the individual level, but at a larger societal level.

Professor Verwoerd would argue in favor of the establishment of a similar Truth Commission in Cambodia. Rather than prosecute individuals for their human rights violations in the civil war, he would suggest that democracy and reconciliation be advanced, and a Truth Commission similar to the one in South Africa, be implemented.



Related Web Links

- USIP Peace Agreements Digital Collection:
Cambodia http://www.usip.org/library/pa/cambodia/agree_coppol_10231991_toc.html
- Cambodian Recent History and
Contemporary Society: An Introductory
Course, Northern Illinois University <http://www.seasite.niu.edu/khmer/Ledgerwood/Contents.htm>
- CNN: "Cambodia's Hun Sen rules out talks
with Ranariddh" and other Cambodia links <http://www.cnn.com/WORLD/9801/23/cambodia/>
- Amnesty International: Reports on
Cambodia <http://web.amnesty.org/ai.nsf/countries/CAMBODIA?OpenView&Start=1&Count=30&Expandall>
- Human Rights Watch: Human Rights
Developments in Cambodia, 1998 <http://www.hrw.org/worldreport99/asia/cambodia.html>