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DOCUMENTATION CENTER OF CAMBODIA

Phnom Penh, Cambodia

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The Duch Verdict: A DC-Cam Report from the Villages

Witnessing Justice, Village Screenings of the First Khmer Rouge Verdict
of the Extraordinary Chambers in the Court of Cambodia (ECCC)

July 26, 2010

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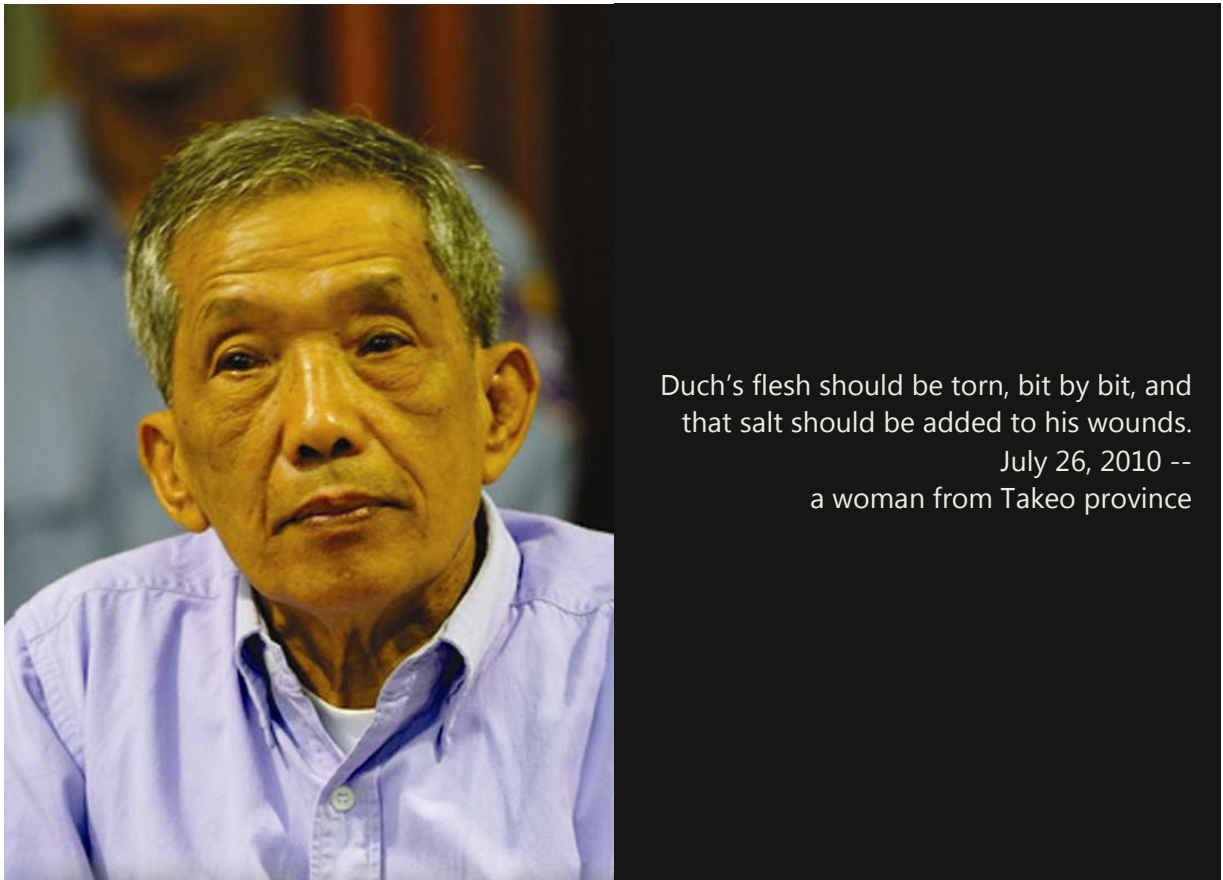


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Duch's flesh should be torn, bit by bit, and
that salt should be added to his wounds.

