



Australian Government
Refugee Review Tribunal

Country Advice

Cambodia

Cambodia – KHM39355 – Khmer Rouge –
Tuol Sleng and Prey Sar Prisons – Ieng
Sary – Son Sen – Child soldiers

7 October 2011

1. Please provide information relating to the fall of Pol Pot and the Khmer Rouge in Cambodia, as well as any current activity of the Khmer Rouge in Cambodia.

For detailed background information regarding Pol Pot and the Khmer Rouge, please refer to *MRT Research Response KHM35674* of 24 November 2009.¹

The Cambodia Tribunal Monitor website provided the dates of key events regarding Pol Pot and the Khmer Rouge and its demise, summarised thusly:

- April 17, 1975: Khmer Rouge take full control of Phnom Penh
- 1976: Creation of Democratic Kampuchea
- Late 1977: Clashes between Cambodia and Vietnam
- December 1978: Vietnamese troops enter Cambodia
- January 7, 1979: Vietnamese troops take Phnom Penh; Khmer Rouge leaders flee west into Thailand, establish new base
- 1979-1990: United Nations continue to recognise Khmer Rouge as legitimate government
- 1982: Khmer Rouge form shadow government; Vietnam installs regime in Phnom Penh
- 1990: Vietnam withdraws from Cambodia
- 1993: Khmer Rouge continue insurgency against new government
- 1998: Pol Pot dies; Senior Khmer Rouge leaders defect
- March 1999: Remaining Khmer Rouge leaders captured
- 1999: Collapse of Khmer Rouge movement after entire leadership structure defects, dies, or is arrested.²

¹ MRT Research Response 2009, *Research Response KHM35674*, 24 November <Attachment>

² 'Timeline of the Khmer Rouge's Rise and Fall From Power' (undated), Cambodia Tribunal Monitor website <http://www.cambodiatribunal.org/history/chronology-khmer-rouge-movement> – Accessed 30 September 2011 <Attachment>

No information was located to indicate that the Khmer Rouge is currently active. According to the US Department of State, “[m]embership of the Khmer Rouge, which ruled the country from 1975 to 1979 and after its overthrow conducted an armed insurgency against the government, is illegal, as is membership in any armed group”.³ In July 2010, the former head of Tuol Sleng prison (refer to the response to Question 2), Kaing Guek Eav, aka Duch, was sentenced to 35 years’ gaol for war crimes and crimes against humanity. Four additional former Khmer Rouge leaders were indicted in September 2010 on charges including “genocide, crimes against humanity, torture, and murder”.⁴

2. Please provide information in relation to the prisons Tuol Sleng and Prey Sar.

Tuol Sleng

The history of Tuol Sleng is well documented; for further detail please refer to *MRT Research Response KHM35674* of 24 November 2009.⁵

Tuol Sleng, codenamed S-21, was the central location at which the intellectual classes were tortured and eliminated at the hands of the Cambodian secret police. Of the estimated two million Cambodians who died under the Khmer Rouge regime between 1975 and 1979, more than 17,000 “party officials, diplomats, Buddhist monks, engineers, doctors, teachers, students, musicians and dancers, were brought to a former school in the heart of Phnom Penh that had been converted into a torture centre. Only six came out of it alive”. According to the *Independent*, “[c]onfessions were extracted by primitive torture: prisoners were strapped to iron beds, suspended upside down from ropes, threatened with drowning, tormented with knives and pincers, locked in tiny cells. Then, at night, they were taken by lorry to the outskirts of Phnom Penh and killed in the rice fields”.⁶

With the arrival of the Vietnamese Army in Phnom Penh in 1979, the former school was “transformed once again, this time into the Tuol Sleng Museum of Genocide. Interrogation rooms were left intact, blood still staining the walls and floors; maps, paintings depicting torture, extracts of forced ‘confessions,’ photographs, victims’ clothing, torture devices and mounds of bones fill the compound”.⁷ According to the United Nations Educational Scientific and Cultural Organisation (UNESCO), the museum archives include “4,186 ‘confessions’ (many extracted under torture); 6,266 biographies of prisoners; 6,147 photographic prints and negatives of prisoners, demolished buildings, research activities, mass graves and remains of victims, as well as photos of visitors”.⁸

Prey Sar

³ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Cambodia*, 8 April, Section 2.b <Attachment>

