

Introduction of Khmer Rouge History and ECCC to Accounting Students At Vanda Institute

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Introduction

The Documentation Center of Cambodia (DC-Cam) hosted an educational session at Vanda Institute in Phnom Penh with attendance of about one hundred first-year accounting students. The purpose of the session was to bring students up to date on the proceedings at the Extraordinary Chambers in the Courts of Cambodia (ECCC), share the court's outreach mechanism, introduce students to the Cambodia Tribunal Monitor (CTM) website (www.cambodiatribunal.org), the educational and professional website on the ECCC, and promote dialogue of the history of the Democratic Kampuchea (DK) outside of the formal classroom. The team distributed some informational materials such as *Searching for the Truth* magazine, *A History of Democratic Kampuchea* textbook, *The Observation* bulletin, and *Genocide* booklet to the students.

Film Screening

The event opened with a thirty minute film screening to provide students with background of the Khmer Rouge regime through visual images. The film entitled *Children of Cambodia*, produced by a Vietnamese soldier film team and now archived at DC-Cam, displayed the picture of Cambodian children's situation immediately after the Khmer Rouge regime fell from power in early 1979. It shows the tragedy of Cambodian children and the devastation on Cambodian society that the Khmer Rouge has left behind. The film serves to provide a clear example of the situation of children in 1979 to the students so that they can connect the graphic images of the film to their own experiences and feel sympathy toward their parents. It eventually provoked students' emotions. Most female students who attended the event in the conference hall laughed at the images shown at the beginning of the film segment. The students gradually engaged in the story after they watched images of children and their miserable life. The students began to receive the message sent through the visual images, and those who had initially laughed at the images shown in the film began to feel tense when they witnessed more and more suffering images of the children. The sad aspect of the film caused some students in the audience to get emotional. Some even cried. With her eyes glued to the screen and her



Students watch the film

tears shedding down her face, which she occasionally wiped off, accounting freshman Ms. Vong Sophorn, said, "... I feel sympathy for the children in the film. Compared to my generation, those children were very unfortunate. They did not receive any proper care. They had no medical care when they got sick. They looked so pitiful." As a result of the regime, a lot of children became orphans and were separated from their family members. While watching, a group of students who sat next to their teacher talked quietly to the teacher. After a few minutes conversing with their teacher about the film, they turned their focus back to the graphic images. Students' facial expressions changed from being tense to a little more relaxed when the film reached the end.

After the film, Ms. Kim Sovandany, DC-Cam's CTM team member facilitated a discussion and collected reactions from the audience. Him Vichika, freshman student of the Institute stood up from the crowd and said, "I am very interested in the film. But I feel a lot of pity for the children in the film. Compared to our life today, it was so different. While I have parents to take care of me, those children became orphans and suffered from a hard life. Their childhood did not even meet basic needs such as shelter, food, and proper clothing. When asked if she believed that was really what happened, she answered "Yes, I truly believe in what happened."

Sovandany then informed the students that if they are interested in watching more documentary films, they can request to watch DC-Cam's films as a group, and a staff member will arrange a schedule to screen the films.

Introducing the CTM Website



Ms. Kim Sovandany presents CTM website to the students

The film screening was then followed by a presentation concerning the CTM website (www.cambodiatribunal.org). The website is an important source of information on the ECCC and its proceedings and the joint venture between DC-Cam and Northwestern University Law School. The CTM website contains a major amount of information that is crucial to help the public understand the complexities of the ECCC's proceedings. Ms. Kim Sovandany connected the history

discussion to the Khmer Rouge Tribunal. She used a computer to walk the students through the contents of the CTM website from "Blog" section to "Commentary." She then explained in detail what information each section contains and how to access video excerpts of the ECCC proceedings, documentaries produced by DC-Cam, as well as the other sources of information such as blog entries which contain daily reports of the trial segments. Sovandany emphasized the importance of using the website for professional research concerning the history and the ECCC proceedings for school work and for general knowledge. The website is provided in three languages-Khmer, English, and French-to facilitate research with regards to the recent progress of the ECCC's proceedings for local

and international students as well as the general public. The presentation was well received by the students who appreciate the CTM site for its content and the explanation of how a professional website is created and managed.

