

JUSTICE AND STARVATION IN CAMBODIA: THE KHMER ROUGE FAMINE

RANDLE C. DEFALCO¹

The topic of severe famine has received scant attention at international and hybrid tribunals despite the fact that an interdisciplinary discourse has emerged concerning the suitability of international criminal law as a legal response. This is the first of two articles² scrutinizing this prosecutorial gap by considering whether former Khmer Rouge leaders could be successfully prosecuted for international crimes predicated on the catastrophic famine that occurred while the Khmer Rouge held power in Cambodia from 1975-1979. Part 1 develops a detailed history of the Khmer Rouge period famine. Part 2 will analyze this history according to current formulations of international crimes.

I. INTRODUCTION.....	46
2. TURAPHIK OR BONG-OT?	48
3. “HE WHO HAS RICE POSSESSES ALL”	50
3.1. Socio-Economic Policies	52
3.2. “Standing” on Agriculture	55
3.3. Flawed Agricultural Practices	58
3.4. State Expropriation of Rice.....	61

1 Randle DeFalco holds a JD from Rutgers School of Law at Newark, an LLM from the University of Toronto and is a member of the bar in both the United States (New Jersey) and Canada (Ontario). He was a 2009-2010 Fulbright Fellow in Cambodia and has served as a legal advisor to the Documentation Center of Cambodia since 2010. Currently, Mr. DeFalco is pursuing a doctorate in law (SJD) at the University of Toronto, where he is a Vanier Scholar.

2 These articles are an abridgment of an LL.M thesis. The full version, with extended citations, will be published as a monograph by the Documentation Center of Cambodia.

4. DEEPENING FAMINE: PURITY, PARANOIA AND VIOLENCE....	63
4.1. The Pursuit of Pure Socialism.....	63
4.2. Mistreatment of “New” People	64
4.3. Revolutionary Medicine: Denial of Basic Medical Care.....	66
4.4. Using Violence: Enforcing Policy and Blame-Shifting.....	68
5. THE RESULT: FAMINE AND DENIAL IN CAMBODIA.....	75
6. CONCLUSIONS.....	82

I. INTRODUCTION

Cambodia suffered severe famine from 1975-1979 during the period of Democratic Kampuchea (DK). During this time, famine claimed somewhere between 500,000 and 1.5 million lives through a combination of starvation and disease, representing an “excess death”³ toll somewhere between ten and twenty percent of the country’s total population,⁴ making it one of the deadliest famines in modern history.⁵

Sung Phareth is a survivor of this famine. Shortly after the Khmer Rouge

3 The term “excess death” refers to the increase in death rate above an established normal death rate and is used by famine demographers as the primary metric for gauging famine severity. *See, e.g.,* CORMAC Ó GRÁDA, *FAMINE: A SHORT HISTORY* 92 (2009).

4 The aggregate death toll attributable to the Khmer Rouge regime is controversial due to a lack of data and the ideological and political interests at stake. The most comprehensive study of the issue to date was commissioned by investigative judges at the Extraordinary Chambers in the Courts of Cambodia (“ECCC”), a hybrid Cambodian-United Nations tribunal created to bring to justice former “senior leaders” and others “most responsible” for domestic and international crimes committed in Cambodia between 1975 and 1979. Ewa Tabeau & They Kheam, *Demographic Expert Report: Khmer Rouge Victims in Cambodia, April 1975 – January 1975, A Critical Assessment of Major Estimates*, ECCC Doc. DI40/1/I (Sept. 30, 2009) at 41-47 (noting the “prevailing view” that the total number of victims is between 1.4 and 2.2 million lives and estimating that approximately 50 percent of the total number of excess deaths can be attributed to direct violence, with the other half attributable to living conditions, including famine.). Categorizing victims according to cause of death is even more difficult, as a virtually no forensic analysis of Khmer Rouge period mass graves has been conducted and victims were often buried haphazardly in unmarked locations. *See* Documentation Center of Cambodia (“DC-Cam”), *Forensic Pathology and Anthropology of Historical Mass Killing in Cambodia: Final Report on Phase 2 of the Forensic Project* (Jan. 14, 2004), at www.dccam.org. Despite the wide variation in the aggregate death toll attributable to famine, according to conservative estimates, approximately 700,000 non-violent excess deaths occurred in Cambodia under the Khmer Rouge, with a large percentage of these deaths attributable to famine directly or indirectly. Thus, for the purposes of this article, it is assumed that at minimum, the Khmer Rouge period famine claimed several hundred thousand lives, with the actual number of excess famine deaths likely being significantly higher.

5 *See* Ó Gráda, *supra* note 3, at 24 (Table I.I). *See also* Tabeau & Kheam, *supra* note 4.

revolution in 1975, when she was eleven years old, Phareth was assigned to a children's work unit. The main assignments were to carry soil, dig dikes and help with the construction of a local dam. Phareth and the rest of her unit lived at the worksite, sleeping under a makeshift shelter made out of palm leaves. During this time Phareth received two daily food rations, which typically consisted of rice with rock salt and sometimes also included *prabok*⁶ or fish soup. Phareth and her coworkers received these rations, which were relatively plentiful, because the dam her unit was working on was considered a highly important revolutionary project. Nonetheless, Phareth recalls being perpetually hungry and exhausted, as the rations were insufficient to sustain such hard labour.

After spending approximately three months living at the dam worksite, Phareth's unit finished its assignment and local government officials hosted a celebration to commemorate their efforts. Phareth recalls that the celebration included a play, revolutionary songs and a mass marriage ceremony consisting of approximately one hundred couples. She recalls feeling proud, as she was praised for her hard work.

Only later did Phareth learn what happened to her two younger sisters during this time. Her grandmother, who was old and unable to work, had been placed in charge of them, but was too sickly from lack of food to effectively supervise them. The unattended little girls were so hungry that they ate dirt, became sick and swollen from lack of food and ingesting soil, and eventually died of illness and starvation.

For a short time after their deaths Phareth's grandmother survived because she had a hidden stockpile of pre-revolution medicine to treat her various ailments. However this cache of medicine, along with the family's only cooking pot, was confiscated by local Khmer Rouge cadres, who searched village houses every three days for "contraband" such as cooking equipment, rice or anything else deemed useful to the revolution or improperly symbolic of private property ownership. This final indignity was too much for Phareth's grandmother and she told Phareth that she could not bear to live any longer. Soon she became even weaker with hunger, leading Phareth's aunt to secretly trade the last of the family's hidden gold for three cans of rice. Phareth's grandmother, however, refused to eat the rice because she was determined to die and end her misery. Within a week, the grandmother got her wish and succumbed to a combination of illness and starvation.

For civilians like Phareth and her family, even foraging for food was forbidden. As Phareth's family members starved to death, local Khmer Rouge cadres ate plen-

6 Prabok is a fermented fish paste that is a staple of the typical Cambodian diet and important source of protein.

ty of food and even had their own special chef. Today, Phareth remains angry with the Khmer Rouge regime, which she blames for the deaths of her two sisters and grandmother. According to her, everyone knew that communal rations were insufficient because it was “obvious.” Nevertheless, at mandatory community meetings, villagers were expected to proclaim their love for the revolution and never complain about the lack of food and horrific working conditions.

For thirty years famine survivors such as Phareth have received no official explanation as to why they were forced to watch family members weaken, sicken and die from lack of food and who, if anyone, is responsible.

2. TURAPHIK OR BONG-OT?

Despite survivors’ lack of definitive answers about what caused the famine, the term many use for what they endured places responsibility at the doorstep of the Khmer Rouge. When discussing their experience, these survivors do not say “*turaphik*,”⁷ the Khmer language word for “famine” that connotes a widespread lack of food attributable to natural causes, such as flooding or drought. *Turaphik* reflects the traditional reliance on predictable weather patterns to grow rice and other staples in Cambodia. Periods of *turaphik* are not unknown in Cambodia; however, the country’s abundant natural food sources, especially its freshwater fisheries have traditionally provided a crucial bulwark against severe famine and mass starvation events. Instead of *turaphik*, Khmer Rouge survivors typically use the verb “*bong-ot*,” meaning “to starve” or “to withhold food”⁸ when discussing their experiences of hunger and deprivation. *Bong-ot* implies human causality and therefore, concomitant individualized responsibility, making the term mesh well with foundational international criminal law principles.

Several prominent former Khmer Rouge leaders have publicly denied responsibility or shifted the blame to others when confronted with allegations of having knowingly caused mass starvation.⁹ They have claimed that any starvation during the Khmer Rouge period was the product of a combination of bad harvests, drought, foreign interference and/or honest mistakes by Khmer Rouge leaders in

7 Original translations by Youk Chhang, Director, DC-Cam, from the definitive Khmer dictionary written by Supreme Buddhist Monk Chuon Nath.

8 Translation by Youk Chhang, Director, DC-Cam.

9 See, e.g., Nate Thayer, *Day of Reckoning*, 160:44 FAR EASTERN ECON. REV. 14 (Oct. 30, 1997) (quoting Pol Pot in his last published interview as stating that his “conscience is clear” and that during the Khmer Rouge period “[t]here was rice, but [Vietnamese agents] didn’t give rice to the population.”).

providing local officials too much power.¹⁰ Essentially, these former leaders argue that any lack of food was an instance either of *turaphik* or bad acts by local Khmer Rouge cadres outside of their control, and not the result of Khmer Rouge leadership policies that may have prevented civilians from feeding themselves (i.e. *bong-ot*). Concomitantly, former local Khmer Rouge officials often claim that the edicts of the Khmer Rouge leadership — especially unrealistic rice production quotas and bans on private eating — rendered it impossible to provide for the civilian population, and point out that even the slightest deviations from the leadership’s policies could result in death.¹¹

This first of two articles provides an overview of the famine that occurred in Cambodia under Communist Party of Kampuchea (CPK) government. The evidence strongly suggests that the Khmer Rouge period famine was a direct, foreseeable and avoidable consequence of Khmer Rouge policies, and that over time the regime’s leaders became aware of their policies’ disastrous effects but nevertheless continued to enforce them strictly. Consequently, it is concluded that while the mere existence of famine in Cambodia may have been the product of numerous contributing causes, the main contributing factors can be traced back to the Khmer Rouge leadership. While no document or piece of evidence singularly demonstrates that members of the Khmer Rouge leadership became aware that their policies were enforcing famine throughout the country, the totality of the evidence strongly suggests such knowledge. Thus, it is concluded that from a factual standpoint, available evidence appears sufficient to establish beyond any reasonable doubt that high-level Khmer Rouge leaders knowingly enforced severe famine conditions on the civilian population under their control while in power.

10 See, e.g., *Ieng Thirith Talks about Cambodian Genocide*, 5 SEARCHING FOR THE TRUTH, May 2000, at 4, www.d.dccam.org/Projects/Magazines/Previous%20Englis/Issue05.pdf (quoting Ieng Thirith from transcript of interviews appearing in the documentary film “Die Angkar” as claiming that the Khmer Rouge had “had succeeded in giving our people sufficient food, sufficient clothes and free medical care for everybody” and blaming the Vietnamese for causing famine in Cambodia after ousting the Khmer Rouge in 1979.”); Sophal Ly, *Nuon Chea Denies Killing People*, 30 SEARCHING FOR THE TRUTH, June 2002, at 18, www.d.dccam.org/Projects/Magazines/Previous%20Englis/Issue30.pdf (quoting Nuon Chea as stating: “I am extremely regretful for the unintentional, enormous loss of human lives that occurred under the leadership of our party. [Our party] had no intention of killing her own people” and also claiming that people died from “starvation and disease only” during the Khmer Rouge period, apparently assuming that these deaths are not the result of criminal acts.); Khieu Samphan, Letter: *We Are Not Guilty of Genocide*, BANGKOK POST, Mar. 12, 1980, DC-Cam Doc D33566 (claiming that the Khmer Rouge did not commit genocide during the Khmer Rouge period and accusing Vietnam of “exterminate[ing]” Cambodian villages “by starvation”).

11 See, e.g., Transcript of Trial Proceedings, Case No. 002/19-09-ECCC/TC (Apr. 23, 2013) at 14 (transcribing the testimony of former Khmer Rouge member Chhouk Rin explaining why party members feared senior Khmer Rouge leaders, such as accused Nuon Chea).

3. "HE WHO HAS RICE POSSESSES ALL"¹²

To discuss food availability in Cambodia is essentially to discuss rice production and distribution. Rice is the primary staple of the Cambodian diet, accounting for up to eighty percent of the total caloric intake and up to seventy percent of the protein intake of the average Cambodian.¹³ The early 1960s was a period of increased productivity in Cambodia's rice fields, and prior to 1970, the average Cambodian ate 600 grams of rice per day, an amount approximately 100 grams greater than the average intake of citizens of most other rice-producing nations.¹⁴ When Cambodia descended into civil war in 1970, the rice crop predictably suffered. Planting, harvesting and processing rice were all negatively affected by the fighting between the incumbent Lon Nol government and the insurgent Khmer Rouge.¹⁵ The massive US bombing campaign in support of the government further reduced Cambodia's agricultural production, as the bombs killed farmers and draught animals and damaged large swaths of croplands.¹⁶ According to official records, by 1975 Cambodia's rice production had dropped by eighty-four percent compared to the 1970 crop.¹⁷

The importance of rice production and food security in Cambodia was not lost on the Khmer Rouge leadership and the movement gained support and new members by portraying its brand of radical socialism as a path towards better living conditions, more food, and a more equitable division of wealth.¹⁸ Khmer Rouge propaganda lionized Cambodia's farming peasantry and portrayed its leaders as the heralds of a new era of agricultural prosperity in Cambodia. For example, in a

12 Survivor-reported slogan from the Khmer Rouge period. See HENRI LOCARD, *POL POT'S LITTLE RED BOOK: THE SAYINGS OF ANGKAR 238* (Chiang Mai: Silkworm Books, 2005).

13 RICE ALMANAC 141 (J L Maclean et al., eds., Wallingford: CABI Publishing, 3d ed. 2002), at http://books.irri.org/0851996361_content.pdf (providing country profile statistics for Cambodia). See also K A S Murshid, *Food Security in an Asian Transitional Economy: The Cambodian Experience* (1998) at www.unrisd.org/ (observing that in Cambodia "[t]he contribution of rice to total calories is high, indeed higher than is conventionally assumed" as "estimates put the figure at around 80 percent, suggesting an extremely heavy dependence on rice") (internal citation omitted).

