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The Role of Community in Disseminating Information on the Khmer Rouge Trial

Report on a Village Forum in Kampot province

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Background to the Living Documents Project

The Documentation Center of Cambodia (DC-Cam)'s Living Documents project has brought local representatives throughout the country to participate in the process of the Extraordinary Chamber in the Court of Cambodia (ECCC), also known as the Khmer Rouge tribunal. After completing Phase I in mid-2007, the project team launched Phase II in November 2007 by inviting representatives from remote areas to attend Kaing Guek Iev's provisional detention hearing – the court's first public proceeding. So that people on local level can receive information directly about the court's work, the team will bring 50 commune chiefs and villagers to every public hearing to observe and witness the court, learn about the court's hearing procedures, and hear the suspect's biographies. To date, the team has brought groups to hear the appeals against provisional detention by four KR leaders.

To accomplish the project's long term goal of disseminating information to a wide group of Cambodians, the project is building on community relationships. Villagers who attend hearings are invited to village forums to relate their understanding of the court hearing to their communities. For those villages that do not have a representative able to attend a court hearing, the team will screen in the future short film about the forums to start the discussion. In this way, the team hopes to increase the level of awareness about the Khmer Rouge tribunal among local people. To achieve this goal, in August 2008 the project team organized its first village-level forum to help local representatives in Trapeang Sala Khang Kaet sub-district share information about the ongoing process of the Khmer Rouge tribunal with their own communities. The forum's activities are described below.

Introduction

In a large commune office in Banteay Meas district of Kampot province, situated 10 km from the national road leading to Kampong Trach district, about 60 people from all 5 villages of Trapeang Sala Khang Kaet sub-district attended a forum organized and facilitated by the Living Documents Project. The forum was the first village-level discussion on progress of the Khmer Rouge trials since the ECCC's Pre-Trial Chamber held its first pre-trial hearing in November 2007.

The August 26th forum provided an opportunity for the sub-district's representatives who visited and observed the pre-trial hearing of Ieng Sary on June 30, 2008 to share information they received at the court with their neighbors and their community as a whole. The discussion was intended to encourage participants to make comments, pose questions, and share their personal experiences during the Khmer Rouge. During the two-hour forum, topics related to Ieng Sary's public hearing as well as the participants' individual experiences during the Democratic Kampuchea period were discussed and followed by questions and answers. After the forum, the Team spent the afternoon and the next day conducting video interviews with participants to collect their personal stories, comments, and reactions on the forum and the Khmer Rouge tribunal.



The Village forum is housed in Trapeang Sala Khang Koet commune office.

With the close cooperation of Trapeang Sala Khang Kaet's commune chief, Mr. Nop Ouch, the Team was able to invite 56 residents from Porn, Liap, Khseum, Torp Sdach, and Ta Ngeut villages to take part in the event. Ten of these villagers had attended Ieng Sary's pre-trial hearing and were able to relate to the other participants what they had observed and witnessed during the proceedings. With assistance from the commune clerk, the Team was able to collect the names and contact information of all participants for further communication. Eighty *Searching for the Truth* magazines were distributed to the participants and another twenty were left at the commune office. The whole forum was videotaped by the DC-Cam's Film Team for documenting and producing a short documentary.

Participants of Ieng Sary's Pre-Trial Hearing Share their Understanding with their Community

After the Living Documents Team introduced DC-Cam and explained purposes of organizing the forum, the ten village representatives were invited to describe to the participants what they had learned from their trip to Phnom Penh and the court hearing. Each of them took turns expressing their understanding of the tribunal and what they had learned during their visit – ranging from Ieng's personal history and work experiences to their training in court procedures, their observations of the courtroom, their feeling towards the accused, and the substantive issues discussed during the hearing.

Mr. Sam Lim Han, the leader of the ten-person group who travelled to Phnom Penh to observe the Ieng Sary hearing, began by summarizing Ieng's biography. Mr. Sam



Mr. Sam Lim Han speaking to his community.

then shared his good fortune at having been provided the opportunity to observe the hearing, noting the strict security check at the Court's entrance. He pointed out the ECCC's attention to the safety of the viewers as well as the other individuals present in the courtroom. After that, he and the other guest speakers described the courtroom, including where the charged person, the judges, lawyers, and the observers were seated, and how each part of the courtroom was arranged.