At the beginning of the presentation, when asked if they have heard or used the website before, all of them answered “No.” Following the presentation, however, almost all students in the audience wrote in the evaluation that they wanted to use the website and explore more of what is contained in the blog and in the multimedia section.

ECCC Trial Observation: Booklet Distribution and Presentation

The next event of the day was a group presentation on the working and progress of the ECCC’s proceedings, specifically contents with relation to ECCC’s Case 001 and Case 002. The presentation was intended for the students to get familiar with the process of the Khmer Rouge Tribunal, to be informed of recent developments in Case 001 and Case 002, and introduce the DC-Cam Bulletin *The Observation* to the students. The trial observation's bulletin also serves as a permanent source of information on ECCC's proceedings while the other source such as media and printed newspaper is limited and temporary. DC-Cam’s Trial Observation Team consisted of four people, Lim Cheytoat, Chan Prathna, Dy Socheata, and Chhay Chhunly, who presented on four different but related topics that include, Appeal Judgment in Duch’s Case, Division of Case 002, Ieng Thirith’s Fitness to Stand Trial, and Authenticity of Documents in Case 002.



Mr. Lim Cheytoat first asked the students if they had heard of former head of S-21 or Tuol Sleng prison Duch and other senior leaders of the Khmer Rouge. Almost all of the students said “Yes” to the question. Cheytoat continued by introducing the students to ECCC’s Case 001. He then asked if the crowd knew that Duch was sentenced to life in prison. Again the crowd said “Yes,” and they appeared more eager to hear what he had to say.

Duch’s Appeal Judgment

Cheytoat provided a brief overview of Duch’s trial and the Trial Chamber’s judgment, covering the duration of the trial, date of the judgment pronouncement, the crimes charged against the former S-21 head, and the sentence. He then provided some details of roles and responsibilities of parties who appeared in the court proceedings, including the prosecution, the defense, and civil parties. This detail was provided to facilitate the students’ understanding of the court structure.

Cheytoat then continued to explain that prosecutors and other parties in the proceedings were not satisfied with the Trial Chamber's decision, so they appealed to the Supreme Court on different grounds. The Defense argued that Duch could not be categorized as either one of the most responsible ones nor as a senior leader in the ECCC's definition of personal jurisdiction, while the civil parties appealed to the decision on reparation. Cheytoat also provided the timeline of events starting from when each party filed their appeal to the Supreme Court to the last date when the Supreme Court announced the Appeal Judgment. Cheytoat mentioned that it took the Supreme Court 310 days to issue a final judgment on the case against Duch, following the Appeal Hearing.

Cheytoat discussed four important issues laid out in the Appeal Judgment which includes Personal Jurisdiction, Crimes against Humanity, the sentence, and the reparation for civil parties. With regards to the first issue, Cheytoat explained that the judgment rejected the appeal over Personal Jurisdiction providing it was outside of the Supreme Court's mandate and it was the responsibility of the prosecution and the Investigating Judge to decide upon whom to bring to trial. Cheytoat also explained that the Supreme Court decided to charge Duch with such crimes as persecution, and other basic crimes composing small elements in the larger Crimes against Humanity judgment. Lastly, he concluded the presentation by explaining to the students about the Supreme Court's decision concerning civil party rejection and reparations. Ten out of twenty four civil parties who were rejected in the Trial Chamber's judgment were accepted in the appeal judgment. Also, the reparation for civil parties would be limited to only "collective and moral" reparation.

Division of Case 002

The second presenter, Mr. Chan Prathna, took the floor to present the Trial Observation's monthly bulletin *The Observation* to the audience. The booklet contains updated information on the trial proceedings and was first published in June 2011 in Khmer language and has been distributed to a number of schools, universities, and local communities. The team plans to distribute with DC-Cam's monthly Magazine *Searching for the Truth* to policy makers with the purpose of providing up-to-date information on the trial proceedings.

