

Film Screening at Ampe Phnom Memorial Site: Popular Reactions on Duch Hearing

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Several months have passed since the commencement of the trial against Kaing Guek Eav alias Duch, former chief of Tuol Sleng prison, at the Extraordinary Chambers in the Courts of Cambodia (ECCC). As the first trial of the ECCC, the proceedings have drawn national and international attention. While some Cambodians believe that no matter what happens, the trial is incapable of helping Cambodia achieve reconciliation, the majority of Cambodians have expressed their satisfaction with the proceedings and belief that justice is imminent. Regardless of their view of the ultimate outcome, they all keep a close watch on the trial. Either through DC-Cam's Living Documents project or through their radios and televisions, Cambodians are keeping abreast of the legal developments at the ECCC.



On the morning of July 5, 2009, as part of the Living Documents project, a six-member film crew screened select trial footage at the Ampe Phnom pagoda for villagers from three communes of Kampong Speu province. The crew chose the pagoda for the screening site because of its place in Khmer Rouge history. As told by the 80 year-old Mr. Un Hak, in 1975, the Ampe Phnom monastery was abandoned after the Khmer Rouge evacuated everyone to Region 55 in the Angkor Borei district,

Takeo province. The monks that lived in the monastery were forced to disrobe and move out, leaving no one to tend the building.

In Hak's view, what happened at the monastery is proof of the Khmer Rouge's intent to eradicate religion in the area. Although little is known about what happened at the monastery during the reign of the Khmer Rouge, Hak, the Ampe Phnom village chief after 1979, recalled that the pagoda's compound was dotted with numerous graves. At the very spot where the films were screened, hundreds of victims had been clubbed to death and then buried in mass graves. In the early 1980s, the remains of the victims were excavated and then stored in nearby housing to prevent them from destruction.

See: www.dccam.org/Projects/Maps/Mapping.htm.

When Hak found out about the trial, he was very supportive and he urged the villagers to engage in the legal proceedings. He supported the screening and wanted the villagers to view footage of Duch on trial. The purpose of these screenings is to record the reactions of villagers and to use the information collected to assess the ECCC proceedings. Below are the individual reactions of villagers after they saw three clips from the Duch proceedings

Villagers' Reactions to the Duch Trial

Mr. Ven Vang, 48 years old, said: "I am a Khmer Kampuchea Krom. I have a father who died during the Khmer Rouge. I think that bringing these leaders to trial is something that is appropriate at this time. Duch made a lot of excuses about the crimes committed at M-13 and S-21. He said that he did not do the job on a voluntary basis and did not torture the prisoners but ordered his subordinates to do it. It was true. It therefore means that he had a right to spare



someone's life if he wanted to. But he did not. I have high expectations of this Court (ECCC) because it is a mixed tribunal of the Cambodian and international communities. According to the video footage, I think this tribunal will secure justice for both victims and suspects. In the video footage, I observed that judges questioned Duch very patiently. And Duch was not physically or mentally threatened at all during the hearing. Lastly, I hope that an education program is created for the younger generation to help them learn about the regime in order to prevent this from happening again. I have a last hope that international communities are aware of the suffering of and crimes committed by the Khmer Rouge on Khmer Kampuchea Krom."

Mr. Duch Bunnarith, 47 years old, said: "During the Khmer Rouge regime, my family and I were evacuated to Battambang. My parents died of starvation there. We had very little food to eat. My siblings and I barely survived the Khmer Rouge regime. Today the Khmer Rouge tribunal is established. I was grateful to all people who contributed to the establishment of this tribunal. I do not know about the legal procedure so I have no idea how the Khmer Rouge leaders would be punished. I became an orphan because of all that happened during the Khmer Rouge. My loss will never be paid back. But I hope that the tribunal is able to do something for Cambodian survivors in addition to seeking justice. As part of the tribunal's heritage, the government might want to build schools or construct memorials for collective memories."

Mr. Seng Sakhon, 44 years old, said: "Duch felt remorseful for his crimes committed during the Khmer Rouge regime. But I do not think that Duch should be forgiven. What he has committed is too obvious and terrible. He should be accountable for that. During the video footage, I observed his cruelty when he said he stood laughing at a female prisoner being tortured. I do not understand why he regrets his acts today. Why did he not regret them when he was a chairman at S-21? As a chief of a prison, why did not he try to save prisoners at that time?"



