

DOCUMENTATION CENTER OF CAMBODIA

DC-CAM FIELD REPORT: JUSTICE UNDER SURVEILLANCE

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The Extraordinary Chambers in the Courts of Cambodia (ECCC) is mandated to bring to justice the "senior Khmer Rouge leaders and those who were most responsible" for Khmer Rouge crimes. Given the significance of its task, the court is being closely watched to ensure that this extraordinary judicial process can bring justice that is acceptable to Cambodians and people around the world.

As a part of these efforts to safeguard justice, in May this year sixty villagers from Peam Commune, Kampong Chhnang province, devoted some of their busy time to observing ECCC court proceedings. Their vigilance stems from the terrible conditions they experienced during the Democratic Kampuchea era, including forced labor, malnutrition and mass executions. In their commune, villagers were systematically ill-treated and hunted down and killed. Due to their unforgettable experiences, Peam people have taken a keen interest in watching the proceedings against former Khmer Rouge leaders.

Most Peam villagers were attending ECCC hearings for the first time at the invitation of DC-Cam's Living Documents project, which encourages court observation to help villagers fulfill three tasks: to learn from the proceedings; to convey that information to their neighbors in the community; and to have an opportunity to express their viewpoints on possible collective compensation that may be offered as part of the legacy of the tribunal.

Crimes against Peam People

The Khmer Rouge regime with its official name "Democratic Kampuchea" came to power on April 17, 1975. The ultra-Maoist movement turned the entire country into an agrarian society. Worse still, the regime executed a policy of mass executions of former officials of the prior



regime, intellectuals, teachers, and those considered to be opponents. The number of crimes varied from place to place.

In an interview with four village representatives, they recollected systematic suppressions and executions of the Peam people. They were accused and categorized as opponents to the regime after unsuccessful rebellious activity in 1976. Mao Peou and Suos Salim, village chiefs, said there was a "White

Villagers' meeting at DC-Cam

Khmer" movement intended to counter the KR regime's decision to close markets and schools, prohibit religious practices, and abandon currency. In particular, they opposed to the confiscation of private property to be used by the collective.

The movement was cracked down on and its alleged masterminds-Hou Nim and Hou Yun-were arrested and killed. Their followers, who were Peam people, fled into the jungle to avoid being arrested. One of the escapees, Salim, remembered that he could spend only one day hiding in the jungle owing to food scarcity. He returned home only to find all of his siblings, nieces, nephew and parents executed. One of Peou's brothers and many uncles suffered the same consequence as Salim's family members. Both Peou and Salim recalled that most of the escapees were shot to death or died of starvation.

Their escape and death in the jungle did not mean that the KR regime spared their family members and Peam people as a whole. Peou said that the villagers were evacuated to other cooperatives, mistreated and killed in a consecutive manner.

Ms. Prak Ran, 58, became an innocent victim of the movement. She was accused of bringing food supplies to the escapees. Most women in the commune were branded as wives of the White Khmer members. Ran told how the movement crackdown led the KR regime to crush her family. Two of her children were hanged and laid under the scorching sun and died on the same day. She was imprisoned until 1978 at Khmap prison, a big security center designed for Peam people. During the day she was assigned to heavy labor and at night time she was interrogated, tortured and locked behind metal bars.

Another woman, Saom Sim, had similar fate as Ran. Ms. Sim's husband was arrested while he was plowing the fields. He was killed soon afterward. Ms. Sim said:

...I was evacuated to Peam Tbaung commune. I was assigned to transplant and cultivate rice. I was then arrested along with my children in 1976. It was because my children were accused of stealing potatoes. I was imprisoned at Khmap prison for five months. My children were then sent to be killed because they did not know how to work. The KR said letting them stay alive would be a waste of rice.

According to these representatives, many villagers were killed and entire villages, like Chrak Kov village, became deserted. This severe crackdown on the Peam people left them with an unforgettable scar. This is the history that has encouraged the Peam people to come to the ECCC to see the court proceedings against the Khmer Rouge leadership.

KR Leaders on Trial

In answer to the question of whether or not they have previously received information about the trial, most of the sixty Peam participants responded, "Yes." Television and radio are two viable means by which they receive information. However, they said that this was their first opportunity to observe ECCC proceedings. Given this rare opportunity, Salim expressed her view that: "[the trial] is important ... [as] untold persecution was carried out against Cambodians and especially my villagers. They suffered the most. My entire family was killed."

The trial is considered a way of helping reduce people's tremendous sufferings from over thirty years ago. However, some villagers found that the judicial process could not help them

mentally. They remain tied to their painful anger toward the KR leadership and the low-level cadre. Ms. Ran, whose children were killed, said she would kill the accused if she could. Ms. Sim preferred that the charged persons are sentenced to death, although it is prohibited by Article 32 of the Cambodian constitution.



Villagers at ECCC

It is a normal human reaction to wish revenge in response to harm and suffering. To some extent, however, violent acts can be reduced and prevented in order to avoid cycle of vengeance. Salim, whose family members were killed off, argued against Ms. Ran and Ms. Sims' point of view, although he acknowledged their personal sufferings. He envisioned an end to the cycle of revenge in society if survivors exercise restraint. He added that, to his thinking, this is the reason why law is the most appropriate means by which to help the people.

75-year-old Kai Tit, a representative from the Khmer-Islam community, argued in favor of the court proceedings. He said we should follow "what the co-prosecutors charged the accused and what the accused confessed." Tit believes that "seeing justice done will let us feel relieved. It is like a wound that needs medicine, although it does not provide complete relief." Ms. Ran also acknowledged the importance of the trial but said that, for her, relief would not come until she died.

Information Sharing

Despite the participants' different perceptions, their attention was highly focused on the judicial proceedings at the ECCC. Some considered the legal process to have a number of advantages, such as providing a clearer understanding of the mass killings during the KR regime to the younger generation and strengthening the rule of law and democracy in Cambodia. Tit made an appeal for collective compensation for victims after the ECCC. His proposal was that each district should receive a school or similar symbol to compensate for what victims had suffered. He suggested that collective compensation was like medicine that would help cure and heal past wounds.

In addition to expressing their gratitude to DC-Cam's Living Document project members, most representatives said they would convey the information they had learned to their neighbors. As village chief Peou said: "Before I come here, people told me that they expect to receive information about the trial from me." Salim added that after his visit, he felt able to explain to his villagers and others about the ongoing legal proceedings against the KR leaders. The participants considered information sharing to be a means of attracting people's greater attention to the tribunal. In this manner, it is a measure to keep justice going in the right direction and a means to help people achieve a sense of justice for their suffering three decades ago.