⁴ Human Rights Watch 2011, *World Report 2011 – Cambodia*, 24 January www.hrw.org/en/world-report-2011/cambodia – Accessed 31 January 2011 <Attachment>

⁵ MRT Research Response 2009, *Research Response KHM35674*, 24 November <Attachment>

⁶ ‘They all had to be eliminated’ 2008, *The Independent*, 11 February <http://www.independent.co.uk/news/world/asia/they-all-had-to-be-eliminated-780684.html> – Accessed 12 February 2008 <Attachment>

⁷ Payne, C. 2000, ‘Unbearable witness’, *Canadian Medical Association Journal*, Vol. 163, No. 9, 31 October, pp. 1176-1178 <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC80256/> - Accessed 17 November 2009 <Attachment>

⁸ United Nations Educational Scientific and Cultural Organisation (UNESCO) 2009, ‘UNESCO helps preserve Tuol Sleng Genocide Museum Archives in Cambodia’, UNESCO website, 10 September http://portal.unesco.org/ci/en/ev.php-URL_ID=29102&URL_DO=DO_TOPIC&URL_SECTION=201.html – Accessed 4 October 2011 <Attachment>

Prey Sar prison is located in Dor Kor district, near central Phnom Penh, and is supervised by the Ministry of the Interior and the Health Ministry. From 1975 to 1979, under the Khmer Rouge regime, Prey Sar was reportedly a commune and detention centre. The prison has been described as “one of the most notorious jails in Southeast Asia and [is] often compared with the infamous Tuol Sleng prison”. In 2009, Prey Sar attracted widespread criticism for its “appalling conditions” and alleged human rights violations, including allegations of torture, overcrowding, and lack of adequate health care. Although designed to hold up to 1,200 inmates, a warden claimed that Prey Sar held up to 2,600 prisoners.⁹

According to the *Phnom Penh Post*, in August 2011 a blog allegedly written by a foreign inmate in Prey Sar attracted widespread attention, though some readers were sceptical of the blog’s authenticity. Titled “Life in one square meter”, the author claims to have received substandard health care from prison medical staff, and minimal assistance from non-governmental organisations (NGOs).¹⁰ In July 2011, Prey Sar prison director Mong Kim Heng and four other prison staff were “temporarily suspended after being brought in for questioning...about ‘irregularities’ at the prison”. The deputy-director of the prison department, Liv Mov, reportedly said that the suspended individuals had “made some ‘mistakes’”, but refused to elaborate further.¹¹

In May 2010, former Phnom Penh municipal police chief Heng Pov reportedly accused prison officers at Prey Sar of “overseeing the torture and beatings” of prisoners, and claimed that he had personally seen “prison guards at the prison ‘torture’ inmates”. Pov claimed that he had evidence proving that prison guards were responsible for the death of Heng Touch (see below). According to Am Sam Ath, a senior monitoring supervisor for rights group the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), despite his monitors not having “witnessed in-custody torture or beatings with their own eyes, they have heard many allegations from incarcerated inmates”.¹²

In November 2008, the Asian Human Rights Commission (AHRC) reported that prison guards “allegedly tortured a young man at Prey Sar prison on the outskirts of Phnom Penh”. After visiting her son, Heng Touch, at Prey Sar on 3 November 2008, and finding him in good health, Ang Bak Kea was informed on 13 November 2008 that her son had taken ill. Upon arrival at the prison, guards suggested to Kea that for US\$200, her son could be transferred to another room. This figure was reduced to US\$100 by the guards, who then refused Kea’s offer of US\$50. When access to her son was granted, Kea found that his “head was swollen, his face bruised and his tongue cut. He fainted and lost consciousness”. Kea reportedly paid US\$30 to prison officials to have her son sent to a hospital in Phnom Penh, where upon regaining consciousness, he told his mother that he had been beaten by five men. Tests later revealed that Heng had a fractured skull and damaged lungs; he died on 21 November 2008. Witnesses claim that he was tortured while in prison; a family member

⁹ ‘Horror prison lifts the bar on atrocities’ 2009, *Bangkok Post*, 30 November
<http://www.bangkokpost.com/news/local/28343/horror-prison-lifts-the-bar-on-atrocities> – Accessed 9 June 2011
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¹⁰ ‘Inside the Prisons of Cambodia’ 2011, *Phnom Penh Post*, source: *Global Voices*, 4 September
<http://cambodiatodayz.com/inside-the-prisons-of-cambodia.html> – Accessed 4 October 2011 <Attachment>