July 26, 2010 --
a woman from Takeo province

Duch -- July 26, 2010. (ECCC File Photo)

Overview of Program

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Sirik Savina (center) meeting with community representatives in Pursat

I. OBJECTIVE

The objective of this program was to allow survivors of the Khmer Rouge regime to witness the announcement of the verdict of Case 001 in which Duch, former head of S-21 Tuol Sleng prison, was tried for crimes against humanity (imprisonment, torture, enslavement, rape, murder, extermination, and persecution) and grave breaches of the Geneva Convention of 1949. Duch is the first former Khmer Rouge to be tried by an internationally recognized court for atrocities committed during the Democratic Kampuchea era (1975-1979), during which approximately two million people died.

II. RATIONALE FOR PROGRAM

The first verdict of the Extraordinary Chambers in the Court of Cambodia (ECCC) was announced on July 26, 2010. The seven-month trial of Kaing Guek Eav *alias* Duch for crimes committed in connection with the infamous S-21/Tuol Sleng prison, although limited to one detention site,¹ provided the first opportunity since the fall of the

¹ See DC-Cam Mapping project's list of 196 known DK prisons, *available at* http://www.dccam.org/Projects/Maps/List_of_DK_Prisons_Most_Updated.pdf.

Democratic Kampuchea (DK) regime 31 years ago for Cambodians to hear public discussion and debate on policies that resulted in the deaths of nearly two million people in only three years, eight months, and twenty days. Thousands of survivors personally attended the hearings and nearly a hundred directly participated in the trial as civil parties. Duch's confession of his crimes and the Court's judgment of his actions is meaningful even for survivors unconnected to S-21, as they speak to the responsibility of the many other prison chiefs still living who will never be held accountable for similar acts. The second trial, or Case 002, although more significant because it will judge the four living senior leaders (Nuon Chea, Khieu Samphan, Ieng Sary, and Ieng Thirith) and the responsibility of the DK leadership, is not expected to begin until 2011 and no verdict will be issued before 2012, by which time the four accused will all be in their early to mid 80s. Due to the long delay before the Case 002 trial and verdict, and the uncertainty if all accused will live to see judgment, the verdict in the Duch case carries great symbolic importance as the first formal accounting of the abuses of that period.

III. DESCRIPTION OF PROGRAM

A. Overview

In recognition of the historic significance of this event for all Cambodians, the Documentation Center of Cambodia (DC-Cam) hosted live and also replayed screenings of the verdict and other films over four days at each of seven provincial locations. Although the ECCC courtroom is the largest of all international/hybrid courts, its capacity is limited to 500 persons, not nearly enough to accommodate all those with an interest in hearing the Court's judgment. For less expense than bringing 500 people to Phnom Penh, DC-Cam brought the verdict to 300 or more people at each screening location.

Four DC-Cam staff members facilitated the event at each location and documented participants' reactions through interviews, photographs, and video recordings. Staff distributed to all attendees free copies of DC-Cam's monthly Khmer language magazine, *Searching for the Truth*, and a new illustrated booklet entitled, *Genocide: The Importance of Case 002*, describing the biographies and alleged responsibility of the Case 002 accused. Volunteer DC-Cam legal associates collected information about each provincial screening for this report.

The program at all sites was led by former KR victims, with the exception of the screening in Kandal, which was managed by a former S-21 prison guard. The location at Svay Khleang is home to a primarily Cham Muslim population and the screening there was overseen by a Cham village chief.

B. Locations

Due to limited resources the Center selected only seven provincial locations, chosen because they are the home districts of commune and village chiefs and victims and former perpetrators who have been actively engaging their communities in the ECCC proceedings. The sites are also historically significant.