Mr. Yim Daung, 85 years old said: "I have heard of the Khmer Rouge Tribunal but I have not seen the trial hearing with my own eyes. During the Khmer Rouge regime, all Cambodians suffered a lot. Some people were tortured. I absolutely support this tribunal. I think it is the right thing to bring those leaders of the Khmer Rouge regime to face the trial."

Mr. Kao Teum, 80 years old, said: “I understand that Duch accepted all the crimes he committed. I think we should forgive him.”

Mr. Kit Yi, 84 years old, said: “It has been many years since the atrocities of the Khmer Rouge. Now Duch is being held accountable for the crimes committed at S-21 under his supervision. So we should forgive him.”

Mr. Sam Sokha said: “I am not able to forgive him because six of my relatives died at M-13. I barely survived the regime. I admit that I could barely hold my tears back when I was listening to Norng Chan Phal’s testimony on the video footage.”

Analysis on Screening and ECCC Involvement in Future Screenings

At the screening, the villagers viewed three video clips. The footage included Duch’s apology, evidence of atrocities committed at M-13, and testimony by Norng Chan Phal, an S-21 victim. In the coming months, DC-Cam will be partnering with the ECCC to show video footage of both the *Duch* case and any future trials throughout the country.



The purpose of these screenings is to bring the ECCC into the villages and to increase awareness of the proceedings. The footage to be shown will already have been made public and the screenings will neither reveal new information nor will they purposefully ignore existing facts. DC-Cam will strive to present a fair sampling of the footage and to avoid creating unfair prejudices. Moreover, DC-Cam screenings will merely one of the many avenues through which Cambodians can learn more about the court.

When DC-Cam partners with the ECCC in making such presentations, precautions must be proactively taken to ensure that the screenings present a fair and impartial representation of the trial proceedings. Although objectivity is merely desirable when DC-Cam independently holds screenings, objectivity will be imperative when the ECCC is involved. The selected video must not compromise the court’s neutrality.

Due to the impossibility of showing the entire trial proceedings at each screening, the film crews will be forced to select which video clips to show villagers. The film crew must be cautious about what video clips are selected for screening. No matter how strongly the evidence may weigh for or against the defendants, it is imperative that the defendants’ perspective and their explanation of their innocence be fairly presented. DC-Cam should make every possible effort to present a balanced collection of footage so that the villagers can decide for themselves the level of the defendants’ responsibility.



Types of video footage selected could include: a defendant's argument supporting his innocence; the prosecution's main argument for conviction; relevant victim testimony and, if possible, any footage that connects the proceedings to the region. Sunday's presentation included Duch's apology, testimony about M-13 (located near the screening site) and testimony from victim Norng Chan Phal. Because Duch apologized for his crimes and does not contest his guilt, the video footage was probably a fair representation of his trial arguments.



Although Duch is trying to qualify his guilt and reduce his final sentence by introducing mitigating factors, explaining this nuance would probably require more time than is possible and is not crucial to getting across the core of his argument.

In subsequent trials, it will be more difficult to find and present sample footage as succinct and as representative of a defendant's case as Duch's apology. Future defendants are expected to plead innocent and will presumably submit their own evidence to support their pleas. However by careful editing and an awareness of the need to present all sides equally, a fair representation of the defendant should be possible. These guidelines also apply for the sample footage of the prosecution and victim perspectives.

Sunday's screening included footage documenting the abuses that occurred at M-13. This footage was chosen because of the proximity of M-13 to the villages and the inescapable connection the villagers have with the former interrogation center. For future screenings, if footage exists that directly ties the area where a screening is taking place to the trial, then it should be used. Inclusion of this footage makes the trial accessible and tangible to the villagers.

When the film crews select the footage to screen, every effort should be made to ensure that a fair representation of the trial proceedings is presented. These screenings will play an important role in informing the public about ECCC proceedings, and the villagers' reactions to them will be invaluable in evaluating the success of the ECCC. Only through a balanced presentation, will DC-Cam be able to collect the most honest, insightful and informative reflections.



End.