

មជ្ឈមណ្ឌលឯកសារកម្ពុជា

Revisiting Genocide and Learning about Legal Justice

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Survivors of the Cambodian genocide from Banteay Meanchey province traveled to Phnom Penh to visit genocide commemoration sites and learn about the process of delivering legal justice on March 27-28. The group of 40 people was joined by 10 Cham Muslim leaders. Together, they went to the Toul Sleng Genocide Museum, the Choeung Ek Genocide Memorial Center, and ECCC courtroom, and DC-Cam. The purpose of this program is to educate the Cambodian public, especially those outside of Phnom Penh with limited access to information, about the court process at the ECCC (Extraordinary Chambers in the Courts of Cambodia) so that they can be messengers of this information when they return to their home village. During the government of Democratic Kampuchea (DK) which ruled from April 17, 1975 to January 6, 1979, there was no judicial system. Now a mixed judiciary of Cambodian French civil law and international law will prosecute former Khmer Rouge leaders for crimes committed under the government of DK. Although many people in Cambodia seem to support a fair court process for these former KR leaders, they have little knowledge of this process. Part of the frustration with the tribunal by the Cambodian public lies in their lack of knowledge about the legal process, a process that is difficult for the average person to understand in any case, especially in the complicated case of the ECCC. The *Legal Information on the ECCC Session*, held on the second day, gave people a general overview of the legal process so that they understand the work and time associated for each step of the entire ECCC process.



White plumeria blossom above white stone caskets containing the bodies of those found dead at the S-21 prison in 1979.

The first day of the program began at the Toul Sleng Genocide Museum. The museum holds hundreds of photographs of S-21 prisoners along with other vivid reminders of Pol Pot's top security prison. All visitors who come to the museum are shocked by what they see. A photograph of a withered dead body lying inside a small prison cell with eyes wide open is an image that one does not easily forget. For genocide victims, seeing such photographs brings to mind painful experiences, especially the experience of losing a loved one. Ms. Cheam Voeung, 63 years old, lost several family members including an older cousin named Lay Chhoum. At the genocide museum, Ms. Cheam believed that she saw his photograph in Building B. Immediately she contacted the program leader Mr. Ly Sok Kheang to tell him the news. A few other DC-Cam staff members followed Mr. Ly to the photograph of Ms. Cheam's cousin.

Located on the upper left panel, the photograph is of a man lying down on a stretcher from the waist up. His sunken eyes are wide open and his mouth agape. He is wearing a light-colored long sleeve shirt. There is a visible round stain on the stretcher. Ms. Cheam admits

that although she had not seen his face for decades she is quite confident that the man in the photograph is her older cousin. She then began to tell us his story.

Lay Chhoum had a history of being involved in movements. He was a lieutenant of the Khmer Issaraks forces which sought independence from France in the 1940s. Later on he was an envoy for the Lon Nol regime. Ms. Cheam said that he often went to fight in many places and had fought both the Viet Cong soldiers and Khmer Rouge soldiers. One of his battle injuries includes a broken arm. Ms. Cheam had no idea that he was taken to S-21, but said that she suspected this since soldiers and other officials from the Lon Nol government were taken to the prison. It was her first time visiting the genocide museum.

After the interview one of Ms. Cheam's relatives, also a participant on the program, came to speak to her. She told him that she had discovered the photograph of their relative, Lay Chhoum. He paused, looked at her curiously, and said, "No, that cannot be his photograph." He had heard that Lay Chhoum was in Phnom Penh in 1975 fighting on the side of Lon Nol and was later relocated to another area where he was killed and buried in a mass grave. Ms. Cheam did not respond to his comments right away. Her relative continued by saying that Lay Chhoum was not taken to S-21 but to another location for execution. She then responded, "Is that so? Well, perhaps it is not him that I saw in the photograph; it has been such a long time since I've seen his face." After the two talked to each other a bit more, it appeared that the deceased man in the photograph was not her cousin Lay Chhoum but someone who looked very similar.



Ms. Cheam stares at the photograph of a man she believed is her deceased cousin, Mr. Lay Chhoum, at the Toul Sleng Genocide Museum.

The country-wide relocation on April 17, 1975, with the exodus of 2 million people from Phnom Penh being the most famous one, caused many families to be separated as the Khmer Rouge regime divided the labor force by gender and age group. For example, those assigned to the youth mobile unit did not have many chances to see their parents. Ms. Cheam mistaking another person for her relative is not unusual. With no photographs leftover after the genocide, images of missing family and friends come from their memory. Sometimes, people have different memories of the same event.