The seven screening locations were: (1) Svay Khleang, Kampong Cham; (2) Rumlech, Pursat; (3) Koh Thom, Kandal, (4) Prey Lvea, Takeo; (5) Trapeang Veng, Banteay Meanchey; (6) Prek Sbauv, Kampong Thom; and (7) Rumduol, Svay Rieng.

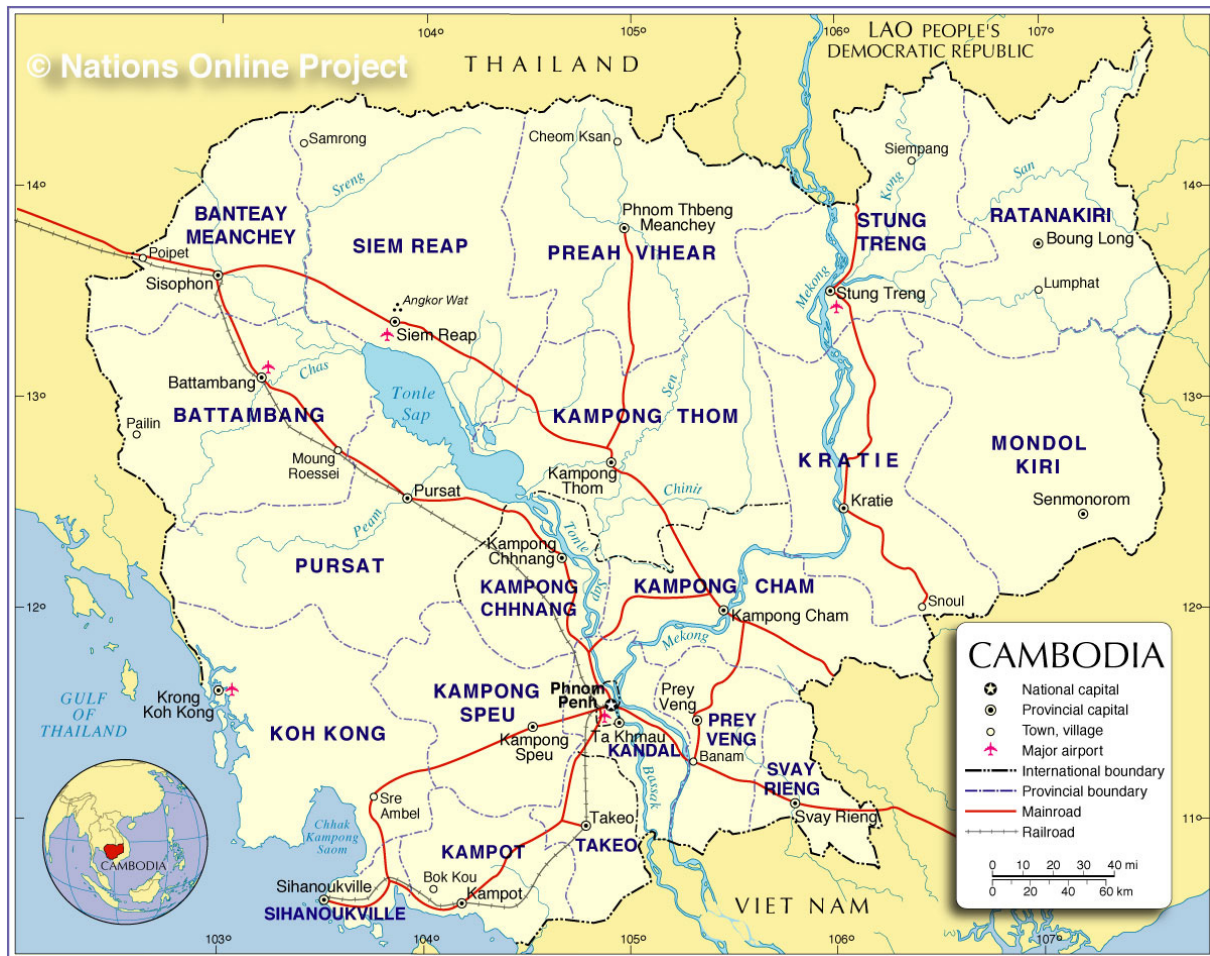


C. Schedule of Activities



The main activities for the screening of Khmer Rouge Tribunal verdict were carried out over the course of several days. One day before the screening day, each of the teams worked closely with a commune representative serving as a facilitator to get permission from local authorities and assure cooperation from them. Also,

