

**May Legal Information Session:
Helping Victims Understand How Justice Works**
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The Legal Information Session that took place May 28-29 was the fourth of DC-Cam's programs aimed at preparing selected participants for their attendance of the trial of former Khmer Rouge leaders later this year. The Extraordinary Chambers in the Courts of Cambodia (ECCC), also known widely as the Khmer Rouge tribunal, began operating in 2006 and has a three year time frame. The participants, all survivors of the Khmer Rouge regime's brutality, are encouraged to share the information they learned at the session with local community members upon return to their home villages.

A total of 58 village chiefs and villagers were selected from the provinces of Kampong Chhang, Pursat, Mondul Kiri, Kratie, Kampong Thom, Kampong Cham, and Battambang. They arrived at DC-Cam's Public Information Room on the morning of the 28th where staff and volunteers waited to take them to their accommodations. At noon, because of the monsoon rain, their visit to the Tuol Sleng Genocide Museum was delayed until the rain stopped. At 3:00pm, they made their way to the museum; for most participants it was their first time.



Villager looks at photos displayed at Tuol Sleng Genocide Museum.

The museum was once the grounds for the highest level security prison of the Khmer Rouge regime known secretly as S-21. At least 14,000 prisoners were held at S-21 and all but a handful died while undergoing torture or executed in a nearby field. The field is now commonly referred to as the Choeung Ek Killings Fields (or "Crow's Feet Killing Field"). The villagers also stopped by the notorious field after their visit to the genocide museum.

Needless to say, coming to these two genocide commemoration sites made the village chiefs and villagers recall a horrific past that is seeped in death, starvation, fear, and immense loss. Since an estimated 20% of the population died under the government of Democratic Kampuchea, those who survived almost certainly had at least one family member or loved one who did not.

Mr. Chay Sei, 75, of Lorlorik Sa village, Pursat province, still recalls how he was forced to evacuate to Mlech village when the Khmer Rouge regime came to power.

At the beginning of the evacuations, Khmer Rouge cadres propagandize that democracy and freedom had come to the newly liberated country on April 17, 1975. However, the extreme opposite was true. Mr. Chay was assigned to plough the fields. He was made to work from early morning until midnight. His meals consisted of a small piece of potato and watery rice porridge. Mr. Chay's greatest pain comes from his loss. Three of his children and his wife were killed on charges of being Vietnamese. At the genocide museum, Mr. Chay told the program leader, "I keep thinking about how they were mistreated, tortured, and killed."



Mr. Tang Thean at Cheung Ek Killing Sites.

Visiting the genocide museum also brought back a flash of memories for Mr. Tang Thean, 53, of Kampong Tralach district, Kampong Chhnang province. Prior to the Khmer Rouge takeover, Mr. Tang had been a monk for three years. Then on the fateful day of April 17, 1975 he was evacuated to Tik Phus district, Kampong Chhnang province and forced to disrobe because the new government believed that monks and religion were counter to their goals. *Angkar* (a term KR cadres used frequently to signify the leadership apparatus) considered monks useless exploiters who did nothing but beg for food. After disrobing, Mr. Tang worked in a mobile brigade building dams and digging canals for several months.

Then he was transferred to the plough unit. According to Mr. Tang, this was a unit in which there was widespread suffering and death. Many people were taken to clinical centers that were terribly ill-equipped and staffed with older children and young adults who served as physicians and nurses. Coming to the Toul Sleng Genocide Museum brought back tremendous grief to Mr. Tang who believes that, "cruelty of this sort should never be enacted upon ones own people."

Another participant, Mr. Aom Soeun, 63, of Kampong Tralach district, Kampong Chhnang province, believed that the KR valued human lives less than animals' as he viewed with shock the photographs of handcuffed prisoners with slashed throats. His experiences under the KR regime including working in the palm sugar unit, the plough unit, and several others. At the palm sugar unit, Mr. Aom said he had to produce 17 large pots of palm juice per day which would amount to 200 kilograms of sugar.

