

**Building Democracy in Cambodia through Legal Education
Witnessing Justice 30 Years Later**

Justice that the Cambodians Deserve

February 5-7, 2014

Introduction

In an effort to assure the general public of their rights to justice for the crimes committed during the period of Democratic Kampuchea (DK) between 1975 and 1979, DC-Cam's Public Village Forum was held with the direct participation from Mr. Andrew Boyle, an attorney of Office of Co-Prosecutors at the Extraordinary Chambers in the Courts of Cambodia. The February 6, 2014 forum has seen a engagement of at least 450 villagers,



Approximately 450 villagers, students, local leaders, and teachers attend DC-Cam's Public Village Forum in Chong Kal commune, Oddar Meanchey province on February 6, 2014.

local leaders, teachers and villagers who deserved to hear his presentation and to pose questions about the legal proceedings that have taken place since 2007.

This time, the forum intended to reach out to one of the most remote areas called Chong Kal commune of Oddar Meanchey province. In the past this area was

widely known as being the furthest and most inaccessible because it was covered by dense forests with wild animals, especially elephants. The area's remoteness was also depicted in a song titled "Chong Kal": "sound of buffalo horns of elephant owners penetrates through forests on mountain. Who else know Samrong-Chong Kal more than me, who holds a grim heart...I left Chong Kal with my tear and breaking-heart..."¹ Presently, the distance no longer pose a challenge and the forum provided a chance for the villagers to hear from ECCC's legal expert in their community. They also expressed their opinions and reactions to the forum. The debate of accountability process is well connected with that of the KR history.

¹ The song is composed by Mr. Peou Siphon, sung by Sin Sisamut and also by Late King Father Norodom Sihanouk.

The Forum: Highlighting the KR Accountability Process

As the legal proceeding against two surviving KR leaders—former Head of State Khieu Samphan and former Foreign Minister Ieng Sary—is ongoing, the forum enables ECCC’s legal experts to engage with the general public in this important work in Chong Kal commune. On February 6, 2014, Mr. Andrew Boyle, an attorney of the Office of Co-Prosecutors, touched upon a variety of topics ranging from the nature of the ECCC establishment of the categories of individuals to be tried and the criminal charges that fell into Case 001 and 002.

Mr. Andrew started his presentation by focusing on the nature of the ECCC, which is in the Cambodia’s judiciary. He told participants that the court has been functioning since 2006, involving both national and international staff members in this work. Both sides are working together to prosecute the crimes of the KR. He then moved to stress about who would be put on trial. He explained that the court would try “senior KR leaders and those most responsible” for the crimes committed between 17 April 1975 and 6 January 1979. It prosecuted those who committed the crimes against humanity, genocide, war crimes and crimes against the Cambodia law at the time.

Regarding parties in the judicial process, Mr. Andrew pointed to three parties: the prosecution, the defense, and civil parties. He explained to the participants in a very simple manner that in order to prosecute a crime there needs for a process in different some stages. He said the trial could begin when the prosecution seeks an investigation by the Co-Investigating Judges. That is called an investigation stage. However, both the defense and prosecution are involved in this stage. Mr. Andrew stressed that if the investigating judges believe that the probability of certain individuals committing certain criminal acts, a prosecution would commence. When the trial started, all parties had the chance to present evidences to judges. The civil parties could also ask witnesses to speak before the court. At the end of the trial, the prosecution is able to present evidence to prove why the accused persons should be tried. The judges would decide whether the charged persons would be guilty or not guilty. After the judgment, the accused persons would make an appeal.



Mr. Andrew Boyle gives his presentation and answer questions from participants at Chey Oddam Chong Kal pagoda of Chong Kal commune, Oddar Meanchey province.

Regarding the various cases at the ECCC, Mr. Andrew said that Case 001 against Kaing Gueck Eav alias Duch, former chief of Tuol Sleng prison, was completed. Duch was charged with the murder of over 12,000 people. After his appeal, he was ultimately sentenced to life in prison. In Case 002, there are four KR leaders: Ieng Thirith, Ieng Sary,

Nuon Chea and Khieu Samphan. During the trial, Ieng Thirith was found mentally unfit to stand trial. She was released under the court's monitoring. In early 2013, Ieng Sary died. At the end, only Nuon Chea and Khieu Samphan would be tried. Mr. Andrew added that the two-year trial addressed some charges that Khieu Samphan and Nuon Chea committed: forced movement from Phnom Penh and other zones and the killings of Lon Nol officials at Tuol Pochrey in Pursat province. The judgment is being written and expected for its issuance in mid-2014. The trial in the Case 002/02 will start and the prosecution team would ensure that the trial would happen as soon as possible. Mr. Andrew finished his short presentation by mentioning about the other two cases, which are now at the investigating stage. Because the investigation of Case 003 and 004 are confidential, he could not go into further details.

Mr. Andrew's presentation was followed by consecutive questions, mostly, from students. They asked mainly about the utility of the trial, the timeframe that each case (especially Case 002) would be properly completed, the possibility of Case 003 and 004 being brought before the ECCC, and the possible genocide charges against the two KR leaders. Mr. Andrew responded to these questions in great details. Additionally, DC-Cam team also took to the floor to answer to a student's question of "who were the KR?"

Paying attentive focus on the forum, Mr. Phen Oeum, 72, of Chong Kal commune, Oddar Meanchey province, found out that the debate help shed some lights on the criminal accountability that the KR leaders would ultimately face. The people, especially students, expressed their opinions in the forum and took it as a model on how they should convey the KR history to their children and the new generations for the sake of memory.