The program included two people who had met during the genocide although only one had remembered the meeting. Ms. Ser Mork worked dispensing rice soup to people and Mr. Tak Suor worked in the children's mobile unit. Two separate interviews were conducted on Tuesday with Ms. Ser, 57 year old, and Mr. Tak, 38 years old.

At the Choeung Ek Genocide Memorial Center, Ms. Ser was asked to describe her experiences during Democratic Kampuchea. The memorial center is the site of a former mass burial site where an estimated 14,000 people were killed. The people who were brought

in from the S-21 prison which is located about 15 kilometers away. During the interview, it was noticeable that she was nervous as she spoke in a soft voice. Ms. Ser had two very dramatic experiences from 1975-1979: giving birth to her daughter and being accused of immoral acts with a “new person” (those from the cities whom the Khmer Rouge considered corrupt and impure). Ms. Ser did not speak much about going through labor but when asked about it told the interviewer that she was by herself during the delivery. As for the charges of immorality, she said that when she was questioned by the Khmer Rouge cadre about this, she replied that it was not true. The new person was someone whom she had worked during that time. Ms. Ser believes that another base person (those from the rural areas and whom the Khmer Rouge considered uncorrupted and loyal) must have reported on her.

One event that Ms. Ser does not recall however occurred sometime between 1975-1978 when she worked delivering rice soup to sick people in their homes. She said that Angkar told her which homes to go to. The policy at that time was one ladle per person. If someone asked her for a second serving, Ms. Ser said that she would give it to them because she felt sorry for them. She said that she never argued with anyone and never denied a request for a second serving. When one of her fellow workers asked her if she was afraid of getting into trouble, she said that she was afraid but there were so many sick people who were in grave condition.

According to Tak Suor however, there was at least one person whom she denied rice soup to. At that time, Mr. Tak was only about 6 years old but he still remembers that *grandma Mork*¹ had denied his emaciated younger brother rice soup. Mr. Tak worked making fertilizer in the children’s unit and his younger brother was also worked with him. His other five siblings were sent to different children mobile units. They would have to get up when the sky was still dark and begin work. He recalls never having enough to eat and at one point, his body had swelled up. At night when it was quiet, he would steal food so that he and his younger brother would not starve to death. One day, his younger brother cried because he was so hungry. Mr. Tak decided to take his brother and a cup and cross over into the next cooperative and ask for food. Ms. Ser, who he refers to now as *grandma Mork*, worked in this cooperative. He asked her for some rice soup for his starving younger brother but she refused. He said that she even threatened to beat him if he didn’t leave. With his younger brother in tears, Mr. Tak walked back to his cooperative.

Mr. Tak was angry initially but was soon over it. He said that like most children, “you are only angry for a short time and then you forget about it.” He adds, “Besides, both my brother and I are alive today so everything turned out okay.” Mr. Tak said that looking back on the episode as an adult he believes that if *grandma Mork* had given him rice soup that day she would have been in trouble. One wonders if his brother had not survived the genocide if Mr. Tak would have a different point of view. The two now live in the same village. He has approached her a few times about this but Ms. Ser said that she does not remember him or his brother. It may well be that Ms. Ser does not remember denying rice soup to Mr. Tak and his crying brother from among the hundreds she served rice soup to, but in the memory of Mr. Tak, *grandma Mork* is someone who he will never forget.

At 3:00pm the group arrived at the ECCC courtroom. ECCC Press Officer Mr. Reach Sambath was there to warmly receive the group. ECCC information booklets were passed out as people took their seats in the courtroom. Mr. Reach gave a general overview of the ECCC including its mixed composition of international and Cambodian staff, the two levels

¹ In Cambodia, people refer to others by kinship terms according to the difference between their ages.

of courts (trial and supreme), and an update on its progress. Afterwards he encouraged people to ask questions. The questions asked included, why did the Khmer Rouge leaders kill their own people, who will be prosecuted, if foreign countries which were involved will be prosecuted, why the highest sentence was life imprisonment when Pol Pot had killed so many people, and if pardons are include in the Khmer Rouge law. Mr. Reach then brought out ECCC posters and explained the messages of each poster. The first day of the program had concluded.

On Wednesday morning Mr. Ly received a phone call from one of the guest speakers regarding his inability to present that day as originally planned. His 9:00am slot was filled in by Mr. Dy Khamboly, the author of the first textbook on Democratic Kampuchea. Before the Mr. Dy's talk on his book however, the group watched a documentary film called, "Behind the Walls of S-21." This film tells of life at the S-21 prison from the experiences of three men: two former prisoners and one former high-ranking guard. All three men have powerful stories but at times, their accounts of the same event differ. Just as grandma Mork had not remembered Mr. Tak and his younger brother, the former S-21 guard did not remember his contact with the other two prisoners. When the film ended there was a strange silence in the public information room at DC-Cam. A few people were teary eyed. Mr. Ly encouraged people to comment on the film but none spoke up.