¹¹ ‘Prey Sar director suspended’ 2011, *Cambodia Today*, source: *Phnom Penh Post*, 29 July
<http://cambodiatodayz.com/prey-sar-director-suspended.html> – Accessed 4 October 2011 <Attachment>

¹² ‘Torture at Prey Sar: Heng Pov’ 2010, United Khmer website, source: *Phnom Penh Post*, 3 May
<http://unitedkhmer.wordpress.com/2010/05/03/torture-at-prey-sar-heng-pov/> – Accessed 4 October 2011
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believed that the torture was a result of the failed effort to solicit a bribe during his mother's visit to the gaol.¹³

3. Please provide information relating to Ieng Sary and Son Sen.

Ieng Sary

Biographical information from the Documentation Center of Cambodia indicates that Sary was commander of the Khmer Rouge northeast zone prior to 1972, and was confirmed as a member of the Communist Party of Kampuchea (CPK) Standing Committee in 1976.¹⁴ The *International Herald Tribune* stated that Ieng Sary was a “onetime history and geography teacher who became the Khmer Rouge foreign minister and deputy prime minister”.¹⁵

Ieng Sary was Pol Pot's brother-in-law, and studied with Pot in Paris prior to the formation of the Khmer Rouge. Described as “[g]regarious and aggressive”, Sary actively recruited people for the Khmer Rouge.¹⁶ According to the *Political Handbook of the World*, Sary was a former Democratic Kampuchea deputy premier.¹⁷ Following the Vietnamese invasion in 1979, Sary reportedly fled to the Thai border, and “continued to serve as the Khmer Rouge deputy prime minister in charge of foreign affairs”. Sary was considered to be a very powerful figure within the Khmer Rouge, despite not holding any formal position within the leadership.¹⁸

According to the International Crisis Group (ICG), in 1979 Sary and Pol Pot were tried *in absentia* “on charges of genocide, found guilty and sentenced to death – a sentence unable to be executed because the accused could never be captured”. In exchange for the promise of an amnesty,¹⁹ in 1996 a splinter group led by Sary “opted to abandon the military struggle and to negotiate with the government”. After defecting, Sary established the Democratic National United Movement (DNUM), believed to be “the last successor to a series of *Khmer Rouge* parties”. By 1998, Sary and an estimated 25,000 former Khmer Rouge followers had established a semi-autonomous enclave. Sary, now 85 years old, and his wife were arrested in September 2007.²⁰ In June 2011, Sary and three other former Khmer Rouge leaders went on

¹³ Asian Human Rights Commission 2008, ‘Cambodia: Prison guards allegedly torture an inmate to death in Phnom Penh’, Asian Human Rights Commission website, 26 November <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-253-2008> – Accessed 30 September 2011 <Attachment>

¹⁴ ‘Ieng Sary – Biographic Database’ (undated), Documentation Center of Cambodia website http://www.dccam.org/Database/Biographic/Detail1.php?Record_ID=Y00176 &&screen=0&&RowNumber1=10&&FieldName=Name&&Request=Ieng Sary&&FieldName1=&&Request1=&&Operator= – Accessed 3 October 2011 <Attachment>

¹⁵ ‘Ex-official of Khmer Rouge and wife arrested’ 2007, *International Herald Tribune*, 12 November <http://www.ihrt.com/bin/printfriendly.php?id=8298302> – Accessed 13 November 2007 <Attachment>

¹⁶ ‘Threats who are the Khmer Rouge?’ 1993, *Asiaweek*, 13 January – Accessed 19 August 1997 <Attachment>

¹⁷ Banks, A. et al. 2010, ‘Cambodia’, *Political Handbook of the World*, CQ Press, Washington – Accessed 4 June 2010 <Attachment>

¹⁸ Department of Anthropology and Center for Southeast Asian Studies (undated), ‘Biographies’, Northern Illinois University website <http://www.seasite.niu.edu/khmer/Ledgerwood/biographies.htm> – Accessed 3 October 2011 <Attachment>

¹⁹ International Crisis Group 2000, *Cambodia: The Elusive Peace Dividend*, Asia Report No 8, 11 August, p.27 <http://www.crisisgroup.org/~media/Files/asia/south-east-asia/cambodia/Cambodia%20The%20Elusive%20Peace%20Dividend.pdf> – Accessed 3 October 2011 <Attachment>