Thereafter, Prathna provided the reasons why the case was divided into a series of small trials which will be tried separately. He explained to the audience that the senior leaders in Case 002 are aging and in poor health. The court worries that due to health conditions, defendants could be unfit to stand trial, which would cause interruptions and delays to the court proceedings. An additional advantage of dividing the case is that each trial proceeding will take an abbreviated time to complete and an appropriate sentence will be issued at the conclusion of each trial. The third reason is that trial proceedings with a more limited focus would be in the interest of justice for survivors of the Khmer Rouge regime. Prathna explained that according to fair trial standards, the accused have the right to proclaim their innocence and also to be afforded the presumption of innocence. They are also entitled to be tried in a timely manner. The division of the case helps to guarantee the charged persons with these rights. Prathna finally concluded by mentioning a series of subjects that the court has set for hearing, including background of the Communist Party, Roles of Charged Persons in the Community Parties, Policy of the Democratic Kampuchea, Administration Structure of Democratic Kampuchea, Forced Movement of the Population (Phases One and Two), and Crimes against Humanity.

Ieng Thirith's Fitness to Stand Trial

Ms. Dy Socheata continued the presentation by discussing the topic of fitness to stand trial of the charged persons. She first explained the definition of the word “fitness” in the legal context and when applied in the trial proceedings. She said that in order to guarantee full participation of accused persons in the proceedings and exercise fair trial rights to required standards, fitness to stand trial must be examined related to the health condition of the charged persons.

Socheata then provided a brief background on a series of hearings set to hear expert testimony on the charged persons. Socheata mentioned that the hearing on fitness to stand trial of charged persons Ieng Thirith and Noun Chea was set to find out their physical and mental ability to stand trial. Expert results found that Ieng Thirith needed further examination from psychological experts to examine her Alzheimer’s diagnosis. As a result of the trial hearing, the ECCC’s Trial Chamber issued the judgment to release Ieng Thirith without condition. The prosecution, however, filed an appeal against the decision. Following a trial hearing, the Supreme Court issued another decision to keep Ieng Thirith for six months to receive psychological treatment before a further assessment will be conducted to confirm whether Ieng Thirith is fit to stand trial.

Document Authenticity

Ms. Chhay Chhunly first provided a definition of authenticity. She explained to students that authenticity is the quality of being real or true and that it is important that documents in the case are authentic since these documents are being used as evidence against the Khmer Rouge senior leaders. Chhunly explained that there are many different ways to authenticate the documents. Those methods include analysis of document materials, date of documents, and chain of document handling and storage. These are some ways to prove whether the documents are authentic.



Trial Observation team gives presentation to the students about ECCC's trial proceedings

The second part of her presentation focused on why the court holds hearing to discuss the authenticity of the documents. There are many reasons contributing to this decision, one of which is that the charged person had placed serious doubt on the authenticity of the documents presented by the prosecutors during a trial session. As a result of this argument, a trial hearing was set to allow the Trial Chamber to hear different issues with regards to the documents submitted in the case, especially ones provided by DC-Cam given that about 85% of the documents were from DC-Cam.

Lastly, Chhunly concentrated her talk around DC-Cam’s testimony in January and early February over how DC-Cam catalogues and archives documents. DC-Cam’s representatives

explained to the students how documents are collected, catalogued, and managed in the center's archives. During the trial hearing, DC-Cam representatives emphasized how DC-Cam could verify if the documents were real based on their paper quality, color, date, contents, and author of the documents. Chhunly concluded the presentation by encouraging people in the audience to ask questions since this is one of the best opportunities for students to gain additional knowledge on the Khmer Rouge trial proceedings.