14 RICE ALMANAC, *supra* note 13, at 163.

15 See, e.g., RICE PRODUCTION IN CAMBODIA 5 (Nesbitt, H.J., ed., Manila: International Rice Research Institute, 1997) (internal citations omitted).

16 See generally Taylor Owen & Ben Kiernan, *Bombs Over Cambodia*, THE WALRUS, Oct. 2006, at <http://thewalrus.ca>.

17 RICE PRODUCTION IN CAMBODIA, *supra* note 15, at 5 (internal citations omitted). These amounts represent rough estimates and are used only as illustrative figures. It should be noted that, along with the effects of the 1970-75 civil war, large-scale smuggling of rice into Vietnam presumably accounts for some of the decrease in official production.

18 In 1978 Khmer Rouge official Nuon Chea stated that during the "democratic struggle" period from 1960-1967, the Khmer Rouge movement "raised slogans" demanding among other things "better prices for rice, bean curd and meat and better living conditions for the people." Nuon Chea, *Statement of the Communist Party of Kampuchea to the Communist Workers' Party of Denmark, July 1978* 3:1 J. COMMUNIST STUDIES 19, 21 (1987) [hereafter Nuon Chea, "Denmark Statement"].

1973 propaganda film shot in “liberated”¹⁹ Kampong Cham province, Khmer Rouge representative Khieu Samphan leads a visiting delegation from North Vietnam on a tour of a model collective farm teeming with agricultural bounty.²⁰ The workers in the cooperative grin for the camera as they thresh rice and perform other chores. Food is everywhere and storehouses burst forth with crops and fattened livestock.²¹

The Khmer Rouge began implementing cooperative farming in liberated areas early in the 1970-1975 civil war against the US-backed Lon Nol regime. In these cooperatives everyone was put to work in the fields, providing the community and the Khmer Rouge military with precious rice.²² As the Khmer Rouge took over more and more of Cambodia’s countryside, the movement scored a major strategic advantage by choking off the domestic rice supply into Phnom Penh, thereby forcing the Lon Nol government to rely almost exclusively on US airdrops for food.²³ Meanwhile, the price of rice in Phnom Penh and other cities began skyrocketing due to shortages and rampant corruption.

The Khmer Rouge swept into power after seizing control of Phnom Penh on 17 April 1975. Shortly thereafter, the Khmer Rouge-dominated CPK became the official government of Cambodia, which was renamed “Democratic Kampuchea.” The stage was thus set for the Khmer Rouge to deliver their promised agricultural bounty.

Due to the civil war, Cambodia was already on the brink of famine when the Khmer Rouge took power.²⁴ Nonetheless, the first acts of the new regime were to order the forced evacuation of Phnom Penh and to expel all foreigners, including humanitarian food aid organizations, from the country. While the exact motiva-

19 The Khmer Rouge referred to areas under their full control as “liberated zones” during the 1970-1975 civil war.

20 THE VIETNAMESE FOOTAGE: KHMER ROUGE LIBERATED ZONE IN 1973, available for viewing in DC-Cam’s Public Information Room (Phnom Penh, Cambodia), upon request.

21 Indeed, in many areas, Khmer Rouge commune-based agricultural reorganization may have presented a welcome alternative to the repressive *ramassage du paddy* [state rice collection] program enforced by the Lon Nol regime. The *ramassage du paddy* policy forced Cambodian rice farmers to sell their crop to the government at fixed prices. These prices were often significantly lower than those offered by the North Vietnamese military. For a discussion of the *ramassage du paddy* campaign, see, e.g., ELIZABETH BECKER, WHEN THE WAR WAS OVER: CAMBODIA AND THE KHMER ROUGE REVOLUTION, 103-04 (1998).

22 These initial collective reorganizations were not wholly alien to the rural peasant population, as the Sihanouk government had created the *sabaka* (“collective”) system in the 1960s. Author’s interview with Youk Chhang, Director, Documentation Center of Cambodia (May 2010) [hereafter Chhang Interview].

23 See BEN KIERNAN, THE POL POT REGIME: RACE, POWER AND GENOCIDE IN CAMBODIA UNDER THE KHMER ROUGE, 1975-79, 62-63 (2d ed. 2002). The Khmer Rouge military still needed more rice to continue fighting and unconfirmed rumours suggest that the Khmer Rouge secretly bought rice from corrupt Lon Nol officials, often with gold extracted from the population under its control.

24 *Id.* at 153.

tions behind the evacuation orders remain unclear,²⁵ CPK officials have publicly claimed that food shortages in the capital were a prime factor for the evacuation.²⁶ In August 1975, CPK Prime Minister Khieu Samphan announced that the CPK had “been able to solve the essential problem” of feeding the people by moving them to the countryside.²⁷

3.I. Socio-Economic Policies

Once firmly in control, the CPK government set about implementing its planned radical overhaul of Cambodia’s agricultural sector and its extreme version of socialism throughout Cambodia. At a large meeting in Phnom Penh on or around 20 May 1975, fundamental CPK policies were outlined, including plans for creating cooperatives, abolishing money, and establishing communal eating and living.²⁸ These policies became part of what the CPK leadership or Party Center²⁹ referred to as the national plan to achieve a “Super Great Leap Forward” towards a utopian agrarian-socialist state. This “leap” was to be achieved independent of any foreign aid³⁰ according to the strict policy of extreme self-reliance, referred to as

25 Various sources and Khmer Rouge statements cite possible air raids, dispersal of possible anti-communist elements and the shortage of food in Phnom Penh as the motivation for the forced evacuation. It is clear however, that regardless of whether these other motivations existed, the evacuation of cities was part of the Khmer Rouge leadership’s overall plan to reorganize Cambodia as a rural socialist agrarian state. See generally KHAMBOLY DY, *A HISTORY OF DEMOCRATIC KAMPUCHEA (1975-1979)*, 14-17 (Phnom Penh: DC-Cam, 2007); KIERNAN, *POL POT REGIME*, *supra* note 23, at 31-64. Case 002/01 at the ECCC addressed this topic; the verdict will be announced on August 7, 2014.

26 For example, CPK Deputy Prime Minister in Charge of Foreign Affairs Ieng Sary was quoted in 1976 as stating “[t]he problem [facing the new regime in April 1975] was to find ways to feed these people by our own means.” He went on to claim that “[t]his problem has brought us tremendous experience, experience that makes us determined to increase our food supply. Although there is not now a great quantity, there is enough to feed one another. Today, people are working in the countryside and participating in productive activities.” Gareth Porter & George C Hildebrand, *From Starvation to Self-Sufficiency in Cambodia*, 47 *Indochina CHRONICLE* 7 (Feb./Mar. 1976) (on file at DC-Cam).

27 *Id.* at 17.

28 See, e.g., KIERNAN, *POL POT REGIME*, *supra* note 23, at 55.

29 For the sake of brevity, throughout this article the term CPK leadership or Party Center is used to refer to this highest echelon of command within the CPK government. The organization of the CPK will be discussed in Part 2.

30 In a 2003 interview granted to Youk Chhang of DC-Cam, now-deceased former CPK Commerce Minister Van Rith claimed that shortly after the 17 April 1975 Khmer Rouge victory, when “Pol Pot went to China, he asked Mao only for 2,000,000 hoes, refusing Mao’s offers of rice and other assistance, saying the people would sort this out for themselves, by farming the fields themselves.” Interview by Youk Chhang with Van Rith, Khpop commune, S’ang district, Kandal province (2003), at <http://d.dccam.org/Archives/Interviews>.

“independence self-mastery.”³¹ In order to maintain this independence, the Center decreed that the revolution would rely on agriculture, especially rice production. To produce sufficient rice to both feed the population and finance the CPK’s planned development projects, the Party Center announced a plan to nearly triple the country’s rice crop to an average of three tons of rice per hectare. Despite the manifest impossibility of rapidly tripling rice production, the Party Center apparently believed that attaining its production targets was a matter of revolutionary willpower and ordered military-style agricultural “offensives” throughout the country. These offensives involved a nationwide system of forced labour.

The Party Center’s practice of relying on human labour and applying socialist theory to agricultural production resulted in deeply flawed agricultural policies. Nonetheless, it appears that an appreciable rice crop was harvested each year during the Khmer Rouge period—although yields never even approached the fantastical three tons per hectare goal. Meanwhile, other CPK socio-economic policies contributed to famine conditions. As part of the pursuit of pure socialism, any perceived vestiges of “individualism” or “privatism” were banned, including cultivation of private subsistence gardens, private ownership of foodstuffs, and even the act of cooking privately. Absolute socialism also meant that all natural resources became the property of the revolution; consequently, Cambodians were forbidden to forage for alternative food sources.

Despite the extreme demands the Super Great Leap Forward plan placed on agricultural production, there is no indication that the Party Center ever second-guessed the soundness of its policies. Instead, the Center blamed inevitable shortfalls in rice production on local CPK officials or the acts of “enemies” and saboteurs. This practice of blame shifting and denial, combined with the Party Center’s well-documented penchant for extreme violence, maintained the fiction of the infallibility of Party Center’s leadership, even in the face of overwhelming evidence to the contrary. Anyone, including veteran Khmer Rouge cadres, who criticized the policies of the Party Center or complained about the terrible living conditions or lack of food, was branded an enemy of the revolution and subject to arrest, torture and summary execution. This hubristic mixture of impossible rice production quotas, forced labour, violence and denial created severe famine

31 The phrase “independence self-mastery” occurs frequently in primary CPK documents from the Khmer Rouge period and also in scholarship on the Khmer Rouge movement. *See generally* POL POT PLANS THE FUTURE: CONFIDENTIAL LEADERSHIP DOCUMENTS FROM DEMOCRATIC KAMPUCHEA, 1976-1977 (David P. Chandler, Ben Kiernan & Chanthou Boua, eds. & trans., New Haven: Yale Southeast Asian Monograph Series, 1988) (translated anthology of primary Khmer Rouge documents which contain numerous references to the concept of independence self-master or more generally for the need for absolute self-reliance).

conditions for virtually the entire civilian population, resulting in extreme suffering and mass mortality.

In 1976, Pol Pot instructed CPK party members that “the basic line” of the CPK was to “build” Cambodia “rapidly” into a powerful, self-sufficient socialist nation.³² He explained that the Party Center had compared the Cambodian revolution with those of China, Korea and Vietnam and concluded that “[w]e are faster than they are. If we examine our collective character, in terms of a socialist system, we are four to ten years ahead of them.”³³ This obsession with speed appears to also have stemmed from the Party Center’s pervasive fear of perceived enemies, as the leaders sought to achieve revolutionary goals quickly to entrench themselves in power.³⁴

The planned Super Great Leap Forward also had to be achieved without substantial foreign aid in order to adhere to the policy of independence self-mastery. The complete self-reliance dictated by this policy meant that neither food nor goods and equipment to assist with rice production would be imported in any significant quantities, even as crops were supposed to vastly increase and large quantities of rice were aside for export. Implementation of the independence self-mastery policy locally down to the local cooperative level also resulted in complete reliance on local food production for subsistence.³⁵

32 *The Party’s Four-Year Plan to Build Socialism in All Fields, 1977-1970 (June 1976)*, in POL POT PLANS THE FUTURE 36, 45, *supra* note 31 [hereafter Four-Year Plan] (“According to documents from other countries, after a war, they had three-year plans in order to prepare the economy. At the end of their three-year plans, they prepared their own five-year plans ... [however] we [the CPK Center] want to build the country quickly, and build socialism quickly ... [and therefore] [i]t isn’t necessary to wait three years like them.”). See also David P Chandler, *Introduction to Preliminary Explanation Before Reading the Plan, by the Party Secretary (Party Center, 21 August 1976)*, in POL POT PLANS THE FUTURE I 19, 120-23, *supra*. See also *Preliminary Explanation Before Reading the Plan, by the Party Secretary (July-August 1976)*, in POL POT PLANS THE FUTURE, I 19, 126-28, *supra* [hereafter Preliminary Explanation] (recording a speech delivered by Pol Pot stating “[o]ur socialism is characterized by its speed [and when] [c]ompared to other countries, in terms of method, we are extremely fast.”).

33 Four-Year Plan, *supra* note 32, at 46.

34 See, e.g., *Excerpted Report on the Leading Views of the Comrade Representing the Party Organization at a Zone Assembly (June 1976)*, in POL POT PLANS THE FUTURE 9, 24, *supra* note 31 [hereafter Excerpted Report] (recording the speaker, presumed to be Pol Pot, stating “[i]f we are not strong and do not leap forward quickly, outside enemies are just waiting to crush us. Enemies of all kinds want to have small countries as their servants. So, in order to prevent them from crushing us, we have to be strong. For that reason we must strive to move fast.”).

35 See, e.g., Preliminary Explanation, *supra* note 32 at 144 (recording a speech delivered by Pol Pot stating that “[i]n rural areas, don’t move old houses yet, or build new places. We must think of agriculture first, and then of factories and workshops. In this way every base area will be independent in economic terms. If we are independent, we have mastery in peace and war.”); Four-Year Plan, *supra* note 32, at 92 (calling for “everyone [to] be self-supporting 100% throughout the year in terms of fresh, dry and preserved vegetables.”). Various CPK slogans reminded Cambodian civilians that they would receive no assistance from the central government. See, e.g., LOCARD, *supra* note 12, at 78-79 (reporting slogans saying “[e]veryone has to rely solely on his own strength” and “[e]veryone must minister to his own needs” respectively).