the representative and the team in each commune were required to arrange pre-screening activities such as delivering informational leaflets to the local villages, putting up banners at assigned locations, announcing the screening to villagers, gathering the villagers through village chiefs and respected community members, and other logistic preparations.



On the first screening day, the teams screened live the ECCC verdict from a television channel to the invited 200 villagers. Before the screening began, the team members gave a presentation on the background of Duch, his trial, and the process of the Khmer Rouge Tribunal to the audience. The verdict reading took less than two hours, leaving the whole afternoon for other activities. In the afternoon, the team conducted on-site discussions with villagers to gauge their opinion on the court's decision and the overall topic of Duch and other former senior KR leaders.

On the two following days, the team replayed the verdict for those who did not have the opportunity to watch on the first day. Around 30-100 people watched each replayed verdict screening. Discussions followed the screenings to allow participants to express their opinions and promote dialogue. Video interviews were conducted and photographs were taken for the purposes of documentation and to post on the Cambodia Tribunal Monitor website. In addition to the primary screening locations,

screenings were held at 12 restaurants, advertised in advance at each location with signs in front. Approximately 5-60 people attended per screening.



D. Distribution of Materials

Before the screening of Duch's verdict took place, the teams distributed the new illustrated booklet *Genocide: The Importance of Case 002, Searching for the Truth* magazines, flyers, ECCC booklets, and posters to all participants. The distribution allowed villagers to learn

additional information about the Khmer Rouge Tribunal and prepare them for the verdict reading.

E. Supplemental Activities

In addition, each team conducted additional programs for villagers in the evening including documentary film screenings and Khmer traditional music.

IV. OUTCOMES

A. Documentation by the Magazine Team

A magazine team member traveled along to each location to write stories or articles featuring the event and participants for publication in DC-Cam's magazine, *Searching for the Truth*. Villagers had the chance to share stories of their sufferings under the Khmer Rouge regime and develop their opinions regarding the verdict. We believe that these articles helped promote the rights of citizen to have their voice heard regarding the decision to try Khmer Rouge leaders. They also served as an educational tool to help bring awareness



to this tragic chapter in Cambodia's modern history. A sample of these articles is attached below in the Phnom Penh section.

B. Documentation by the Film Team

During the course of the field trips, a Film Team member captured villagers' reactions to the verdict decision on b-roll. Given the importance of Duch's verdict, numerous video clips of people's reactions, along with photos taken of the activities will be produced. The Film Team also conducted video interviews to document villagers' personal experiences under the DK period. All of these video clips will be stored in the archives at the Center and posted on the Cambodia Tribunal Monitor (CTM) website, of which DC-Cam is a founder.

V. REACTION TO THE VERDICT

Participants' reaction to the verdict is documented in each of the provincial reports below. **Director Youk Chhang**, watching from Phnom Penh, has said that to him, *the verdict is not incorrect. Had the sentence been a bit longer, it would perhaps have provided greater satisfaction to the majority of the survivors, but nothing would have satisfied them completely. Now it is necessary to conduct meaningful outreach about the verdict to increase support for the Court in advance of Case 002, the next and most important trial.*



Youk Chhang at Tuol Sleng's Photo Laboratory. Photo by John Vink

Banteay Meanchey province



Kim Sovannndany, Em Chhat, Sok Vannak

Team: Kim Sovannndany, Vanthan Peoudara, Em Chhat, Sok Vannak, Della Sentilles

Preah Net Preah commune in Banteay Meanchey province is particularly important as many of its inhabitants were greatly impacted by the Khmer Rouge regime. There are a number of mass graves in the province, including one near the pagoda where the screening was held. It is also the province where Youk Chhang, Director of DC-Cam, and Em Chhat, an employee of DC-Cam, were sent during the regime.