²⁰ Banks, A. et al. 2010, ‘Cambodia’, *Political Handbook of the World*, CQ Press, Washington – Accessed 4 June 2010 <Attachment>

trial, facing charges of “crimes against humanity, war crimes, genocide, homicide and other offences that occurred when the Khmer Rouge were in power from 1975 to 1979”.²¹

Son Sen

According to the Documentation Center of Cambodia, Son Sen was Deputy Prime Minister for National Defense from 1975 to 1979, as well as being in charge of ‘General staff and security’, and a member of the CPK Standing Committee.²² Sen also studied in Paris with Pol Pot, before becoming the Khmer Rouge defence chief. Sen graduated from the Sorbonne in Paris, and ultimately ended up as one of two Khmer Rouge representatives on the Supreme National Council (SNC), which represented the four main political factions within Cambodia. According to *Asiaweek*, Son Sen and Ieng Sary remained trusted allies of Pol Pot as of January 1993.²³ Sen has reportedly been described as “the chief executioner for the Khmer Rouge; he was responsible for a chaotic and brutal mass evacuation of Phnom Penh and, as Defense Minister, for the torture and killing of some 10,000 people at Tuol Sleng prison”.²⁴

The Department of Anthropology and Center for Southeast Asian Studies at Northern Illinois University noted that “[r]ecent archival research revealed that Son Sen was directly involved in the Khmer Rouge murderous activities and the radical policies that led to the deaths of over a million and a half Cambodians”. Sen was reportedly relieved of his official duties in 1992 due to his belief that the Khmer Rouge should actively participate in the peace process, but was later reinstated.²⁵

In 1997, Pol Pot reportedly “ordered the execution of long-standing *Khmer Rouge* military leader SON SEN for negotiating with the government”.²⁶ According to *The New York Times*, then premier Prince Ranariddh claimed that Pol Pot had accused Son Sen of being allied with pro-Vietnamese Prime Minister Hun Sen. The prince is quoted as stating that “on the 10th of June at 2 A.M. he killed Son Sen and 10 of his family members very brutally, very cruelly, but shooting them and running over them with a truck. I have enough evidence with pictures to show the killing of Son Sen”.²⁷

²¹ ‘Ex-Khmer Rouge Leaders Go on Trial in Cambodia’ 2011, *The New York Times*, 26 June http://www.nytimes.com/2011/06/27/world/asia/27cambodia.html?_r=1&ref=iengsary – Accessed 5 October 2011 <Attachment>

²² ‘Son Sen – Biographic Database’ (undated), Documentation Center of Cambodia website http://www.dccam.org/Database/Biographic/Detail1.php?Record_ID=Y00486&&screen=0&&RowNumber1=10&&FieldName=Name&&Request=SonSen&&FieldName1=&&Request1=&&Operator= – Accessed 3 October 2011 <Attachment>

²³ ‘Threats who are the Khmer Rouge?’ 1993, *Asiaweek*, 13 January – Accessed 19 August 1997 <Attachment>

²⁴ ‘Khmer Rouge Said to Execute a Top Aide on Pol Pot’s Order’ 1997, *The New York Times*, 14 June <http://www.nytimes.com/1997/06/14/world/khmer-rouge-said-to-execute-a-top-aide-on-pol-pot-s-order.html> – Accessed 3 October 2011 <Attachment>

²⁵ Department of Anthropology and Center for Southeast Asian Studies (undated), ‘Biographies’, Northern Illinois University website <http://www.seasite.niu.edu/khmer/Ledgerwood/biographies.htm> – Accessed 3 October 2011 <Attachment>

²⁶ Banks, A. et al. 2010, ‘Cambodia’, *Political Handbook of the World*, CQ Press, Washington – Accessed 4 June 2010 <Attachment>

²⁷ ‘Khmer Rouge Said to Execute a Top Aide on Pol Pot’s Order’ 1997, *The New York Times*, 14 June <http://www.nytimes.com/1997/06/14/world/khmer-rouge-said-to-execute-a-top-aide-on-pol-pot-s-order.html> – Accessed 3 October 2011 <Attachment>