3.2. “Standing” on Agriculture

In order to maintain self-sufficiency while simultaneously pursuing the rapid development integral to the Super Great Leap Forward plan, the CPK Party Center dictated that the revolution would “stand” (i.e. rely) on agriculture.³⁶ In practice, this reliance on rice to fund the revolution placed an enormous burden on Cambodia’s already weakened agricultural sector, as the regime sought to achieve a massive rice surplus on a remarkably aggressive schedule. The CPK’s basic economic policies are laid out most comprehensively in the Party’s draft “Four-Year Plan to Build Socialism in All Fields” completed in August of 1976.³⁷ The Plan dictated that the “capital base” of the revolution was to be rice.³⁸ To produce enough rice to remain self-sufficient while simultaneously funding national development, the Four-Year Plan called for increasing yields nearly threefold, to a national average of three tons per hectare of cultivated land. This goal was effectively impossible to achieve, as Cambodia had never approached this level of production, even during the relatively bountiful harvests of the 1960s.³⁹ Nonetheless, the quixotic optimism of the CPK leadership knew few bounds and in 1976 Pol Pot projected that the CPK “can gain three tons per hectare on single harvests, and from six to seven tons per hectare on land that is harvested twice; and that’s not all, for we can [occasionally] exceed these targets.”⁴⁰

The Four-Year Plan included a meticulously detailed forecast of expected rice crops for the period of 1977-1980. The Plan forecasted that during this period

36 For example at a 1976 meeting, a representative of the Party Center, most likely Pol Pot himself, stated: “We stand [i.e. rely] on agriculture in order to expand other fields; industries, factories, metals, oils, etc. The basic key is agriculture. Self-reliance means capital from agriculture.” Excerpted Report, *supra* note 34, at 31 (emphasis added).

37 Four-Year Plan, *supra* note 32, at 46. It appears that the Four-Year Plan is the result of a meeting of the CPK Standing Committee from 21 July to 2 August 1976. See David P Chandler, *Introduction to The Party’s Four-Year Plan to Build Socialism in All Fields, 1977-1980*, in POL POT PLANS THE FUTURE 36, 37, *supra* note 31 [hereafter Introduction to Four-Year Plan]. The Four-Year Plan was never officially released or implemented during the Khmer Rouge period because by December 1976, the CPK leadership had become convinced of a “sickness in the Party” and believed “unspecified ‘documents have revealed that enemies have tried to defeat us using every possible method.’” DAVID CHANDLER, VOICES FROM S-21: TERROR AND HISTORY IN POL POT’S SECRET PRISON 60 (2000). See also Introduction to Four-Year Plan, *supra* at 37 (“The 110-page typewritten text [of the Four-Year Plan] was never published, and much of the Plan appears never to have been set into motion, but the document is still one of the most revealing to have come to us from the [Khmer Rouge] era.”).

38 Four-Year Plan, *supra* note 32, at 51 (stating: “We [Cambodia] must increase rice production in order to obtain capital. Other products, which are only complimentary, will be increased in the future.”).

39 Even in 2006, the Cambodian rice harvest was only 5,986,179 tons at around 2.5 tons per hectare, despite over a decade of peace, massive amounts of investment and a population approximately double that of 1975. See Regional Data Exchange System (RDES), Agricultural, Forestry and Fisheries Statistics in Cambodia 2005-2006, at www.faoap-apcas.org/cambodia.html.

40 Preliminary Explanation, *supra* note 32, at 131.

Cambodia would export 6,955,400 tons of rice and receive \$1,390,640,000 USD in return.⁴¹ This figure was based on the fantastical projection that total rice production over the same four-year period would be 26,660,000 tons.⁴² Despite the sheer fantasy of rice production projections in the Four-Year Plan, Pol Pot stated at a Party meeting that the rice production and export figures in the Plan had been “estimated fairly precisely.”⁴³ To make matters worse, assigned rice quotas were all based on the assumed production of three tons per hectare and were expressed as numerical requirements based on this fallacious assumption, rather than percentages of actual production, meaning that the Party Center had a specific amount of rice it expected to receive from each of the country’s administrative zones.⁴⁴

In order to achieve the massive rice harvests necessary to pursue its Super Great Leap Forward plan, the Party Center sought to transpose onto agricultural policy the guerrilla warfare tactics that had worked so well during the 1970-1975 civil war. In 1976, Pol Pot stated that the country faced three main difficulties: it had “just emerged from a war”; “lack[ed] technology”; and “lack[ed] capital equipment” that had to be imported.⁴⁵ He then said, “[t]hese difficulties are minor. We can solve them all in a short period of time.”⁴⁶ At a previous 1976 meeting with Northwest Zone CPK officials, Pol Pot had discussed how these massive problems could be overcome through sheer revolutionary effort and discipline, stating: “When we were united, we were strong and courageous; the enemy could not successfully withstand us; we could attack the American imperialists. The economic fight is not as difficult as the fight against the American imperialists.”⁴⁷ He then explained how revolutionary warfare tactics could be applied directly to agriculture, stating: “We raised the principle of attacking wherever we (could) win, wherever the enemy was weak. And the same goes for the economy. We attack wherever the opportunities are greatest.... We must prepare offensives for the whole

41 Four-Year Plan, *supra* note 32, at 56.

42 *Id.* To put this figure in perspective, in 1985 Cambodia produced only approximately 1,812,000 tons of rice. *See* RICE ALMANAC, *supra* note 13, at 141. Four years of this level of production would result in a total of 7,248,000 tons, or less than a third of the production forecasted in the Four-Year Plan.

43 Four-Year Plan, *supra* note 32, at 155.

44 Preliminary Explanation, *supra* note 32, at 125. Pol Pot goes on to explain:

[W]e should strive to produce a plan that is accessible to all of the people, and to all of the army, and can be understood quickly. . . . [thus, along with the rationale of simplicity] we must give our figures in a form easy for people to understand, so they can know what the figures are, and can understand them.

The unacknowledged result of this decision was that the CPK Center had a specific amount of rice it expected from each Zone that was not contingent on actual production.

45 Preliminary Explanation, *supra* note 32, at 128.

46 *Id.*

47 Excerpted Report, *supra* note 34, at 21.

country.”⁴⁸ Indeed, Pol Pot reasoned that achieving the planned massive increase in rice production was a relatively easy task in comparison to winning the civil war, stating:

[T]he preparations for offensives to build up the country are like our past military offensives and not even as difficult. In building up the country the obstacles are direct: whether there is water or not, what kind of fertilizer, what kind of seed. As for the military battlefields, they involve sacrifices. Comparing thus, *we see that there is nothing to worry about.*⁴⁹

Pol Pot’s 1976 Northwest Zone speech roughly coincided with the publication of an issue of the CPK’s propaganda magazine *Tung Padevat* (Revolutionary Flag), which announced this new phase in the revolutionary struggle: “[O]ur peasants, in the cooperatives throughout the country, our cadres and youths, every ministry, every office, our workers in every factory, and every unit of our Revolutionary Army have the mission of going on the offensive to achieve the party’s strategic plan for this year: achieving three tons per hectare.”⁵⁰

Various CPK slogans repeated throughout the countryside reinforced the conception of agricultural warfare. Workers were reminded: “In the battlefield of agriculture, industry and handicrafts, let us be determined to battle to fulfill one hundred percent of the plan and even go beyond.”⁵¹ As another slogan proclaimed, the enemy in this struggle was nature itself: “Let us not be defeated by nature!”⁵²

The “army” in the CPK’s agricultural battlefield was the entire civilian population. Manual labour was portrayed as the key to achieving a high revolutionary consciousness.⁵³ Work teams were ordered to “work together, as if [they] were on a battlefield”⁵⁴ and to “strike, crush and win absolutely the production goal of three tons per hectare.”⁵⁵ The purpose of every Cambodian’s existence was to work

48 *Id.* at 20.

49 *Id.* at 31 (emphasis added).

50 TUNG PADEVAT (“REVOLUTIONARY FLAG”) MAGAZINE (June 1976), ECCC Doc. No. E3/36 at 00509610 (ECCC trans). *Tung Padevat* was the official publication of the CPK outlining Party policies and was distributed to party members to use in mandatory party study sessions. As the CPK government passed very few laws or other formal policy documents, *Tung Padevat* served as a crucial mechanism of disseminating policy to regional and local leaders by the CPK Central leadership.

51 LOCARD, *supra* note 12, at 227.

52 *Id.* at 249.

53 See Excerpted Report, *supra* note 34, at 30 (stating: “Rice production is a very great lesson. The city people do not know what a rice field is, what a cow is, what harvesting [is]. Now they know and understand; they are no longer scared of cows and buffaloes.”).

54 LOCARD, *supra* note 12, at 162.

55 *Id.* at 242.

and struggle to advance the revolution. A CPK slogan stated that good revolutionaries were “born straight from the plough’s furrow in a rice paddy.”⁵⁶

The labour conditions that resulted from this militaristic agricultural push were horrendous. The entire civilian population was forced to work from sunrise to sunset every day in the rice fields or on massive irrigation projects without the benefit of modern machinery.⁵⁷ These workdays would range from around ten to fourteen hours, based on seasonal hours of daylight, and many survivors report working until midnight or later during busy times such as harvesting when moonlight permitted.⁵⁸ The physical demands of this labour were tremendous and workers burned calories at a greatly accelerated rate. Revolutionary slogans instructed workers to “pledge to sacrifice your life to accomplish *Angkar’s* work”⁵⁹ and to remain “on the worksite until death!”⁶⁰

The CPK central leadership appears to have soon become aware that labour conditions had severely weakened the population. For example, already in August 1976, Pol Pot observed at a meeting that “some regions managed to harvest three tons” of rice but “they became tired, because we were attacking everywhere at once [and] [t]o attack in this way over a long period of time is impossible.”⁶¹ However, this concern for the health of the civilian workforce was quickly brushed aside and Pol Pot stated that a “rearranged” and “improved” party “line, classifying some places as ones which could be harvested once a year and other places as ones which could be harvested twice a year” would fully solve this issue.⁶²

3.3. Flawed Agricultural Practices

CPK agricultural policy also suffered from flaws in implementation, further widening the gap between expectations and reality. The largest of these flaws was the Party Center’s assumption that massive irrigation projects could rapidly solve

56 *Id.* at 236.

57 Due to the lack of mechanized equipment and trained engineers as well as Cambodia’s closed borders, which prevented the importation of machinery and expertise, major infrastructure projects were attempted using human labour alone. Most of these projects were irrigation-related and often conditions at worksites were abysmal, with workers dying regularly of starvation, exhaustion and diseases. *See, e.g.*, DY, *supra* note 25, at 37-38 (providing an overview of the national system of forced labour enforced by the CPK during the Khmer Rouge period).

58 *See, e.g., id.* Survivors also consistently report 10-15 hour workdays in interviews conducted by the author as well as those on file at DC-Cam. A CPK slogan told Cambodian workers that “[i]f you do not complete your task during the day, you will complete it by night.” LOCARD, *supra* note 12, at 222.

59 LOCARD, *supra* note 12, at 230.

60 *Id.* at 306.

61 *See* Preliminary Explanation, *supra* note 32, at 131.

62 *Id.*

the “water problem”⁶³ and thereby achieve a second rice crop in fertile areas.⁶⁴ To solve the water problem, the Center ordered the creation of a national system of dikes, canals and dams to capture, store and redistribute seasonal monsoon rainwater year-round.⁶⁵

The regime’s leaders again assumed that a mix of revolutionary zeal and ingenuity could overcome any problems. In an April 1977 radio address marking the second anniversary of the Khmer Rouge victory, CPK Prime Minister Khieu Samphan boasted that when building dams, workers “learn technical skills and implement them while working.”⁶⁶ In the same address, he admitted that the irrigation systems hastily thrown together by the CPK might not last, but argued that “[w]hether the dams and reservoirs that we have built last only five or 10 years does not matter [because] [i]n the five or 10 years to come we shall be much more developed, richer and more experienced than we are now, and we will grasp many more technical skills than we do now.”⁶⁷ The result of this reckless rush forward was a series of fundamentally flawed irrigation projects that cost thousands of lives to build, yet were prone to collapse or failure during annual floods.⁶⁸

Other aspects of the CPK’s plan to achieve three tons per hectare illustrate the Khmer Rouge leadership’s lack of understanding of large-scale agricultural production. For example, in many areas, Cambodia’s individual plots of land that spread across the countryside in a variety of shapes and sizes were reorganized into uniform one-hectare squares. This required a series of new rice paddy walls that

63 *Id.* at 145 (“In the plan we have raised the issue of water. This problem is not new. We raise it again in order to solve it. To grow one or two crops of rice per year, we must have water. If we understand the problem of water, we must solve it so adequate water will be available.”).

64 A second rice crop had never been achieved in Cambodia on a large scale prior to the Khmer Rouge period. *See* KIERNAN, *POL POT REGIME*, *supra* note 23, at 8. Typically, Cambodian rice farmers have grown small amounts of “dry-season rice” irrigated by makeshift water retention devices located along receding waterways. This rice is known as “recession rice” because the planting follows the receding water during the dry season. *See Topography, Climate and Rice Production in RICE PRODUCTION IN CAMBODIA*, *supra* note 15, at 15.

65 *See, e.g.*, Preliminary Explanation, *supra* note 32, at 145-47 (outlining plan to achieve multiple annual rice crops through overhauling national irrigation systems.).

66 Khieu Samphan, *1977 Anniversary Address*, DC-Cam Doc. D29015. Khieu Samphan goes on to deride “so-called agricultural experts of the previous era” saying that if it had been up to these “Japanese, French, [or] British experts” Cambodia “would have remained deprived of water for rice planting and rice for national construction for years and years to come”). *Id.*

67 *Id.*

68 *See, e.g.*, *RICE PRODUCTION IN CAMBODIA*, *supra* note 15, at 6 (“The Khmer Rouge irrigation systems were a disaster due to lack of technical knowledge. One estimate indicated that by the mid-1980s, 70-80% of these structures were unusable or useless.”).

often interfered with existing irrigation channels.⁶⁹

Another major problem was the severe lack of drought animals. The civil war and the US bombing campaign had reduced the number of oxen and water buffalo in Cambodia to critical levels by 1975.⁷⁰ These animals were crucial to rice production, as they were used to till rice fields and perform all types of heavy labour. High-level CPK officials acknowledged that drought animals were in low supply and “skinny” in some areas, but simply concluded that the revolution would grow feed, breed more animals and thereby quickly solve this problem.⁷¹

Fertilizer was also in extremely short supply. Again this problem was brushed aside by the leadership, which viewed this major problem as one “not difficult” to solve.⁷² The proposed fix, in line with the general policy of independence self-mastery, was to assign workers — usually children and the elderly — to collect human and animal excrement to use as fertilizer.⁷³ In some areas, survivors have even reported being forced to strip the flesh off of fresh corpses and burn the bones to

69 See, e.g., Jeffrey Himel, *Khmer Rouge Irrigation Development in Cambodia* (Apr. 11, 2007), at www.genocidewatch.org/images/Cambodia (Report sponsored by DC-Cam and authored by owner of Aruna Technology Ltd, whose expertise is in irrigation and water management infrastructure). This reorganization also had the unfortunate effect of allowing the Party Center to set rice production quotas with exacting specificity and produce a target amount of rice for each zone to remit as a “gift to the state.” See Preliminary Explanation, *supra* note 32, at 125.