The immense history and suffering inside the walls of S-21 and between the trees and grass blades of the Choeung Ek field are unmistakable and unforgettable. Visitors who never experienced the tragedy after April 17th are shocked and stunned. No one expected Cambodia to experience genocide. For survivors, their emotions can never be fully expressed by words because the history and suffering of Cambodia is their own heartbreaking and personal history. This is the kind of past that cries out for justice; it cannot be left inside the walls of S-21 or buried in the killing fields. The Khmer Rouge tribunal seeks to unravel this past and deliver overdue justice.

Part of the process of delivering justice is helping victims understand what kind of justice is being sought and for what crimes. Limited by a law which will prosecute only “senior KR leaders and those most responsible,” the ECCC will use both Cambodian (French) civil law and international law (in areas not covered by domestic law). The complexities of the court are a challenge for the average Cambodian. The Legal Information Session hopes to reduce this challenge and provide a general knowledge of how the tribunal-and court cases, will progress.



H.E. Maonh Saphan speaks to villagers.

Prior to the presentations on the morning of May 29, participants watched a 30-minute film titled, “*Behind the Walls of S-21.*” This film provided a good introduction to the issues that will be dealt with in the courtroom such as victims’ accounts versus perpetrators.’ After the movie, H.E. Maonh Saphan, a parliamentarian who was heavily involved in ratifying the KR tribunal law, presented specific information about the KR law. He emphasized two significant points.

The first is that “senior KR leaders and those most responsible” will be prosecuted for crimes committed between April 17, 1975 and January 6, 1979. The second is that the ECCC judicial system is has two levels: a trial chamber and supreme chamber. Other specifics brought up included the rule of “super majority” for decisions to be made.

During the 10 o’clock hour, both ECCC Co-Investigating judges generously devoted their time to explain the tribunal process to the participants. In addition, both You Bunleng and Marcel Lemonde expressed their “optimism” about the internal rules being adopted in the upcoming plenary session to be held May 31st –June 13th.

Many questions were raised by the village chiefs and villagers after the presentations. Questions addressed to H.E. Saphan included, why is there a need to have “foreign judges” work with “Cambodian judges;” why have the KR tribunal been delayed for so long; why are the crimes covered in the KR law limited to the period from 1975-1979; and what kinds of compensation would the victims receive after the trial. The co-investigating judges answered questions about the problem of using mass graves now converted into rice fields as evidence, the number of individuals to be indicted, and the issue of amnesty.

Several people also got up to give comments after the Q&A sessions. With great dignity, Mr. Chay said, “I cannot find any words that can express the horrendous acts committed by the KR regime. I had wondered for a long time when the trials would take place. With the deaths of millions of people, how could there have been

such delays?" Mr. Chay stated that although he would be unsatisfied with whatever justice the ECCC finds due to the great loss of his wife and children, he nonetheless still believes that the trials would be a good thing. He also expressed interest in attending the court hearings once they started.

One woman stood up and told the co-investigating judges about her personal story. She revealed that many of her relatives were killed by the KR because they were

believed to be capitalists. She said that they were merely Chinese-Cambodians. The woman also made known that she had come to the genocide museum with hopes of finding a photograph of her missing brother who she believed was killed. She did not find his photograph. Lastly, she expressed satisfaction in having trials. One interesting issue raised during the session was how to handle pain, anger, and grief.



Villagers listen to ECCC's legal experts.

Dealing with grief and loss, especially on the scale of what took place in Cambodia, is a difficult and delicate process. Mr. Trang offered that vengeance is the wrong response because according to Buddhism, vengeance is a never-ending cycle and thus vindictiveness will not end with more vindictiveness. When asked about what methods could be used to help ease the pain, Mr. Aom responded that the government should build memorials. Memorials would provide a common location for the souls of the dead to gather and would offer a place for survivors to remember loved ones and the past. According to Mr. Aom, building memorials would also show the government's concern for those who died.

At the end of the session, the latest issue of DC-Cam's magazine, *Searching for the Truth*, ECCC booklets, and DC-Cam booklets were distributed. After receiving a general foundation of what the KR tribunal is about and how it will proceed, participants were greatly encouraged to spread the information with other villagers in their community and to hold discussions about the issues that were raised during the presentations. These selected people, and those from previous sessions, will return to Phnom Penh to attend the trial hearings when they are expected to commence in late 2007.