Some speakers mentioned the challenges in understanding complex language used during the hearing and the equipment used for translation. As Mr. Nget Phat pointed out, the three languages – Khmer, English, French – used in the court hearing allowed all attendees, including foreign staff, to follow the proceedings; however, the complexity of the languages made the translation hard to understand. Others explained Ieng's fragile physical appearance and expressed disappointment with how the hearing had been adjourned for a day due to his medical problems. Some guest speakers and participants worried that the trial proceedings are moving at a slow pace and that the suspects are aging and ill. Mr. Sam said that from his observations the court investigation process was definitely time-consuming. As an example of this, he referred to an article in *Searching for the Truth* magazine discussing the process of translating documents at the court.

The forum proceeded with a few of the speakers discussing the jurisdictional issues submitted to the court during the hearing, such as double jeopardy and the royal pardon and amnesty. Mr. Ieng Chhao explained that Ieng Sary was sentenced to death *in absentia* for the crime of genocide by the People's Revolutionary Tribunal. However, in his understanding the hybrid court should be able to accuse him of other crimes. His clear explanation of the issues relieved participants' doubt about whether the charged person could be brought to trial. Sam Lim Han spoke about the court's reasons for placing the charged person in custody and the defense lawyers' arguments for requesting his release. He explained that Ieng's personal safety, guarantees of his presence in the court, public order, and his likelihood of his fleeing the country were the main concerns of the court, while Ieng Sary's health problems were the main argument used by the defense to argue for his release.

The forum continued for about another hour to provide an opportunity for questions, comments, suggestions from the participants and answers from the guest speakers and facilitator. Most questions and suggestions concentrated on the time

consuming nature of the trial and the slow progress of the tribunal. Other questions focused on the potential death of the suspects and the crimes that would be charged. The attendees closed the session by suggesting that the court speed up the proceedings so that they could see justice done promptly.



A villager asking questions.



Village representatives answering participants' questions.

Forum Participants Recount their Personal Stories under the DK

Later that day and on the following day the Living Documents Team took the opportunity to collect stories and comments from the forum's attendees. Several forum participants were pleased to provide us interviews sharing their personal accounts and opinions about the Khmer Rouge tribunal. Three villagers from Ta Ngeut and Liap villages narrated their personal experiences under the Pol Pot regime and offered their opinions on the Khmer Rouge tribunal. Although that they lived in the same commune, their personal stories varied. One of them was a KR soldier throughout most of the war; while the other two were common villagers. Nevertheless, they agreed in most of their opinions on the KR tribunal.

Mr. Chheung Kap, 74 years old from Liap village, was a fisherman during the Khmer Rouge. He complained of living on very little food and in fear of being accused of being an enemy. He described how he came to witness an execution of a villager while fishing at a lake near his village. He told us that the Khmer Rouge cadre hit the victim with a wooden bat and finished his life by pushing him into a grave.

Through his experience, Mr. Chheung understood the chain of command during the Khmer Rouge. He said that low-level Khmer Rouge cadres would not have the power to kill innocent people without an order from their chiefs. He placed accountability on the top leaders of Khmer Rouge and therefore suggested that the ECCC bring those on a commanding level. He expressed his disappointment in the slow progress of the trial saying, "I have waited to see justice done for many years. Until now I still cannot see those senior leaders on trial." Like some other

interviewees, he worried about the advanced age of charged persons currently in custody.

Ms. Prak Samut, 64 years old from Ta Ngeut village, was cut in the leg during a bombardment in Chamka Leu district, Kampong Cham, while she was following her husband to work at the rubber plantation. She expressed her anger towards the Khmer Rouge and wanted to put them before a people's tribunal instead of the ECCC. She had moved back to her home village in Trapeang Sala Khang Kaet sub-district before the KR took total control of her village, but her brother and sister were requested by the Khmer Rouge movement to serve in the army and fight for revolution. Since then she never heard from them again. The sorrow of losing her siblings to the war did not end there. Tragedy came to her again when the Khmer Rouge evacuated Phnom Penh's citizens to her village. Among them was her uncle and his family. Since she was related to new people from Phnom Penh she had to live under KR's observation. Working hard was not enough to gain trust from the KR, she had to give her personal property to the cooperative and take care not to complain about anything. Though she was able to prevent herself from being accused of anything, she was unable to protect her uncle from being killed. He was accused of being an enemy for not take good care of the animals and was sent to death right away as a punishment without any form of resistance. She requested the ECCC to find justice for her uncle and siblings and not to delay the process of trying of the KR senior leaders.