70 When a US bomb attack occurred, villagers ran for shelter and into the jungle to avoid the bombs. However, there was no time to move animals and slow moving, large animals such as oxen and buffaloes were killed at a high rate. For a history of the US bombing campaign in Cambodia, see, e.g., KIERNAN, *POL POT REGIME*, *supra* note 23, at 16-25; see also Owen & Kiernan, *supra* note 16.

71 Excerpted Report, *supra* note 34, at 22-23 (stating that the problem of “skinny” buffaloes and oxen is merely an “infantile disease of socialism” that will be resolved.). The draft Four-Year Plan forecasted that Cambodia’s supply of oxen would double from 200,000 to 400,000 animals from 1977-1980 and that the supply of water buffaloes would more than triple, from 30,000 to 100,000 animals over the same period. See Four-Year Plan, *supra* note 32, at 94. No detailed explanation appeared in the plan concerning how this massive increase was to be achieved.

72 See, e.g., Excerpted Report, *supra* note 34, at 28-29:

As for ... problems such as fertilizers, they are not difficult. ... As a vanguard view we estimate that for the country as a whole, we will produce at least 500,000 tons of fertilizer, by calculating that one Subdistrict produces 1,000 tons. Kampuchea has more than one thousand subdistricts; but we take only 500 subdistricts as being able to produce fertilizer. If we had to buy it from abroad, we do not know where we would get the money. If we build a factory, we have to buy it first, and we do not know how many factories either. So this fertilizer movement is very strong. This shows that our people have a very strong combative consciousness, they believe in the revolution.

See also Four-Year Plan, *supra* note 32, at 89 (Table outlining planned types and amounts of fertilizer for 1977-1980); Preliminary Explanation, *supra* note 32, at 146-47 (Stating that there are “natural fish” that can be “turned into fertilizer” and that the “Tonle Sap [river] also has many fish that go upstream; many get caught in traps, many tens of tons, and we can increase our strength greatly by turning these fish into fertilizer. ... There is the possibility of making a good deal of capital from fertilizer.” This statement helps to explain the Center’s belief that Angkar owned all of Cambodia’s natural resources (e.g. fish stocks), which in turn made it illegal for civilians to privately harvest natural or wild food sources including fish.).

73 See, e.g., *id.* at 18.

ash for fertilizer.⁷⁴ The results were substandard fertilizer and the further spread of famine-related diseases through lack of sanitation.

Finally, a lack of pesticides plagued the agricultural sector, and pests such as rats, crabs and insects reportedly further damaged rice crops.⁷⁵

3.4. State Expropriation of Rice

To achieve a Super Great Leap Forward, the Party Center decreed that the CPK government had to “sell the maximum possible of [its] agricultural production” to raise capital.⁷⁶ Party rhetoric claimed: “The state is not taking exports from the people. Instead, we exchange goods for agricultural products on a collective basis.”⁷⁷ There is no evidence, however, to suggest that the CPK “exchanged” resources to assist civilians living in Cambodia’s countryside. Instead, beginning in 1976, the government exacted large quotas of rice for party use and export⁷⁸ and provided virtually nothing in return.⁷⁹

There are no surviving CPK documents that provide any specific aggregate

74 See, e.g., Sophearith Chuong, *Grandmother of “Fertilizer,”* II SEARCHING FOR THE TRUTH, Nov. 2000, at 45 (including translated transcription of interview survivor), www.d.dccam.org/Projects/Magazines/Previous%20Englis/IssueII.pdf; Sadie Blanchard, *You will be Soil for the Rice Field*, SEARCHING FOR THE TRUTH, 3d Quarter 2008, at 26, www.d.dccam.org/Projects/Magazines/Image_Eng/pdf/3rd_Quarter_2008.pdf (summarizing interviews of villagers in Trung Bat Mountain, Kra Lanh District, Siem Reap Province of Cambodia who stated that during the Khmer Rouge period a crematorium was operated nearby to turn the bodies of executed victims into ash which was subsequently used as fertilizer).

75 See, e.g., Marie Alexandrine Martin, *Rice Culture and Water Control in Democratic Kampuchea*, RURAL STUDIES MAGAZINE (July-Sept. 1983), DC-Cam Doc. D01062 (unofficial English translation by Jeffrey Himel and Nathalie Schnuriger).

76 See Preliminary Explanation, *supra* note 32, at 155. The expected income from these exports from 1977-1980 was \$1.4 billion USD, or 90% of the CPK’s expected foreign exchange. David P. Chandler & Ben Kiernan, *Preface*, in *POL POT PLANS THE FUTURE* xiv, *supra* note 31.

77 Preliminary Explanation, *supra* note 32, at 155.

78 Only scattered and inconclusive primary CPK documentation of rice exports has survived to this day. Survivors, however, report that ships with Chinese markings regularly left Kampong Som seaport loaded with unknown quantities of rice and other goods. See “Commerce Dossier” (a large volume of correspondence between China and Cambodia regarding trade issues and sometimes discussing specific quantities of rice. This document, written in a mix of Khmer and Chinese languages, is available in hard copy available at DC-Cam, selected documents translated for author by DC-Cam).

79 What little imports did come into Cambodia arrived mostly in the form of weapons and machinery rather than food, save for several shipments of Chinese “assistance rice” beginning in mid-1975 and ending in 1976. See, e.g., State Commerce Committee, 33 *Assistance Rice* documents, DC-Cam Doc. D20468 (Mar. 15, 1976) (listing “income” of rice as 4,970,122 kg); D20469 (Apr. 30, 1976) (listing “income” of rice as 1,720,122 kg); D20470 (May 31, 1976) (listing “income” of rice as 844,122 kg). According to available documentation at DC-Cam, this assistance rice was then distributed throughout the country, but it is unclear if it was used as food or as seed for the planned push to increase rice yields. The use of the name “33 Assistance Rice” suggests the latter, as it is likely this phrase referred to a fast-growing strain of Chinese rice that only grows to approximately thirty-three centimetres in height.

amounts of rice exported during the Khmer Rouge period.⁸⁰ Nonetheless, evidence does exist suggesting that the CPK exported large quantities of rice throughout the Khmer Rouge period. First, numerous survivors of the period, including former Khmer Rouge cadres, have stated in interviews that they witnessed large quantities of rice being expropriated by the CPK government and apparently prepared for export. For example, in 2013 former CPK state warehouse official Ros Suoy testified before the Extraordinary Chambers in the Courts of Cambodia that he worked at two warehouses in and around Phnom Penh between 1975 and 1979, and that he was aware that at least several other similar state warehouses existed in the area at the time.⁸¹ Ros Suoy further testified that only unmilled rice was eaten within the country and that his warehouse often had to keep “four to five” rice mills operating constantly in order to process sufficient rice to meet the CPK’s demands for exports.⁸² Meanwhile, Ros Suoy stated that unmilled rice was kept in reserve for export orders and that, although other goods such as salt and cement were distributed from the warehouse to locations within Cambodia, rice was never redistributed within the country.⁸³

Certain primary CPK documents, such as surviving reports of the CPK’s “State Commerce Committee,” based in Kampong Som (now Sihanoukville), Cambodia’s sole deep-water port, generally support this assertion. These reports, transmitted to the central CPK leadership in Phnom Penh, accounted for “income” and “expenditure” of rice.⁸⁴ Many were signed by a person named Roeung, whom Ros Suoy testified was his superior, and suggest that the CPK operated a system whereby unmilled rice would be shipped from all locations in the countryside to state warehouses near Phnom Penh where it was processed, packaged and sent to Kampong Som seaport for export under the supervision of Roeung and the

80 Chhang Interview, *supra* note 22. The exception is the “Commerce Dossier,” discussed *supra* note 78. It is clear however, that Chinese ships regularly docked at Cambodia’s deep-water port in Kampong Som throughout the Khmer Rouge period. In interviews granted after the Khmer Rouge period, CPK dock workers claimed that they loaded tons of rice onto these ships. The only known official CPK documents that report the exportation of rice are a pair of communiqués dated 15 September 1977 from “Sarin” copied to “Oum, Van [Jeng Sary], Vorn and Kieu,” which report that a ship was scheduled to transport 5,000 tons of rice to Madagascar. See *Production Exporting to Madagascar from 1/1/77 to 11/6/77*, DC-Cam Doc. D20715; *Rice Production Exported to Madagascar from 1/1/77 to 11/6/77*, DC-Cam Doc. D22941.

81 Doreen Chen, *Former Warehouse Official Provides Limited Insight on Accused Persons’ Knowledge of Arrests, Rice Distribution*, Cambodia Tribunal Monitor Blog (25 April 2013), at www.cambodiatribunal.org. [CTM: “Former Warehouse Official”]. The Extraordinary Chambers is a hybrid Cambodian-United Nations tribunal with jurisdiction over international and domestic crimes committed in Cambodia between 1975 and 1979.

82 *Id.* Ros Suoy further testified that the warehouse he supervised regularly prepared large amounts of rice for export. *Id.*

83 *Id.*

84 The documents discussed are examples of the available documentation; other documents outlining CPK expropriation of rice are also available in the DC-Cam archives.

State Commerce Committee.⁸⁵ A more limited number of surviving CPK documents discuss specific instances of actual or planned rice exportation,⁸⁶ and a 1977 article in the *Far Eastern Economic Review* reported that the CPK government had purchased large quantities of jute sacks, commonly used to transport rice, in an apparent attempt to prepare for massive rice exporting activities.⁸⁷

Although precisely how much rice was exported from Cambodia during the Khmer Rouge period is likely unknowable, there appears to be ample available evidence in the form of primary CPK documentation, potential witness testimony, and circumstantially, proving the basic fact that the CPK government exported large quantities of rice over extended periods of time while in power even as Cambodian civilians died by the thousands of famine.

4. DEEPENING FAMINE: PURITY, PARANOIA AND VIOLENCE

While the CPK Party Center set Cambodia down the path to famine through the implementation of flawed agricultural practices, overwork, and state expropriation of rice, additional policies emanating from the Center served to worsen famine conditions. Khmer Rouge leaders sought to achieve absolute socialism rapidly by banning all perceived vestiges of private ownership. This desire for purity ended individual cultivation of subsistence gardens as well as the traditional famine prevention and coping activities of foraging, hunting and fishing. The regime also distrusted anyone who had lived in the urban power centers of the Lon Nol government during the civil war and subjected these groups to especially harsh labour and living conditions, making famine especially acute within this group. Finally, the healthcare sector was dismantled by the Party Center, contributing to the further spread of disease amongst a population already compromised by famine.

4.I. The Pursuit of Pure Socialism

A surviving unsigned CPK document dated 20 December 1976 states: “The socialist revolution encompasses everything. This is what is basic about our revolu-

85 See CTM: “Former Warehouse Official,” *supra* note 81.

86 See, e.g., *Business Meeting Between Democratic Kampuchea and Korea's Ministry of Commerce Committee 51*, DC-Cam Doc. D22718 (Dec. 6 1976) (translation available in SEARCHING FOR THE TRUTH, 3d Quarter 2004, at 8, www.dccam.org/Projects/Magazines/Image_Eng/pdf/3rd_Quarter_2004.pdf (“Rice: This year rice production is very good. We plan to sell some to other countries. But the priority is to sell to our allies. If [North] Korea agrees to buy our rice, they can sell it to other countries if they want to. We want to sell Korea 50,000 tons of rice in 1977.”).

87 Nayan Chanda, *Cambodia Goes to Market*, FAR EASTERN ECON. REV., May 20, 1977.

tion.”⁸⁸ In order to implement this party line of all-encompassing socialism, money was immediately banned and Cambodian villages were reorganized into cooperatives shortly after the final victory of 17 April 1975. Communal eating was established nationwide by early 1977.⁸⁹ All private ownership was abolished and personal belongings, including cookware, were confiscated. Literally everything became the property of the revolution, including all agricultural production and even wild food sources.⁹⁰ CPK party slogans warned the starving civilian population: “Hands off the people’s property! Not a single grain of rice, a single chilli, a single needle!”⁹¹ Other slogans drove the point home, reminding the people that “enemies” of the revolution included “[t]hose who boil rice in secret or in private.”⁹² The CPK government also severely restricted civilian freedom of movement and constantly searched for perceived enemies of the revolution, rendering it difficult and dangerous for Cambodians to secretly forage for food.⁹³

4.2. Mistreatment of “New” People

CPK propaganda promoted an ideology modeled on Chinese-Marxist theory, which blamed “feudalists” and capitalists for the economic woes of Cambodia’s peasantry.⁹⁴ The stated goal of the revolution was to eliminate Cambodia’s social class structure altogether and turn everyone into a worker-peasant, under the party’s “proletarian dictatorship.”⁹⁵ The minutes from a CPK Standing Committee meeting held on 11 March 1976 state:

88 See, e.g., *Report of Activities of the Party Center According to the General Political Tasks of 1976* (Dec. 20, 1976), in *POL POT PLANS THE FUTURE* 182, 183, *supra* note 31 [hereafter *Report of Activities*].

89 See KIERNAN, *POL POT REGIME*, *supra* note 23, at 58 (“Communal eating was probably foreshadowed in May 1975, but it was not ordered until 1976.”).

90 As one CPK slogan put it: “Absolutely everything belongs to the Angkar.” LOCARD, *supra* note 12, at 277.

91 *Id.* at 83.

92 *Id.* at 183.