4. Please provide information relating to the government's treatment of former child soldiers of the Khmer Rouge.

Limited information was located regarding the government's treatment of former Khmer Rouge child soldiers. A 2008 report by the Coalition to Stop the Use of Child Soldiers noted that the Cambodian government had reportedly undertaken to "identify former child soldiers for demobilization, but there was no follow-up action taken or further available information".²⁸ No information was located regarding when this undertaking was made. An earlier report from 2004 cited a November 2003 speech by Prime Minister Hun Sen, in which he "referred to 'sacrifices made by countrymen' who have allowed their 'children, spouses and relatives' to serve in the Royal Cambodian Armed Forces". According to the report, "UNICEF stated that, although children no longer appeared to be recruited, some of the children recruited during the 1993-99 civil conflict, now over 18, might have remained in the armed forces".²⁹ In their 2001 report, the Coalition to Stop the Use of Child Soldiers noted that the government "has asserted that the problem of child soldiers no longer exists as it was the first matter to be dealt with in the demobilisation programme". Despite the programme finding only 262 underage soldiers, there were estimates that the figure was in reality much higher. In June 2000, the Committee on the Rights of the Child expressed concerns about "insufficient measures for social reintegration and the physical rehabilitation of former child soldiers, urging Cambodia to work with UNICEF on this aspect and to prevent further child recruitment".³⁰

In 2009, a former Khmer Rouge child soldier, now 42 years of age, said that he had been forced into service "when he was 11 or 12 years old, a few days after the Vietnamese ousted the Khmer Rouge from Phnom Penh, in January 1979". Arn Chorn Pond claimed that he was armed by the Khmer Rouge, and would have been shot if he had not carried the weapon. Pond said that he served the Khmer Rouge for one year, and had been injured during that time. According to the director of the Documentation Center of Cambodia, "at least 200 children between the ages of 12 and 17 were forced to fight the Vietnamese. Around 20 girls were also pressed into service, carrying food and supplies".³¹

Though dated, a 1998 report by LICADHO noted that "[d]espite the knowledge that recruitment of children as soldiers and cadres was very common in the Khmer Rouge period, and the suspicion that this has continued, clear evidence of child soldiers in Cambodia today is difficult to find". The report provided information gleaned from visits to a defectors' centre in 1995 on the prevalence of Khmer Rouge recruitment of child soldiers. In their assessment of the defectors' information, LICADHO concluded that "children being recruited as soldiers [was] particularly prevalent among the Khmer Rouge, who continued over a long period to recruit children under 15 with little or no education, especially from the hill-tribe areas of North-West Cambodia". The centre had reportedly taken in 66 young defectors, aged between

²⁸ Coalition to Stop the Use of Child Soldiers 2008, 'Cambodia Child Soldiers Global Report 2008', Coalition to Stop the Use of Child Soldiers website, 20 May http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf – Accessed 20 August 2008 <Attachment>

²⁹ Coalition to Stop the Use of Child Soldiers 2004, 'Child Soldiers Global Report 2004: Cambodia', Coalition to Stop the Use of Child Soldiers website, 17 November http://www.child-soldiers.org/document_get.php?id=848 – Accessed 19 November 2004 <Attachment>

³⁰ Coalition to Stop the Use of Child Soldiers 2001, 'Child Soldiers Global Report 2001 – Cambodia', UNHCR Refworld <http://www.unhcr.org/refworld/docid/4988060bc.html> – Accessed 7 October 2011 <Attachment>

³¹ 'Former Child Soldier Describes Khmer Rouge' 2009, *Voice of America*, 28 September <http://www.voanews.com/khmer-english/news/a-40-2009-09-28-voa4-90171232.html> – Accessed 30 September 2011 <Attachment>

16-20 years, up to March 1995; all had served with Khmer Rouge forces for at least two years. In one case, a 17 year old woman who was orphaned at two years of age was given military training by the Khmer Rouge from the age of five. The woman claimed that she was part of a “group of 300-500 girls under 15 who were kept together and given military training. At 14 they were given guns and uniforms, and became active soldiers”³².

³² Cambodian League for the Promotion and Defense of Human Rights (LICADHO) 1998, *Child Soldiers in Cambodia Briefing Paper*, LICADHO website, June <http://www.licadho-cambodia.org/reports/files/19Briefing%20paper%20on%20child%20soldiers.pdf> – Accessed 30 September 2011, pp.2-3 <Attachment>

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US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Cambodia*, 8 April.