Ms. Prak Samut giving an interview.

Having attended the forum, Ms. Prak was able to understand and take more interest in the KR tribunal. She had previously heard of the tribunal on the radio but hadn't paid it much attention. However, the forum had provided her information that helped her understand that seeking justice through a legal accounting could not fulfill victims' need for an immediate result. Instead, justice was a careful investigation and time-consuming process.

Mr. Loeung Tonh, aged 51, living in Liap village, Trapeang Sala Khang Kaet sub-district, was a Khmer Rouge soldier for almost 10 years starting when he was 12 years old. He was sent to fight on the front lines in 1972 and return to his village to lead a normal life in late 1979. He described his life on the battlefield and explained that despite risking his life fighting with Vietnamese he had had enough food and shelter. Therefore he did not realize the suffering his family and his villagers endured back home. The Khmer Rouge trial reached his attention only after the ten village representatives brought back from Phnom Penh the *Searching for the Truth* magazine and information about the Court, and after attending the forum.

Participants' Opinions on the Tribunal and the Forum

The Pre-Trial hearing of Ieng Sary drew attention from the forum's attendees even though they did not have an opportunity to witness it. Many participants claimed that they were willing to attend the trial if they had a means to do so. The information they absorbed at the hearing brought to their attention the ongoing proceedings and the deeper questions being raised at the Court. Some attendees' commented as following:

Having been with the KR for almost ten years, Mr. Loeung was pleased to hear about the pre-trial hearing as it proved the progress of the court. He opined that this trial would set an example for later generations to learn that criminals would not enjoy impunity. In addition, young children would have an opportunity to learn about the Khmer Rouge regime.

Hang Oeun, 52, from Porn village, expressed his delight in seeing the five KR leaders in custody. He believed that if the court made good progress, the Cambodian people would definitely be relieved from the anger with which they have been living for years.



Mr. Chheung Kap reading "Searching for the Truth" magazine.

Nevertheless, Hang Oeun, Loeung Tonch, as well as many other participants, were still concerned about the possibility of putting the suspects on trial before they die. Ke Hiang suggested that the investigation proceeded faster so the accused could be brought to trial promptly.

In contrast to the other participants, Khut Toeuy, 52 years old, who claimed to have seen Ieng Sary at Malai (Northeast part of Cambodia) during the KR resistance in 1980s, felt that Ieng Sary as well as other senior leaders who are currently in custody should not be tried as they are too old now. He expressed his sympathy for the aging KR leader and suggested releasing him from provisional detention.

In addition to their views on the court hearing and the tribunal, the attendees made significant comments on the forum. The team observed that the forum was an effective means to spread information locally. Some participants found the meetings very informative in updating them on the status of the tribunal. 48 year-old Nop Tauch, from Porn village, indicated that attending the forum gave him a lot clearer information. He felt that the information he received during the discussion was trustful as it came from members of his community. Nop Tauch appreciated the roles of the ten representatives as they were significant figures to bring this

information to his community. Ke Heang from Liap village further commented that the information would reach villagers, in particular those who did not witness the hearing, more widely through this kind of meeting.

Conclusion

The first village-level forum in Trapeang Sala Khang Kaet sub-district clearly reflected the important role of community in disseminating information about the Khmer Rouge tribunal. It contributed to the enthusiasm of the ten representatives who observed Ieng Sary's pre-trial hearing and reinforced their knowledge and desire to inform and educate their community. Those ten were able to paint a picture of their understanding of the hearing and to share their views about the tribunal to the villagers. Their increased attention to the ongoing tribunal process proves the impact of the visit. The event also contributed to the participant's engagement in political life on community level, helping to promote local justice and reconciliation.