93 See, e.g., Kim Cheam aka Kosal, *My Life During the Pol Pot Regime*, *SEARCHING FOR THE TRUTH*, 2d Quarter 2006, at 53, www.d.dccam.org/Projects/Magazines/Image_Eng/pdf/2nd_Quarter_2006.pdf; Chab Chanda Pheakdey, *Five Sons in the Khmer Rouge Butchery*, *SEARCHING FOR THE TRUTH*, 2d Quarter 2007, at 56, www.d.dccam.org/Projects/Magazines/Image_Eng/pdf/2nd_Quarter_2007.pdf; Sotheany Hin, *To Be Starved Like a Prisoner*, *SEARCHING FOR THE TRUTH*, 2d Quarter 2007, at 22, www.d.dccam.org/Projects/Magazines/Image_Eng/pdf/2nd_Quarter_2007.pdf.

94 See, e.g., DY, *supra* note 25, at 5-12 (providing a basic overview of the formation of the Khmer Rouge movement and stating that key Khmer Rouge leaders who were students in Paris, France in the 1950s “saw peasants and poor people throughout the world as enslaved and repressed by capitalism and feudalism. They thought a Marxist-Leninist revolution was the only way Cambodia could attain independence and social equality.”).

95 See Karl D Jackson, *Cambodia 1977: Gone to Pot*, 18 *ASIAN SURVEY* 76, 78 (Jan. 1978) (citing radio address by Pol Pot of September 27, 1977).

[I]t is necessary to put an end to feudalism. We have reached this stage. The whole feudal regime has been destroyed and definitively dismantled by the Revolution. The Monarchy existing for over 2000 years has finally been dismantled. We do not have any other alternatives. Reactions will certainly take place, but we must follow the path of the Revolution in order to win.⁹⁶

After the CPK swept into power, Cambodia's pre-existing social structures were quickly dismantled and, despite Khmer Rouge rhetoric extolling the virtues of a classless society, a new three-tiered caste system quickly developed. At the top of this rigid class structure were full-rights CPK party members,⁹⁷ followed by "base" people who were rural-based civilians who had lived in areas under Khmer Rouge control prior to 17 April 1975.⁹⁸ The bottom rung of this new system was occupied by so-called "new" or "17 April" people who had lived in the areas controlled by the Lon Nol regime when the CPK took power.⁹⁹ Despite the fact that many of these "new people" actually hailed from the countryside but had fled to urban areas to escape the civil war, they were scorned by the CPK and Party slogans labeled them "prisoners of war."¹⁰⁰ New people were viewed as a source of hidden enemies working to undermine the revolution and denied even the most basic rights and freedoms.¹⁰¹

One result of the Party Center's scorn towards new people was especially severe famine conditions within this group, as new people were subjected to repeated forced relocation and received the worst of everything, including rations, work assignments, housing, medical care and sanitation. Those new people who survived relocation trips typically arrived in areas lacking the infrastructure, including extra shelter and food, necessary to accommodate a population influx.

One major example of how the general mistreatment of new people led to more severe famine conditions was the mass forced transfer of new people to the Northwest Zone in 1976. Northwest Cambodia was long known as the country's rice bowl, and the Zone was subjected to especially high rice production quotas by

96 *Minutes of the Standing Committee of the Front*, DC-Cam Doc. D7562 (Mar. 11, 1976) (unofficial translation by Bunsou Sour and edited by Professor David Chandler).

97 For an explanation of the process whereby Cambodians could become eligible for membership in the CPK, see *Statute of Angkar*, DC-Cam Doc. D21490.

98 See, e.g., DY, *supra* note 25, at 30-31.

99 See *id.*

100 LOCARD, *supra* note 12, at 186.

101 See, e.g., Alexander Hinton, *Agents of Death: Explaining the Cambodian Genocide in Terms of Psychological Dissonance*, 32 SEARCHING FOR THE TRUTH, Aug. 2002, at 38, www.d.dccam.org/Projects/Magazines/Previous%20Englis/Issue32.pdf.

the CPK. In 1976, the leadership announced that the Zone needed “additional forces” to achieve the rice production targets assigned to it and ordered the evacuation of 500,000 to 800,000 new people to the Zone.¹⁰² Those who survived the trip were sent to areas that lacked the capacity to house and feed them, creating especially high famine mortality amongst new people in the Northwest Zone.¹⁰³

Upon arriving in their designated cooperative, new people were scorned and essentially enslaved in service of the revolution. One CPK slogan stated: “Where there are 17 April people, no development is possible.”¹⁰⁴ Another slogan viewed new people as useless hungry mouths to feed: “The new people bring nothing but stomachs full of shit, and bladders bursting with urine.”¹⁰⁵ Still another slogan derided new people as “parasitic plants” sapping strength from the revolution.¹⁰⁶

One survivor’s experience illustrates the scorn with which starving new people were treated:

In 1977 I became emaciated and was sent to a hospital. However, *Angkar’s* medical staff were heinous. They accused me of having a consciousness illness. In fact I was sick. I was starved. I became smaller and smaller to the point that my knees appeared to be bigger than my head. Even with such conditions, they still could not see what was really wrong with me. They hated April 17 People so much.¹⁰⁷

4.3. Revolutionary Medicine: Denial of Basic Medical Care

Another consequence of the policy of independence self-mastery and the CPK’s distrust of new people, including health professionals, was a complete denial of basic medical care. The CPK systematically dismantled Cambodian civil society, including the nation’s already weak medical infrastructure. Many of the nation’s experienced doctors were executed or hid their background from the suspicious *Angkar* because indicators of a privileged or urban background such as

102 For an overview of conditions in the Northwest Zone, see, e.g., KIERNAN, POL POT REGIME, *supra* note 23, at 216-50.

103 *See id.*

104 LOCARD, *supra* note 12, at 184.

105 *Id.* at 185.

106 *Id.*

107 See Sokhym Em, *Female Patients*, 33 SEARCHING FOR THE TRUTH, Sept. 2002, at 25, www.d.dccam.org/Projects/Magazines/Previous%20Englis/Issue33.pdf [hereafter *Female Patients*].

education or professional training were viewed with extreme skepticism by the Khmer Rouge and created a high risk of summary execution if discovered.¹⁰⁸ As a result, “revolutionary hospitals” were often no more than depots where the injured and sick were deposited and subsequently ignored, and were staffed largely by illiterate teenage girls with “clean” revolutionary biographies with no regard given to their actual ability to provide healthcare services.¹⁰⁹

Additionally, the party line of independence self-mastery resulted in medicines being imported only from China or other preferred nations, leading to massive deficits of basic items. What little medicine the CPK did have was apparently reserved primarily for party members and the military.¹¹⁰

The CPK Center addressed the pervasive lack of medicine in ineffectual ways. Abundant food for civilian consumption — which never materialized — was the first of two equally non-existent lines of defense against the spread of disease. A 1976 CPK document described food as “the important medicine to prevent sickness,” stating: “If there were enough to eat, there would also be little sickness.”¹¹¹ When sickness did strike, often as a result of endemic famine, the second line of defense was the employment of “traditional” or revolutionary medicines.¹¹² These pseudo-medicines were usually a mixture of various plant products rolled into balls

108 See, e.g., Damien de Walque, *Selective Mortality during the Khmer Rouge Period in Cambodia*, 31 *POP. & DEV. REV.* 351, 358-61 (2005) (estimating that Cambodians with at least a secondary school education had a nearly 30% probability of dying during the Khmer Rouge period, a significantly higher percentage than non-educated and/or younger population cross-sections.). For a review of the estimates of de Walque and others, see Tabeau & Kheam, *supra* note 4.

109 See *Female Patients*, *supra* note 107, at 26 (confirming through interviews that “most of Angkar’s medical staff were very young — from 14 to 15 years of age — with at most three months of technical training”). See also Sokhym Em, *Revolutionary Female Medical Staff in Tram Kak District*, 34 *SEARCHING FOR THE TRUTH*, Oct. 2002, at 24, www.d.dccam.org/Projects/Magazines/Previous%20Englis/Issue34.pdf [*Revolutionary Female Medical*]; Keo Kanitha Kim, *Clean-Cut Children, A Failure of the Revolution*, 21 *SEARCHING FOR THE TRUTH*, Sept. 2001, at 20, <http://www.d.dccam.org/Projects/Magazines/Previous%20Englis/Issue21.pdf> (discussing how the Khmer Rouge viewed children as “blank” slates who could be fully indoctrinated and how as a result of this preference for children members, hospitals were largely staffed by young teenagers during the Khmer Rouge period).

110 There are CPK documents that show the importation of medicines but there are no reports by civilians of receiving any actual medical care. There are documents listing the importation of medicines from Korea and China and also bought apparently from Hong Kong (likely in exchange for state-expropriated rice), but these medicines appear to have been reserved only for Party members and possibly the military. DC-Cam documents on file with author and available at DC-Cam.

111 Excerpted Report, *supra* note 34, at 30.

112 See, e.g., Sokhym Em, *‘Rabbit Dropping’ Medicine*, 30 *SEARCHING FOR THE TRUTH*, June 2002, at 22, www.d.dccam.org/Projects/Magazines/Previous%20Englis/Issue30.pdf.

“Rabbit dropping” medicine consisted of plant roots, tree bark, the sap of the tropical thnung tree, and other ‘natural’ compounds. It was produced by female medical staff (many of whom were illiterate or semiliterate) during the [Khmer Rouge] regime. Made without proper scientific testing, it was rarely known to help patients, and often made them worse or killed them.

These balls were referred to as “Rabbit Medicine” because they resembled rabbit droppings in both appearance and bitter taste. See *id.*

and administered orally — or worse, dissolved in unsanitary liquids such as coconut juice and injected by untrained nurses with dirty, reused needles. When administered, such medicines were usually ineffectual and often worsened a victim's health. This “revolutionary medicine” likely increased the number of famine-related deaths across the country.¹¹³ Nonetheless, at times the CPK boasted of the regime's “mastery” of medical care.¹¹⁴

It was also dangerous admit to being sick in the first place. The suspicious CPK Center accused overworked and underfed workers of feigning illness to avoid work and obtain more food. Various CPK slogans mocked sick and starving Cambodians, telling them: “The sick are victims of their own imagination”¹¹⁵; “[t]he ill are sly as rabbits, and can swallow a whole pot of rice”¹¹⁶; and “[w]e must wipe out all those who imagine they are ill, and expel them from our society.”¹¹⁷ A further slogan mocked Cambodians wracked by hunger, telling them that they had caught an “imaginary disease.”¹¹⁸ There was usually no respite for the exhausted, underfed and disease-plagued civilian population and many victims simply collapsed and died from exhaustion, undernutrition and disease.

4.4. Using Violence: Enforcing Policy and Blame-Shifting

The CPK Center not only enacted policies that created mass famine, but also enforced these policies through acts of extreme violence. The revolution, embodied by the members of the Party Center, was infallible according to CPK rhetoric and ideology.¹¹⁹ Despite the obvious flaws in CPK policy, this myth of infallibility was jealously guarded throughout the Khmer Rouge period by a mix of denial and blaming any admitted shortcomings on supposed anti-revolutionary groups working to sabotage the revolution. These perceived “internal enemies” were to be

113 *Revolutionary Female Medical*, *supra* note 109, at 26.

114 See IENG SARY'S REGIME: A DIARY OF THE KHMER ROUGE FOREIGN MINISTRY, 1976-79, at 33 (Phat Kosal, Ben Kiernan & Sorya Sim, trans., New Haven: Yale Center for International & Area Studies, 1998) (quoting Foreign Minister Ieng Sary saying: “We have built up medical specialists. We are able to produce medicine. We master this field 100% at the moment.”).

115 LOCARD, *supra* note 12, at 188.

116 *Id.* at 190.

117 *Id.* at 188.

118 *Id.* at 190 (“You shiver with fever, you shake like a tractor, you vibrate like a motor car, you ache for food, you quiver from laziness, you've caught an imaginary disease.”). See also *Female Patients*, *supra* note 107 (providing an anecdotal account).

119 CPK propaganda and rhetoric from the time reflected this myth of the infallible revolution. See, e.g., LOCARD, *supra* note 12, at 75, 112 (reporting Khmer Rouge slogans: “The clear-sighted and radiant revolution”; and “We, the Communist Party, we follow the correct and clear-sighted line”).

sought out and “smashed” (i.e. killed) according to official CPK policy.¹²⁰ This mix of hubris and paranoia resulted in a nationwide system of violence and terror. The smallest miscue or perceived slight against the revolution could result in death. Even veteran revolutionaries were not immune from the wrath of *Angkar*, especially as internal purges began to spread throughout all levels of the CPK.¹²¹ Anyone, including CPK party members, who complained about working conditions or insufficient food rations risked being arrested, tortured and executed.¹²² In some instances local officials were directly scapegoated for causing starvation in rather transparent attempts to shift blame away from CPK policies.¹²³ Through this process of denial, blame-shifting and systematic murder, the CPK central leadership effectively avoided acknowledging its responsibility for famine and responded to reports of hunger and starvation with violent purges that only made conditions worse.

Early in the Khmer Rouge period the core CPK leadership began to purge party members who showed any resistance to its quixotic social or agricultural policies. For example, prominent left-wing intellectual Hou Yuon, who had served as a public CPK figure for years leading up to the Democratic Kampuchea period,¹²⁴ was apparently secretly purged soon after the Khmer Rouge took power for opposing the CPK party line on issues such as the abolishment of money and

120 See *Proclamation of the Central Committee of the Communist Party of Kampuchea: The Party's Policy Towards Those Who Accidentally Joined the CIA, Vietnamese Agencies or the KGB against the Party, the Revolution, the People, and Democratic Kampuchea*, DC-Cam Doc., D21228, 22 SEARCHING FOR THE TRUTH, Oct. 2001, at 11, www.d.dccam.org/Projects/Magazines/Previous%20Englis/Issue22.pdf.

121 For a history of the purges of the Eastern Zone, see KIERNAN, *POL POT REGIME*, *supra* note 23, at 369-76, 393. For a history of the purge of the West, see *id.* at 68-80. See also generally DY, *supra* note 25, at 38-40.

122 See, e.g., Sophal Ly, *Confession Summary: Pouy Tvang*, SEARCHING FOR THE TRUTH, 4th Quarter 2004, at 3, www.d.dccam.org/Projects/Magazines/Image_Eng/pdf/4th_Quarter_2004.pdf (confessing to a wide array of traitorous activities including destroying Angkar's farm equipment, seedlings and crops as well as sowing dissent about the party's rice policy and food shortages).