Understanding of the Khmer Rouge History and the ECCC

The presentation was followed by a short question and answer session which took about twenty minutes of the whole two-hour-long event. Kim Sovanndech, freshman majoring in accounting, was the first student who stood up and asked, "Why does the court take so long to put the senior leaders on trial, if we all know that they are the former leaders of the regime?" Ms. Dy Socheata responded that according to the criminal law and fair trial standards, the charged persons still can proclaim their innocence and be given the presumption of innocence until they are convicted of the charged crimes. In the interest of justice, not only for victims but also for the accused persons, the court has to guarantee that the defendants exercise their full rights during the trial proceedings.

After the first question, students appeared eager to pose more questions. Two questions were



A student asks question to the team

posed at once by another student. Ms. Yin Pisey asked, "What kind of leadership was it that caused millions of people to die? Why did the senior leaders not acknowledge what they had committed before they were put on trial?" This time, Mr. Lim Cheytoat took the chance to refer to the textbook *A History of Democratic Kampuchea 1975-1979*, which was distributed at the beginning of the presentation, for particular information with regards to why there were so many people killed during the DK regime. He then reiterated his response to the second question about the senior leaders' acknowledgment of the crimes committed during the KR regime. He gave an example in Duch's case where he was the only one of the charged persons who acknowledged what happened at S-21 prison. Duch, however, changed his position at the very end of the trial by submitting his request to the Chamber to release him. Case 002, which involves the four other senior leaders, is a different matter. None of the accused has acknowledged what happened as a consequence of their policies.

Ms. Seng Rady asked, "Where did the rice go during the DK regime? While much of it was produced, why did people still starve?" The question was redirected to Mr. Diep Sophal, history lecturer at the Institute. He explained that there is no clear evidence of where the rice that was produced was exported. What is known is that China and Cambodia at the time had quite a close relationship. He then responded to the question, "Why did people not have enough to eat?" The systematic management during the DK regime set food rations for the population and the amount of rice to be produced. The ones who applied the policy were

those at the communal level. They were afraid that they would be punished or killed if they did not comply with the rule. However, the policy set on paper was not realistic. As a result, people starved and those who could stand it had to work very hard in the fields.

Before concluding the question and answer session, several questions were posed to presenters. They included:

- From 1979 to 1999, where was Duch? Why was he put on trial just recently?
- Why does the ECCC keep delaying the proceedings?
- What countries fund the ECCC?
- Only four senior Khmer Rouge leaders are on trial today, what about Son Sen and Vorn Vet, why are they not on trial?
- If Ieng Thirith is mentally unfit to stand trial, will she be freed from the charges, and ultimately released from detention?

Students' Reactions to the Presentation

Following the presentation and question and answer session, the floor was open for students to express their opinions of the event. Ms. Kim Sovannandy encouraged students to reflect on their own experiences when attending this presentation, and if this program was useful for their studies. Vong Sophorn, also a freshman of the institute, said that the four speakers have presented clearly on the topic and in detail about the senior leaders and their trial. When asked if all of them wanted to visit the court, all of them said "Yes" and requested to be brought to visit the ECCC's courtroom to learn more about the trial. A few more reactions from students at the end of the event included:



A student shares her opinion about the presentation with the group

- I think this is very good program. It helps me to better understand the history. I think we should learn our own history. We should learn from our own history to be able to develop our country and avoid the bad history from happening again.
- I think I have understood the trial of senior leaders to some degree. Thank you so much for giving this presentation. In the future, I want to have your team give a presentation at our school again.
- I feel so happy to attend this workshop. I have only heard about the Khmer Rouge Tribunal on radio and TV and the Khmer Rouge experiences from my parents. Now I have listened to this meaningful presentation.

Conclusion

Overall the students appeared interested and engaged throughout the educational session. This event helped them not only to understand the ECCC's proceedings and direct them to sources of information on the ECCC, but it also contributed to the discussion on the Khmer

Rouge history. University students will hold prominent roles for the country's development in the future, so hopefully understanding of the working of the ECCC and model that the ECCC sets with regards to the accountability of senior leaders will provide them with a good example of the way they should carry into the future. Hopefully, this event will also inspire students to use advanced technology to research and learn more about the Khmer Rouge history and the trial.

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