Connecting the KR History

Having heard this constructive debate for nearly two hours, the participants echoed the views and answers from Mr. Andrew and the DC-Cam team. Their interests stemmed largely from their first-hand experience with the KR regime. The participants believed that the effort to memorialize the regime through story telling process should be constantly made to connect with what is happening at the ECCC to how the people suffered.

Mr. Kuy Vanna, 59, of Chong Kal commune said he usually told the youths about the brutality in 1976-1978. Cooperatives were set up and everyone collectively ate at the cooperative's dining hall. People were forced to work in the rice fields. Mr. Vanna said in late 1976, the people were evacuated and gathered at a rally point as a precautionary measure when the Khmer Sereika infiltrated. The KR were mobilized and lived along national road 68. Each family settled in their respective cottage but ate as cooperative. He further explained that in 1977, the people were assigned to build dams and did hard breaking work. Mr. Vanna said the severity of work caused people exhaustion, languish and death. He even told the youth about the mass arrests in which the whole village became quiet, listening to his story. Mr. Vanna provided an example of a cooperative chief, Than of Cheung Tien commune, Oddar Meanchey province, who was severely beaten on charge of treason. Than's whole body was covered in his own blood and was driven away on a horse cart and disappeared ever since then.

Even former KR cadres showed their great intention to tell the youth about the serious consequence on the Cambodian people. Mr. Uch Nhim, 63, of Chong Kal commune, Oddar Meanchey province, and Mr. Phen Oeum, 72, of Chong Kal commune, Oddar Meanchey province, said they often brought up for discussion about their work, responsibility and sufferings. Mr. Nhim, who worked for cooperative's economic section

during the KR period, said his main responsibility was to transport and collect rice from Svay Siphon district, Banteay Meanchey province. The rice was sent to Tapon commune, Battambang province, but Mr. Nhim found that the people did not have enough to eat. Mr. Nhim thought that the KR might have attempted to kill everyone. As a village chief, Mr. Oeum's experience was no different from other survivors. His father-in-law, Chea Uon, was killed because of an unknown mistake. The serious human rights violations made both Mr. Vanna and Mr. Oeum appreciate the work and responsibilities of the ECCC. They said that the KR leaders had to be accountable.

Reactions to the Forum

After the forum, both villagers and students voiced their opinions and feedbacks on this Public Village Forum and the presentation by the ECCC's official.

Mr. Kuy Vanna said the senior people usually told their children of the history and teachers also provided some factual information to the students. This process would serve as a warning effort for future leaders to prevent such the regime from happening again. The people have in turn enjoyed their rights to expressions, movement, and assembly. The forum allowed people to be aware and recall the past. The youths should join and share their sorrow and plight of what the country has experienced. With freedom, the youth should make every effort to prevent such regime from happening again.

Mr. Uch Nhim said he never ever told this history to the younger generations because they would not believe in it because they did not experience it. Even Mr. Nhim's children never asked him about the period. However, now he said he would tell the youth in general about the executions and hard work. They deserve a narration of this history. This serves as a stark comparison of the period of hardship and miserable life to the current better living conditions.

El Choula, 17 years old and an eleventh grader at Chong Kal High School expressed her satisfaction to have heard from the ECCC's officials and posed many questions. This sort of public forum was important. She would share this knowledge with others. Her suggestion to the ECCC officials was that a fairness and justice could be done in accordance with the mistakes that those KR leaders made.



A student poses question to Mr. Andrew Boyle

Prum Chanrith, 17 years old and eleventh grader of Chong Kal High School, said she was happy to see the presence of both DC-Cam team and ECCC's officials to engage in discussion in her community. She received clear explanations from the court officials

together with the story telling process she got from her neighbors. She wishes to have more of such a forum in her community. Also, the KR leaders had to be fairly punished.

Stung Kakda, eleventh grader of Chong Kal High School said it was very important for all of the students and participants to get information about the trial and the KR history. He said for the younger generation, the life imprisonments sentence of KR leaders should be appropriate for those who caused so much hardship to his parents and other Cambodians. However, he remained concerned over the possible death of those KR leaders before the final verdict is reached.

Neng Saren, 18 years old and a twelve grader of Chong Kal High School said she found it useful to have this forum because she learned a lot about the KR history and also updates on the KR trial. This forum created a democratic model in which the people could express their opinions and ask for clarifications on any points they has some doubts on. In her opinions, the forum should be held in more remote areas.

Luy Chan Lea, 19 years old and twelve grader of Chong Kal High School said that the forum was important. The senior people had the chance to narrate their own experiences and the youth could learn the information. The trial is a must for those who died during the regime and deserve credible justice. Her suggestion to the DC-Cam team was that the presentation should be made with a slide presentation so that senior people could find it easier to understand because many of them have low literacy or are illiterate.

Conclusion



A statue of Jaya Varaman VII in the middle of Samrong city, Oddar Meanchey province. The statue faces the road bound to Anlung Veng district, the KR's last stronghold.

Close observation on the trial proceedings at ECCC could be seen given that the high turn-out of the 450 villagers, students, teachers and local leaders. While only several villagers had ever attended the court hearings, most benefited greatly from the various speakers who brought valuable updates to the people in Chong Kal

commune. In addition to the chance to clarify any doubts they have in mind, the people could be an inspirational model on how to connect the legal proceedings with the KR history that they had a first-hand experience. What they had in common was also the continuous

efforts to share their knowledge with friends and to follow up on news about the trial proceedings through the media.

APPENDIX I: Photos of the Forum

http://d.dccam.org/Projects/Living_Doc/Photos/2014/Public_Village_Forum_in_Oddar_Meanchey_Province_on_February_5-7_2014/index.html

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