123 See, e.g., Farina So, *Confession Summary: Mok Heng, Chamkar Leu District Ministry of Commerce Chief*, SEARCHING FOR THE TRUTH, 4th Quarter 2004, at 6, www.d.dccam.org/Projects/Magazines/Image_Eng/pdf/4th_Quarter_2004.pdf. Mok Heng was in the unfortunate position of being responsible for allocating and remitting rice to the CPK leadership. He was arrested and sent to S-21 prison on 1 March 1977, where he became a direct victim of scapegoating by the regime based on the abject failure to achieve the three tons per hectare rice production quota. He was forced to confess to “export[ing] rice, corn, beans, oxen, and buffalo to the CIA base zone, and wr[it]ing letters ordering villagers to bring sugar, rice, and banana preserves to sell in the Lon Nol-controlled zones” during the 1970-1975 civil war. Between May and July, 1970 Mok Heang's anti-revolutionary activities include sending “7,200 kg of rice and 6 sacks of banana preserves to [hidden enemy] agents, and kill[ing] pigs to sell to villagers.” After the Khmer Rouge victory in April of 1975, Mok Heang allegedly continued his acts of economic sabotage unabated by urging only base people to work in the fields, while allowing evacuated city people to just stay home and eat. This allegedly caused the base people to work less because they were angry with the Khmer Rouge, leading to starvation that year in the district.

124 See Four-Year Plan, *supra* note 32, at 64.

foreign relations.¹²⁵ As the Khmer Rouge period progressed and famine worsened, it was considered a crime against the revolution punishable by execution to criticize CPK policy or even to acknowledge the existence of famine or starvation. For example, Cambodian expatriate returnee¹²⁶ Chin Suon was arrested, tortured and executed, ostensibly for having attended meetings “to discuss starvation, overwork, the loss of freedom, the stealing of collective goods, and the conditions of families living in foreign countries.”¹²⁷

The Party Center’s penchant for responding violently to reports of agricultural failure is exemplified by events in the Northwest Zone, where the combination of especially high rice quotas and the arrival of hundreds of thousands of new people in early 1976 caused severe famine conditions. In mid-1976, newly appointed CPK Minister for Social Affairs Ieng Thirith was sent to the Northwest Zone to “investigate charges of shortcomings in the health, diet, and housing of the worker-peasants.”¹²⁸ In a subsequent interview with journalist Elizabeth Becker, Ieng Thirith said that she found evidence of “problems” and that “conditions were very queer.” Specifically, Ieng Thirith said:

In Battambang I saw [local party members] made all the people go to the rice fields. The fields were very far away from the villages. The people had no homes and they were all very ill. . . I know the directive of the Prime Minister [Pol Pot] were that no old people, pregnant women, women nursing babies, or small children were to work in the fields. But I saw everybody in the open rice fields, in the open air and very hot sun, and many were ill with diarrhea and malaria.¹²⁹

Despite witnessing this suffering, Ieng Thirith did not consider the possibility that the Party’s socio-economic policies needed to be revised. Instead, she concluded that “agents had got into our ranks” all the way to the “highest ranks” and that these enemies “had to behave with double faces in order to make as if they were

125 See, e.g., *Planning the Past: The Forced Confessions of Hu Nim*, in POL POT PLANS THE FUTURE 304, *supra* note 31 [hereafter *Confessions of Hu Nim*] (accusing Hou Youn of this stance).

126 Shortly after the 17 April 1975 victory, Party Center member Ieng Sary issued a public call for the numerous highly educated Cambodians living abroad to return to Cambodia in order to assist with the reconstruction of the country. The vast majority of those who returned were shortly thereafter arrested and sent to S-21 prison where they were tortured and executed, often along with their entire family. For an overview and analysis of S-21 prison, see generally CHANDLER, *VOICES FROM S-21*, *supra* note 37.

127 Kalyan Sann, *Confession Summary: Chin Suon*, SEARCHING FOR THE TRUTH, 4th Quarter 2005, at 13, www.dccam.org/Projects/Magazines/Image_Eng/pdf/4th_Quarter_2005.pdf.

128 BECKER, *supra* note 21, at 236.

129 *Id.*

following our line [i.e. policies].”¹³⁰ Thus, in her view, it was not the attempted implementation of the Party line, but deviance from the line by “internal enemies,” that was responsible for causing famine and disease.¹³¹ The Northwest Zone was subsequently violently purged and CPK officials from the Zone were forced to confess to sabotaging rice crops under torture before being executed.¹³²

Similarly, in the North Zone, perceived opposition to famine-inducing policies and complaints about living conditions were used as a pretext for an internal purge. Koy Thuon aka “Thuch” was a veteran revolutionary who was North Zone Secretary from 1970 until April 1976, when he was reassigned by the Party Center to the CPK’s Commerce Ministry in Phnom Penh.¹³³ Ke Pauk, a CPK Central Committee member and Thuch’s political rival who was known for his willingness to enforce more extreme policies replaced Thuch as North Zone Secretary.¹³⁴ Shortly after assuming control of the Zone, Ke Pauk sent a telegram to the Party Center that reported on “the enemy, the masses, and cultivation in the northern zone” and stated: “The enemy says that the revolution is too strict. They oppose the idea of cooperatives and the construction of new dikes. They also complain about starvation.”¹³⁵ As he informed the Center, Ke Pauk “advised regions to investigate the above-mentioned enemy activities closely. We have already arrested the former cooperative chiefs. In addition to these actions, the enemy has a hidden network, which we are investigating. We will take appropriate measures to deal with this.”¹³⁶

In 1977 Thuch was arrested and sent to S-2I prison where he was forced to claim that he had been party to a subversive plan to “‘produce confusion’ by reinstating private property.”¹³⁷ After Thuch was executed, the prison staff at S-2I who had tortured and executed him were told that eliminating the “strings” or “networks” of traitors associated with Thuch had solved “problems of defense and construction and problems affecting people’s livelihood.”¹³⁸

Hu Nim, another prominent Cambodian leftist who became the CPK Minis-

130 *Id.*

131 *Id.* at 236-37.

132 See CHANDLER, VOICES FROM S-2I, *supra* note 37, at 68-70.

133 See *The First Congress Meeting of the People’s Representative Assembly*, DC-Cam Doc. D21227 (Apr. 11-13, 1976), in DY, *supra* note 25, at 71 [hereafter First Congress Meeting]. Another CPK document lists Koy Thuon as “vice-minister of economy and finance.” See *Composition of the Royal Government of National Union of Cambodia*, DC-Cam Doc. D24008.

134 See, e.g., ALEXANDER LABAN HINTON, WHY DID THEY KILL? CAMBODIA IN THE SHADOW OF GENOCIDE 152 (2004).

135 *Telegram 94*, SEARCHING FOR THE TRUTH, 2d Quarter 2003, at 11, www.dccam.org/Projects/Magazines/Image_Eng/pdf/2nd_Quarter_2003.pdf. The document was also copied to “Brother Nuon [Chea],” and “Brother Khieu” (most likely fellow CPK leader Son Sen).

136 *Id.*

137 HINTON, WHY DID THEY KILL?, *supra* note 134, at 63.

138 *Id.*

ter of Propaganda during the Democratic Kampuchea period, was secretly arrested in April 1977 and later executed. According to one report, Hu Nim suggested that the Party reintroduce money to incentivize peasant workers to produce more crops after a particularly bad harvest.¹³⁹ A former CPK regimental commander who defected to Thailand in 1978 has “claimed that ‘several members of the Party such as Hu Nim and [Ros] Nhim asked the Party to have mercy on the people’” and this led to them being purged.¹⁴⁰ After being arrested, Hu Nim was transferred to S-2I where he was systematically tortured and forced to author a series of “confessions” until his execution in August of 1977.¹⁴¹

In some of these confessions, Hu Nim managed to point out some of the basic problems with CPK policy. For example, Hu Nim described of the actions of four supposedly fellow anti-revolutionary “intellectuals” he worked with in an office code-named K-33 as follows:

When the Office was short of food and we ate only gruel, the four of them attacked collectivization. . . . One day during a general meeting of the Office, Nak took a stand against collectivization and criticized the collective system, giving reasons such as the shortage of medicine, the shortage of food, and the inability to grow vegetables, catch fish, or raise animals.¹⁴²

Elsewhere in his confession, Hu Nim claimed that then-Northwest Zone Secretary Nhim Ros had “[disagreed] with the party on the path of agricultural construction”¹⁴³ and implicated him in “crimes” including resistance to the central leadership’s agricultural and social policies.¹⁴⁴ Hu Nim explained that, contrary to CPK policy, “brother Nhim’s concept was of a system of plenty. The concept of a system of plenty and of not relying on labour power are concepts opposed to the basic political line of the party, which is independence — self reliance — mastery.”¹⁴⁵ He described this line of “plenty” as “brother Nhim’s fundamental an-

139 Ben Kiernan, *Introduction to Planning the Past: The Forced Confessions of Hu Nim*, in *POL POT PLANS THE FUTURE* 230-31, *supra* note 31.

140 *Id.* at 231 (citing defector Lim Mean, who crossed into Thailand on 2 November 1978).

141 *Id.* at 227.

142 *Confessions of Hu Nim*, *supra* note 125, at 287-88.

143 *Id.* at 290.

144 *See id.* (alleging that Nhim Ros said: “The standpoint of the [CPK] Standing Committee on agricultural construction is basically to rely on labor power. I do not agree with that. In the Northwest, especially in Regions 3, 4, and 5 which are the granary of [Cambodia], there are vast farms kilometers long. In ploughing, harvesting, and threshing, the use of labor power alone has a retarding effect. Tractors and machinery must be used.”).

145 *Id.*

ti-party position.”¹⁴⁶ Hu Nim said that Nhim cultivated fellow internal enemies in Northwest Zone areas that are the “granary of Kampuchea,” by explaining that this area could only produce the “hundreds of thousands of tons of rice exported overseas” by utilizing modern farming techniques, including machinery.¹⁴⁷ Hu Nim also said that Nhim Ros had blamed the Party Center for demanding impossible production targets.¹⁴⁸

Later in his confession, Hu Nim said Eastern Zone Secretary Sao Phim shared Nhim’s desire to open Cambodia’s borders and to accept foreign aid.¹⁴⁹ The confessions of Hu Nim and fellow former prominent CPK members Koy Thuon and Doeun all implicated Sao Phim in an elaborate scheme to overthrow the CPK leadership. Sao Phim was a long-time revolutionary and, by most accounts, a popular leader. During his leadership the Eastern Zone was a relatively better place to live than others, with less executions and better rations.¹⁵⁰ The Eastern Zone was viewed with suspicion by the CPK leadership group, which feared Sao Phim’s autonomy, popularity, and ties with the hated Vietnamese communists.¹⁵¹ The Eastern Zone was thoroughly purged throughout 1977 and it was only a matter of time before Sao Phim was arrested and sent to S-21. In June of 1977, Sao Phim shot himself as CPK internal security officers were on their way to arrest him.¹⁵² Shortly after Sao Phim’s suicide, Sok Thuok, alias Vorn Vet, CPK Second Deputy Prime Minister and Minister of the Economy¹⁵³ was arrested and also implicated Sao Phim in a plot against the CPK Center:

[Sao Phim] informed me on the good situation in the East Zone. [The alleged enemy group, the ‘Workers Party of Kampuchea’] had been able to build itself up in the ranks of the military and among the people. Cooperatives had already been established,

146 *Id.*

147 *Id.* at 292.

148 *See id.* at 293. Quoting Nhim Ros as saying:

[T]he party has assigned us the task of achieving three tons per hectare throughout the whole country. As for the Northwest, in particular Regions 3, 4, and 5, the party has assigned us four tons per hectare . . . How can we [fulfill this quota], if there is no solution to the problem of tractors, machinery, and petrol? We cannot. This is not my fault, it’s the fault of the Standing Committee.

Id.

149 *Id.* at 296 (alleging that Sao Phim said: “[B]uilding agriculture is the same as making the country prosper quickly. We cannot just depend on our own forces, we must also rely on foreign aid”).

150 CHANDLER, VOICES FROM S-21, *supra* note 37, at 71-74.

151 The Eastern Zone shared a long land border with Vietnam and Sao Phim, as a long-time revolutionary fighter had spent time with Viet Cong forces. *See, e.g.*, HINTON, WHY DID THEY KILL?, *supra* note 134, at 164-67.

152 *See, e.g., id.*

153 *See* First Congress Meeting, *supra* note 133.

but the harvest was distributed and there was a private standard of living in accordance with the demands of the people [who] did not want to eat in common because they perceived that this meant shortages of everything. If they...lived privately, eating in families as in China, the people would be very happy.¹⁵⁴

Purged Northwest Zone Secretary Nhim Ros, implicated in Hu Nim's extensive confessions discussed above, was in a similar position as Sao Phim in that both were long-time revolutionaries before their affiliations with the Khmer Rouge movement and were thus presumably perceived as a threat to the absolute authority of the Pol Pot-led faction that dominated the central CPK leadership. Additionally, available evidence suggests that both men critiqued and/or strayed from the strictures of the CPK line regarding the requirements of the Super Great Leap Forward plan. As the Secretary of the Northwest Zone, Nhim Ros was put in an especially untenable position, as he was asked to produce thirty percent of the country's rice for export, without the benefit of the modern machinery that previously allowed Northwestern Cambodia to become the nation's rice-producing capital.¹⁵⁵ Thus, both men were apparently purged because they were not trusted by the highest echelons of the CPK leadership, in part due to a willingness to oppose some of the more extreme policies that were also the primary causes of famine.

While underperforming or mistrusted areas were violently purged, districts that reported achieving assigned rice production goals were labeled "model" cooperatives and earned the right to fly the Great Leap Forward flag, denoting their special achievement.¹⁵⁶ This practice created the incentive for local CPK officials to issue false reports to the Center in order to avoid its deadly scrutiny. Nevertheless, the CPK leaders assumed that problems with living conditions were the work of internal enemies. In 1978 Nuon Chea explained:

[T]he party had to give directives to a branch [T] concerning the living

154 CHANDLER, VOICES FROM S-21, *supra* note 37, at 72.

155 See generally KIERNAN, POL POT REGIME, *supra* note 23, at 216-50 (providing an overview of living conditions, rice production quotas and purges of the Northwest Zone).