Next Mr. Dy Khamboly discussed his book and genocide education in Cambodia. The book is called, "A History of Democratic Kampuchea" and has been approved by the Cambodian government for use in schools. DC-Cam will help develop a training course for teachers on how to teach high school students about the genocide that took place from 1975-1979. After his talk, Mr. Dy opened for questions. Five questions were asked; they are: (1) why didn't the international community help Cambodia when the killings were taking place; (2) what was the position and duty of Khieu Samphan during that time; (3) why did the Khmer Rouge and Vietnam fight each other towards the end of the regime when they had worked together prior to DK; (4) which countries had embassies in that period; and (5) why didn't the embassies publicize what was taking place in Cambodia to the outside world. These questions reveal the sentiments that some still feel about the international community's involvement, or lack thereof, during and after the genocide. As Mr. Reach pointed out the day before at the courtroom when someone asked whether foreign countries would be tried by the ECCC, that it was the 277th time that he was asked a question about foreign involvement during or after the tribunal.



Mr. Alex Bates of the Co-Prosecutor's Office talks about the ECCC court process with Mr. Ly SokKheang at the translator at the Public Information Room in DC-Cam.

Mr. Alex Bates from the Office of the Co-Prosecutor presented at 10:00am to the group of 50 people. Program leader Mr. Ly provided the translation from English into Khmer. Mr. Bates did an excellent job of describing the basic units of the ECCC and their roles. He talked about the Co-Prosecutors Office, the Defense Office, and the Co-Investigating Judges Office. He then explained the different people who are involved in the court process and trial hearing. He emphasized that, “the victims are the most important people in this whole process” and talked about their possible roles as witnesses or civil party claimants. Mr. Bates also covered the 3 stages of the ECCC process: the investigation by the Co-Prosecutor’s office, the review of the results of this investigation and further research by the Co-Investigating Judges Office, and after a final review by the Co-Prosecutor’s Office, a public trial. He told the group that after having read over 100,000 pages of documents, interviewing potential witnesses, and visiting various crimes scenes, the Co-Prosecutor’s Office is nearing completion of their investigation which began in July 2006. Mr. Bates also touched upon the internal rules matter by stating that all courts need a set of internal rules.

After his presentation he encouraged people to ask questions. Several of the questions asked at this time dealt with the accused during the trial proceedings. The first question was if the accused not present in court, would he still be tried. The second is what rank of senior Khmer Rouge leaders will be prosecuted, or in other words, what qualifies one as senior Khmer Rouge leader. The third is: if many of the senior leaders of the prosecuted rank have died, will they still prosecute that level or another lower level. And the fourth is what will happen if the accused points the finger to Pol Pot or other leaders that have died and cannot testify.

In the 11th hour, Mr. Vanthan P. Dara presented on the rights of victims and defendants in the ECCC. This session too was followed by a Q&A session. After all three presentations the participants were served lunch and the program came to a close at approximately noon.

The purpose of this program was to educate the general public, which in Cambodia is mostly those living in rural areas, about the basic process of the ECCC so that they will be prepared to attend the trial hearings once they begin in late 2007. For the forty people on the tour from Banteay Meanchey province, it was their first time visiting the Toul Sleng Genocide Museum, the Choeng Ek Genocide Memorial Center, and the ECCC courtroom. As for the 10 Cham Muslim leaders, although it was their second time it was still an emotional tour for them. One Cham leader, known as a *hakem* (a religious teacher), walked around the Choeng Ek memorial with a grave expression and taking down notes on the palm of his left hand. A few participants brought their young children with them. One man who carefully studied the graphic photos at the genocide museum had his son by his side.



A Cham hakem writes down notes on the palm of his hand in front a sign which reads, “Mass grave of 66 victims without head” at the Choeng Ek Genocide Memorial Center.

When asked informally if he had ever told his son about the Khmer Rouge regime, the man replied no because his son was too young to understand. Certainly when they return home however, his son will question his father about what he saw at the genocide museum and Choeung Ek memorial. It hoped that program participants will take back with them not just images of what they saw, but also the knowledge they gained about DK and the Khmer Rouge tribunal. Some of these people will be invited back to Phnom Penh to sit in the 600-seat courtroom once trial hearings begin. It is important that Cambodians see with their own eyes and hear with their own ears the process of obtaining justice; after all, the ECCC was created to seek justice for victims of the genocide.