156 See *Decisions of the Central Committee on a Variety of Questions*, in POL POT PLANS THE FUTURE 3, *supra* note 31 [hereafter *Decisions of the Central Committee*]. For example, in 1977 the Central Committee of the CPK awarded the districts of Prasot, Kampong Tralach Leu and Tram Kak honorary red flags denoting their model status. See *Honorary Red Flag Award to the Districts of Prasot, Kampong Tralach Leu and Tram Kak*, 28 SEARCHING FOR THE TRUTH, Apr. 2002, at 7, www.dccam.org/Projects/Magazines/Previous%20Englis/Issue28.pdf (original document dated 30 June 1977 on file with DC-Cam). See also *1976 Decisions of the Central Committee*, 26 SEARCHING FOR THE TRUTH, Feb. 2002, at 2, www.dccam.org/Projects/Magazines/Previous%20Englis/Issue26.pdf (translation of CPK Central Committee document explaining why certain areas were given the honor of flying the revolutionary flag).

conditions of the people. When nothing changed, we realized something was wrong. Where there were deviations to the left or to the right, we looked carefully into the backgrounds of the cadres. We also sought the opinion of the masses. We have thus been able to uncover enemy agents step-by-step.”¹⁵⁷

5. THE RESULT: FAMINE AND DENIAL IN CAMBODIA

By late 1975, the evacuation of Cambodia’s cities was complete, the borders closed and the CPK was firmly in control of national policy. The stage was thus set for the Khmer Rouge leadership to deliver on its promise of a new, more bountiful Cambodia. Instead, through what Cambodian history scholar David Chandler has aptly referred to as a “volatile mixture of hubris, paranoia, and wishful thinking[.]”¹⁵⁸ Pol Pot and the rest of the central CPK leadership almost immediately set the nation down a path to catastrophic violence and famine.

Conditions in 1975 did not provide the CPK with a true opportunity to overhaul national agricultural policies, as the final throes of the civil war had left much of the country unprepared to begin the rice-planting season.¹⁵⁹ As such, for the remainder of 1975, the Party Center established its power base and prepared to implement its planned radical overhaul of Cambodian society in 1976 in earnest. Indeed, it appears that during this period of consolidation and preparation, the meagre 1975 rice crop was left largely free from state expropriation. Moreover, the CPK’s full range of famine-inducing social policies, including bans on private cooking and eating and absolute collectivized living were not yet nationally implemented. Despite the trauma of the five-year civil war, the rapid end of international food aid, and the chaos caused by the evacuation of Phnom Penh, famine does not appear to have been widespread in 1975, although hunger was not unknown and many evacuees were left to fend for themselves, resulting in food shortages and the spread of disease.

Throughout 1975, the government also imported rice from China, which was received at Kampong Som seaport and subsequently distributed throughout the

157 Nuon Chea, “Denmark Statement,” *supra* note 18, at 30.

158 CHANDLER, VOICES FROM S-21, *supra* note 37, at 44.

159 The planting season for Cambodia’s main wet-season rice crop is May through July with rice shoots transplanted from late June through September. Fields must be prepared for planting and seed selected and allocated prior to planting season. *See, e.g.*, UN Food & Agriculture Organization, “Cambodia: Country Profile,” at <http://coin.fao.org/cms/world/cambodia/CountryInformation.html>.

country.¹⁶⁰ The imported rice, however, appears to have been destined for use as seed rather than consumption, as part of the CPK's preparations to overhaul Cambodia's agricultural sector.¹⁶¹ By the end of 1975, the Khmer Rouge-dominated faction of the CPK had assumed full power, with the entire nation under its direct control.¹⁶² The absence of mass famine in 1975 likely stoked belief amongst the central leadership in the superiority of the Cambodian revolution, contributing to the air of unrealistic optimism that reigned at the time within the upper CPK echelons. For example, in the handwritten minutes of a 10 July 1976 CPK meeting attended by Deputy Prime Minister and Minister of Foreign Affairs Ieng Sary, under the heading "The Current Political Tasks of Democratic Kampuchea" it states:

Emerging from the war, we focus on agricultural tools. This year, we have made these agricultural necessities available to a great extent both in the rural and urban areas, but we have never met with starvation. This year alone, we have rice, cassava and corn. Since 17 April 1975, we have opened a new historical page in which we have brought back the entire production mechanism....If we are compared to Vietnam and Laos, we see that Vietnam still remains a mixture of classes like Cambodia in 1965, whereas we have a complete class purification. In terms of rice production, Vietnam lacked 1,200,000 tons and Laos invited French companies to help, but we met basic needs which is unique in our history. In China, it is not good and in Russia, pretty good.¹⁶³

Lower-level CPK officials were instructed to follow, unquestioningly, the regime's broad policies in pursuit of the Super Great Leap Forward plan. These local leaders were instructed by the central leadership to "grasp hold of

160 See, e.g., 33 *Assistant Rice*, DC-Cam Doc. D22459 (Apr. 2, 1976); *State Commerce Committee Report on Rice for 28 August to 30 September 1975*, DC-Cam Doc. D21975 (Sept. 30, 1975); *State Commerce Committee Weekly Report on Rice from 1 to 8 October 1975*, DC-Cam Doc. D21985 (Oct. 8, 1975).

161 Surviving documentation repeatedly refers to rice imported in 1975 as "33 Assistance Rice." The CPK planned to increase rice production and national income partially by cultivating fast-growing rice varieties suitable for sale on the international market, especially to the regime's main trade partner, China. The CPK sought to achieve a second annual rice crop through this focus on fast growing varieties. As such, it is probable that "33 Assistance Rice" referred to a Chinese variety of rice reaching only approximately thirty-three centimetres in height but maturing for harvest more rapidly than longer Cambodian varieties. Chhang Interview, *supra* note 22.

162 See KIERNAN, *POL POT REGIME*, *supra* note 23, at 65-101. See also Excerpted Report, *supra* note 34, at 25 (quoting Pol Pot as stating at a June 1976 meeting: "All the people are in our grasp. We hold full state power, as well as the whole economy.").

163 Kosal, Kiernan & Sim, *supra* note 114, at 17.

[the workers'] consciousness [and] make things clear to them”¹⁶⁴ in order to achieve rice production targets. They were told not to complain about the CPK’s overly rapid Super Great Leap Forward expectations, but to “do the plan” regardless of the difficulties they encountered.¹⁶⁵ In order to “grasp hold of the cooperatives” and thereby ensure that its agricultural policies were strictly followed, the CPK leadership “suggest[ed] that the majority of the armed forces...stay with the people[.]” which resulted in armed militia being dispersed amongst the people to oversee the implementation of CPK policies.¹⁶⁶

In support of the CPK’s military-style all-out push to increase rice production in 1976, Cambodian civilians spent almost every waking moment working to produce rice or on irrigation projects. The caloric output of Cambodia’s workforce during the Khmer Rouge period was tremendous, and it is likely the typical 2,000-calorie per-day diet of the average Cambodian¹⁶⁷ needed to be increased in order to avoid famine. Instead, the rations given to the labour force fell far short of even the modest diet of most Cambodians. While CPK rhetoric commonly referenced the need for adequate food in order to support the civilian workforce¹⁶⁸ and, nominally, every Cambodian was entitled to a ration equivalent to approximately 0.85 kilograms of rice per day,¹⁶⁹ there was never any systematic oversight of food rations. In sharp contrast, the Party Center took careful note of the amount of rice collected from each administrative Zone and any shortfalls risked a violent purge. The CPK’s voracious demand for rice, combined with the potential for violent repercussions if it was not met, potently incentivized local CPK officials to report fictitiously large production amounts in order to evade the volatile scrutiny of the Party Center, with the brunt of the inevitable shortfall borne by the civilian population.¹⁷⁰ The resulting rations were woefully

164 Excerpted Report, *supra* note 34, at 17.

165 *See id.* at 128.

166 *See id.*

167 RICE ALMANAC, *supra* note 13, at 7.

168 *See, e.g.*, Preliminary Explanation, *supra* note 32, at 158.

169 *See* Four-Year Plan, *supra* note 32, at 55. The CPK leadership even went so far as to project in the Four-Year Plan that dessert would be served every day by 1979. *Id.* at 107.

170 Expert witness Philip Short, a journalist and author of the book *POL POT: ANATOMY OF A NIGHTMARE*, testified in ECCC Case 002 that in his opinion, the CPK leadership did not affirmatively seek to control the population by providing starvation rations, but instead failed to supervise local leaders, who in turn reduced civilian rations in order to satisfy the CPK’s demands for rice. *See* Mary Kozlovski, *Defense Dissects Philip Short’s Credentials, Methodology, and Biography of Pol Pot*, Cambodia Tribunal Monitor Blog (May 8, 2013), at www.cambodiatribunal.org/blog.

insufficient¹⁷¹ in most if not all areas, and starting in 1976 Cambodians numbering at least into the thousands began to perish from a mixture of undernutrition and disease as famine spread across the countryside.¹⁷² Reports of famine, however, only led the central leadership to respond with more violent purges, such as the purge of the Northwest Zone following Ieng Thirith's 1976 investigatory visit. Meanwhile, the policies responsible for causing famine to begin in the first place were treated as infallible and left unchanged, even as the death toll continued to rise into the hundreds of thousands.

Despite the fact that famine conditions were already becoming severe in various parts of the country as a result of their policies, CPK leaders viewed the 1976 rice crop as a modest success.¹⁷³ At a December 1976 CPK Party meeting, a top leader—very possibly Pol Pot himself¹⁷⁴—discussed the successes and failures of the preceding year, declaring that the regime had “scrutin[ized]” the results of implementing the socialist revolution for the year and the “outcome of our scrutiny is that we can see increased results for 1976.”¹⁷⁵ These successes existed despite the fact that “some shortcomings can be noted,” including “the matter of assembling food reserves for our people,” which the speaker admits “is our [the CPK’s] fault.”¹⁷⁶ In an uncharacteristic moment of candour, he acknowledged that “three-quarters of the country has failed [to adequately feed] the civilian population and that this affects the health of the people.”¹⁷⁷ The purported reason for this shortfall in food reserves, however, was that “the party line has not yet filtered down,” to all areas.¹⁷⁸ These shortfalls would be avoided in the future by adhering more strictly to the CPK’s political edicts, rather than altering the party “line” in any way, as the central leadership still believed in itself “completely.”¹⁷⁹ Meanwhile,

171 Survivors from various locations throughout Cambodia have reported a typical ration of two small ladles of watery rice or corn gruel per day, sometimes supplemented with salt or a vegetable such as *trakuon* (water morning glory) and rarely, small amounts of meat or fish. See, e.g., Barry Kramer, *Tales of Terror: Cambodian Refugees Tell a Story of Hunger, Repression and Death*, WALL STREET JOURNAL, Nov. 22, 1978, at 1; Henry Kamm, *The Agony of Cambodia*, NEW YORK TIMES MAGAZINE, Nov. 19, 1978, at 42. Survivors also consistently cite variations on this ration in interviews with the author and DC-Cam staff members.

172 See, e.g., KIERNAN, POL POT REGIME, *supra* note 23, at 235-36; CTM: “Former Warehouse Official,” *supra* note 81.

173 See Report of Activities, *supra* note 88, at 195 (summarizing that “[o]n the whole in 1976, a period when we had real difficulties, we performed quite well”).

174 Pol Pot is not named as the speaker in the primary CPK document, which consists of the transcript of a speech by a comrade “representing the party.” However, Khmer Rouge researchers have concluded that he likely wrote and delivered the speech. See David P Chandler, *Introduction to Report of Activities of the Party Center According to the General Political Tasks of 1976*, in POL POT PLANS THE FUTURE 177, *supra* note 31.

175 Report of Activities, *supra* note 88, at 182.

176 *Id.* at 188.

177 *Id.*

178 *Id.*

179 *Id.* at 189.

despite the spread of famine, in December of 1976, the CPK estimated that a national “surplus” of 247,000 tons of milled rice had been achieved¹⁸⁰ and in January of 1977, Phnom Penh radio announced that 150,000 tons of rice was being prepared for export “to earn capital for national defence and construction efforts.”¹⁸¹

After these perceived “increased results” of 1976, the Party Center continued to pursue the Super Great Leap Forward plan despite evidence of its harmful impact on the civilian population.¹⁸² In a late 1976 “Report on Political Tasks” the Party Center announced a production target of 5,400,000 tons of milled rice for 1977 in order to harvest a “surplus” of 841,000 tons.¹⁸³

The renewed push to multiply Cambodia’s rice production soon escalated the severity of the national famine. To make matters worse, at the beginning of 1977 a flood occurred in Cambodia, followed by a drought throughout Southeast Asia, reducing crop yields throughout the region.¹⁸⁴ Cambodia, along with Vietnam, Laos, Thailand and Myanmar all suffered reduced rice output, however, the effects were not catastrophic outside of Cambodia and none of the bordering nations experienced famine.¹⁸⁵ Adding to these difficulties, internal party purges began in 1976 and continued unabated throughout the rest of the Khmer Rouge period, disorganizing the economy and decreasing agricultural production.¹⁸⁶ Around the end of 1976, Cambodians began starving to death on a massive scale, and in particularly hard-hit areas entire villages virtually disappeared due to mass starvation events.¹⁸⁷

Despite this continual worsening of famine conditions, there is no evidence that the CPK leadership ever considered changing or slowing down the pace of its

180 *Id.* at 195.

181 KIERNAN, POL POT REGIME, *supra* note 23, at 204 (citing Phnom Penh Radio broadcasts of 27 January and 12 April 1977).

182 The CPK Center appears to have been aware of the fact that the workforce was depleted, especially in areas that had been assigned especially high quotas of rice production. The Center assumed however, that this problem would be solved through pure revolutionary zeal and strict adherence to the party line. *See generally* Preliminary Explanation, *supra* note 32, at 131 (admitting that “[t]here was a fault in the 1976 [draft] plan where the plan set a target of three tons of padi [unmilled rice] per hectare. When we started out with the 1976 plan, the line was to struggle and to scatter everything before us in disorder. Some regions managed to harvest three tons. They did so because their political consciousness was particularly strong, but they became tired, because we attacked everywhere at once. To attack in this way over a long period of time is impossible.”).

183 Report of Activities, *supra* note 88, at 196 (considering this figure, which would result in 500,000 tons of milled rice for export, a “low estimate”).

184 *See* Jackson, *supra* note 95, at 88.

185 *See* RICE ALMANAC, *supra* note 13, at 105, 109, 113 and 183 (Vietnam, Thailand, Myanmar and Laos PDR rice-production charts respectively).

186 In a 1977 report, Karl Jackson described the CPK as “already staggering from the effects of previous bloodlettings.” Jackson, *supra* note 95, at 81.

187 For example, Ben Kiernan found that anywhere from 2,982 to 5,017 people died of starvation in Preah Net Preah village in 1976 alone. KIERNAN, POL POT REGIME, *supra* note 23, at 235-36.

famine-inducing policies.¹⁸⁸ Faced with overwhelming evidence that the goal of three tons per hectare was unachievable and its rice exports were coming at the expense of a starving civilian populace, the CPK Center continued to shift blame for famine to fabricated networks of enemies. For example, in October 1977 CPK propaganda magazine *Tung Padevat* blamed “bad class elements” for administering cooperatives “without rice to eat.”¹⁸⁹ Meanwhile, the Party Center continued to expropriate and export rice from the countryside throughout the remainder of the Khmer Rouge period while simultaneously publicly denying the existence of mass famine, especially in international media.¹⁹⁰

In late 1978, the Vietnamese military invaded Cambodia and swept the Khmer Rouge from power, taking control of Phnom Penh on 6 January 1979. The horrendous results of the Khmer Rouge’s socio-economic policies were evident in the Thai refugee camps to which many Cambodians fled in 1979. Undernutrition and associated diseases, along with malaria, were the main causes of death amongst newly arrived refugees.¹⁹¹ According to an account written by John Collins Harvey, a doctor who worked in a Thai refugee camp in 1979: “Among the refugees, the most serious problems were starvation. . . in the children, vitamin deficiencies, particularly beri-beri, unattended war wounds compounded with starvation, untreated malaria. . . and anaemia.”¹⁹² Harvey observed that “[m]ost of the children suffered from diarrhea,”¹⁹³ a common symptom of undernutrition. In fact, the “chronic undernutrition so altered growth patterns that boys who looked to [Harvey] to be eight to 11 years of age reported ages anywhere from 16 to 20 years.”¹⁹⁴

Only the ouster of the Khmer Rouge from power brought famine relief to Cambodia. Indeed, the speed with which famine conditions improved in post-Khmer Rouge Cambodia is both a testament to the agricultural prowess of Cambodian farmers and a powerful indictment of CPK policies. The fighting between the invading Vietnamese military and retreating Khmer Rouge forces and the exodus of newly freed Cambodians back to their homes resulted in scattershot plant-

188 See Chandler & Kiernan, *Preface*, *supra* note 76, at xv (“There is no evidence that [CPK leaders] ever considered doing things differently. People who proposed going slowly were ignored or put to death.”).

189 See CHANDLER, VOICES FROM S-21, *supra* note 37, at 69 (quoting TUNG PADEVAT, October 1977).

190 See, e.g., *The Dialogue between Pol Pot, Secretary of the Central Committee of the CPK and First Minister of the Democratic Kampuchea Government, and a Delegation of the Belgian-Kampuchean Association Phnom Penh August, 1978* (DC-Cam Doc, D00108), SEARCHING FOR THE TRUTH, 2d Quarter 2004, at 15, www.d.dccam.org/Projects/Magazines/Image_Eng/pdf/2nd_Quarter_2004.pdf.

191 See *Emergency Refugee Health-Care: a Chronicle of Experience in the Khmer Assistance Operation 1979-1980* (Department of Health and Human Services – Public Health Services – Center for Disease Control, Donald T. Allegra, Phillip Nieburg & Magnus Grabe, eds., 1984) at 29-34, 75-84.

192 John Henry Collins, *Medical Relief Work Among Cambodian Refugees in Thailand* 92 *TRANSACTIONS AM. CLINICAL & CLIMATOLOGICAL ASS’N* 28, 30-31 (1981).

193 *Id.* at 31.

194 *Id.*

ing of the 1979 rice crop. It is impossible to know exactly how much rice was planted;¹⁹⁵ however, one estimate placed the national rice crop for 1979 at 265,220 tons—an shortfall of approximate eighty percent of typical yields in prewar times.¹⁹⁶ The world press predicted mass famine and starvation in Cambodia under the new Vietnamese-backed People's Republic of Kampuchea (PRK) government.¹⁹⁷

The popular perception at the time was that only a herculean international aid effort could head off the looming famine catastrophe. These prognostications of catastrophic famine turned out to be overblown. The PRK allowed international food aid into the country, but various logistical and political problems limited the amount of this aid and where it could be distributed.¹⁹⁸ When food aid arrived, the PRK government appropriated much of it to feed government workers and returning urban populations and made little effort to dispense food to the countryside.¹⁹⁹ Ousted Khmer Rouge leaders responded with propaganda accusing the PRK government of committing crimes of “genocide” and “extermination” by

195 See MAGGIE BLACK, *THE CHILDREN AND THE NATIONS: GROWING UP TOGETHER IN THE POSTWAR WORLD* 380 (Melbourne: MacMillan, 1987) (“The tremendous dislocation of people in the early months of the year had coincided with the pre-monsoon and early monsoon planting season. Millions of acres of rice paddies had been left unplanted at a time when planting should be far advanced. Estimates of the probable consequences on the 1979 crop were pure guesswork. If anything resembling a survey had been undertaken, no-one in the international aid community was aware of it.”).

196 This is the figure put out by the post-Khmer Rouge Vietnamese-backed People's Republic of Kampuchea (“PRK”) government and listed in the Cambodian Ministry of Education's social science textbook, available at www.dccam.org.

197 See, e.g., *The National: Genocide and Famine in Cambodia*, CBC TV NEWS, Oct. 16, 1979, <http://archives.cbc.ca> (reporting that estimates suggest 2.5 million people could die from hunger and/or disease due to lack of food in Cambodia due to the fact that the rice crop had not been planted and the infrastructure problems facing relief efforts). See also *Cambodia: And Now the Horror of Famine*, TIME MAGAZINE, Oct. 22, 1979.

198 See, e.g., *Cambodia: Blocking Food*, INT'L HERALD TRIBUNE, Dec. 20, 1979, at 6; *Relief Agencies Slow Down Food Aid to Kampuchea*, THE TIMES, Jan. 3, 1980. For a detailed history of the events and negotiations leading up to the provision of food aid to Cambodia in 1980, see Black, *supra* note 195, 378-93.

199 Black, *supra* note 195, at 398.

The policies of the Phnom Penh authorities was the other reason why famine on a mass scale was avoided. In normal times, a grain tax was traditionally levied on the farmers; the grain thus taken by the authorities was sold in the towns or for export to raise revenues. In November 1979, and during the two harvest seasons in 1980, the grain tax was suspended. Instead, following negotiations with Unicef and FAO, the Heng Samrin [i.e. PRK] regime used relief food supplies to feed and pay government servants and party officials (rice was still the only medium of exchange in 1979 and early 1980). They also used the imported relief food for urban dwellers, putting it in the markets of the gradually re-emerging towns and cities. This meant that those who had planted rice kept their entire crop; there was no movement of food out of the countryside.

using “famine as a weapon” against the Cambodian people.²⁰⁰ Nonetheless, although food was scarce and famine did occur in some areas, when left to their own devices and free from government interference, most Cambodians acquired enough food to survive through a mixture of food crops, hunting, fishing and foraging.²⁰¹ As observed by humanitarian aid historian Maggie Black:

The main reason that the famine was not as severe as forecast was that the tropical climate and natural productivity of [Cambodian] soil produced food, willy nilly. People had cultivated maize, cassava, bananas and other crops in garden plots; and they harvested fish from the many rivers and from the large lake of Tonle Sap. They did manage, in addition, to grow some kind of a rice crop. In November, they brought in a harvest thought to approximate 300,000 tons, or one-third of the 900,000 tons needed.²⁰²

Black’s observations make clear that, when mass famine could be avoided in Cambodia essentially by leaving the civilian population to its own devices, Khmer Rouge policies had the impact of starving the population. This fact on its own serves as a strong moral indictment of the Khmer Rouge for the famine and starvation that took place in Cambodia from 1975 to 1979.

6. CONCLUSIONS

Several important conclusions can be drawn from the foregoing overview of the Khmer Rouge period famine. First, as a general matter, responsibility for basic famine causation can be laid squarely at the doorstep of the Khmer Rouge regime. The country avoided mass famine during both the pre and post Khmer Rouge periods, despite the devastation of the civil war during the former and the initial absence of a state infrastructure during the latter. Meanwhile, when there was a minor Southeast Asian drought in 1977, Cambodia was the only nation in the region to experience famine, demonstrating that natural variations in food production conditions played at most an exceedingly minor role in the famine. Finally, it is noteworthy that Cambodia has never experienced severe famine in its modern history other than during the Khmer Rouge period.

Second, specific CPK policies enacted by an small group of prominent leaders

200 See *Statement by Mrs. Ieng Thirith, Minister For Social Affairs, Head of the Delegation of Democratic Kampuchea, International Conference on Solidarity with Kampuchea*, DC-Cam Doc. D32322 (Stockholm, Sweden, Nov. 17-18, 1979) at 6, 8-10, 14. See also *Speech by the President of the Presidium of the State and Prime Minister Khieu Samphan at the Welcome Dinner Given by Prime Minister Hua Guofeng In Honour of the Delegation of Democratic Kampuchea* (excerpts) (Beijing, China, Mar. 9, 1980), DC-Cam Doc. D334451 at 2 (accusing the “Le Duan clique” [i.e. PRK] of “genocidal crimes” through inter alia, using “famine as a weapon to starve [the Cambodian] people”).

201 See RICE PRODUCTION IN CAMBODIA, *supra* note 15, at 6.

202 Black, *supra* note 195, at 398.

in Phnom Penh triggered, maintained and deepened famine conditions throughout the country for the duration of the Khmer Rouge period. CPK socio-economic policies eschewed virtually all sources of national revenue save for that gained through the export of rice, placing an enormous strain on production of the country's main food staple. This strain was made more severe by the leadership's desire to achieve production increases at a manifestly impossible pace and independent of foreign aid and modern equipment. Poor agricultural planning made rice production targets even more fantastical. As evidence of abject failure mounted and starvation spread, the central leaders refused to reconsider their deeply flawed policies.

Third, the CPK's pursuit of "pure" socialism and use of extreme violence to enforce its policies prevented local officials or civilians from ameliorating the severity of famine conditions. Civilians were forbidden from growing or foraging for food and private cooking or eating was outlawed. There was no room for local leaders to deviate from or even critique CPK policy, as those who did — including high-level CPK officials, such as Sao Phim, Nhim Ros, Hu Yuon and Hu Nim — were systematically arrested and executed, often along with all of their subordinates and extended families.

Fourth, the central leadership in Phnom Penh received regular reports on conditions throughout the country, some of which mentioned civilian starvation, such as Ieng Thirith's report on living conditions in the Northwest Zone in 1976.²⁰³ As famine conditions worsened over time and mass starvation events began to occur in numerous locations, the sheer scale of the famine renders the ignorance of Party Center members remained implausible. Moreover, it appears that the Party Center was aware of international concern that mass starvation was occurring, as CPK propaganda demonstrates a concerted effort to publicly deny the existence of mass famine and simultaneously shift responsibility for famine conditions to imagined "enemies" of the revolution, who were allegedly sabotaging food crops and spreading dissent.

These basic facts suggest an evolution in the degree of knowledge amongst key high-level Khmer Rouge leaders that their policies were enforcing famine conditions on the civilian population. If one focuses solely on the point in time when the regime enacted its various famine-inducing policies, it appears plausible that

203 These high-level leaders, including members of the Central and Standing Committees, were also the only individuals who had the authority to travel freely throughout the country and many of these leaders would regularly visit worksites and cooperatives in order to inspect progress on important revolutionary projects, such as the construction of dams. While there is some evidence that the true horror of living conditions was purposefully hidden from visiting leaders to prevent violent backlashes, the possibility that such leaders did not see evidence of rampant starvation and disease strains believability, especially when some areas visited were sites where civilians were in the midst of dying off by the thousands from hunger, disease and overwork.

some or all former CPK leaders may have been initially ignorant of the deadly implications their policies portended for the civilian population. To focus solely on this moment in time, however, fails to account for the fact that famines generally are dynamic phenomena that weaken and kill victims over extended periods of time, and that the Khmer Rouge period famine itself lasted more than three years. When viewed in this dynamic way, continuing ignorance of the existence of mass famine among high-level CPK officials begins to strain credulity, as these leaders were openly obsessed with controlling national policy and monitoring conditions in the countryside, where civilians were dying of starvation by the thousands. Even if senior Khmer Rouge leaders were genuinely ignorant of the extent of famine in certain areas of the country, such ignorance would have been itself wilful: the product of the leaders' policy of responding with automatic violence against anyone who even pointed out the existence of famine, let alone complained about it or called for a change in policy.

At some point during the Khmer Rouge period, ever-mounting evidence and reports of mass famine and starvation rendered it impossible for the regime's leaders to maintain a state of actual ignorance, and possible initial negligence or recklessness on the part of individual CPK officials evolved into actual knowledge that government policies were causing civilians to starve by the thousands. Nevertheless, the CPK continued to enforce policies of forced labour, communal eating, bans on the private production and/or consumption of food and state expropriation of rice for export throughout the Khmer Rouge period. As such, it appears that Khmer Rouge leaders, at some point *after* becoming aware that the civilians under their authority were starving by the thousands, *chose* to prioritize the revolutionary goals over of the survival of the civilian population.

From a moral perspective, it is not difficult to blame the Khmer Rouge leadership for enforcing famine conditions on the civilian population while in power. However, group moral responsibility does not necessarily entail individual penal sanctions. How these facts interact and fit within the required elements of established international crimes and associated modes of liability must be assessed to determine potential criminal responsibility of former Khmer Rouge leaders. The second part of this article, to be published in the next issue of the CLPJ, will seek to perform this assessment by considering how the international criminal law concepts of genocide, war crimes and crimes against humanity interact with the foregoing factual overview of the Khmer Rouge period.