I. SUMMARY OF ACTIVITIES

Upon arrival, the DC-Cam team met the chiefs of ten villages in Banteay Meanchey province to invite them and their villages to the screenings. In addition, the team coordinated its efforts with other local officials, including Preah Net Preah commune chief, Hong Huy. Two screens were set up in the pagoda, one for the morning screening and one for the evening. In addition, the team asked owners of various cafes and restaurants to show the verdict on their television screens. The team also hung five banners to inform villagers of the time and location of the screening. Two of the banners were placed in restaurants. One was placed on the road to the market.

Two were placed in Preah Net Preah near the pagoda where the screenings took place. On the first day, the ECCC verdict was shown live at 10 in the morning. Before the verdict, Vanthan Peoudara, Deputy Director of DC-Cam gave a presentation on the background of Duch, his trial, and the process of the Khmer Rouge Tribunal to the audience. Approximately 120 villagers were in attendance.

After the live verdict, villagers were given copies of DC-Cam's monthly Khmer magazine, *Searching for the Truth*, and an illustrated booklet entitled, *Genocide: The Importance of Case 002*, which describes the biographies and alleged responsibility of the Case 002 accused. In addition, attendees were served traditional Khmer noodle soup for lunch.

After lunch, the team interviewed 31 individuals about their experiences under the Khmer Rouge and their assessment of Duch's verdict. Villagers in Preah Net Preah were also told about the evening screenings of three films: Children of Cambodia, Tuol Sleng in 1979 and Behind the Walls of S-21. The team chose to delay the evening screening by an hour at the request of villagers who wanted to attend but said 6 p.m. was too early.

Due to technical difficulties, however, the team could only show one film, Behind the Walls of S-21. Between 250 and 300 people attended the evening screenings.



The next day, the team replayed the verdict for those who did not have the opportunity to watch on the first day. Right before the replay Vanthan Peoudara gave a brief overview of the trial, the court itself and the verdict. Over 120 people attended the second screening including 19 Buddhist monks.

After the screening the team handed out copies of the magazine and the booklet on Case 002. It also left a copy of the verdict with the commune chief so that other villagers may watch the film at a later date.

II. GENERAL OBSERVATIONS

Overall the screening was a true success. In total 250 people attended at least one of the screenings of the verdict with many more people attending the screening of the films on S-21. Furthermore, the composition of the participants was quite diverse: approximately 40 percent were women, 10 percent were under the age of 18 and 15 percent were monks.

Participants took a real interest in the verdict and said they would like to follow the next trial, Case 002, more closely. They said they wanted to read the booklet on Case 002 to learn more, and they asked that the Center to return to screen excerpts from Case 002 in the future.

It was also a powerful experience for many of the villagers. As stated above, the location of the screening in the pagoda was significant because it was the site of a medical facility, a detention center and a meetinghouse under the Khmer Rouge. In a way, the screening allowed the space to be reclaimed by the victims. The screening also provided villagers with the opportunity to share their stories and their feelings about the Khmer Rouge regime with the team and each other.

There were some difficulties with technology and keeping the participants' attention during the hour-long verdict. But overall they seemed to understand the proceedings and possessed both the capacity and desire to discuss their reactions.

III. OUTCOMES

People were very interested in the trial and many were willing to talk about their reactions. When the team returned to the village for more interviews, it found people sitting in groups talking about the verdict. Interviewees said they would continue to teach their children and grandchildren about the Khmer Rouge. They said that many of their grandchildren did not always believe the stories they told them, but because of the

court their grandchildren will probably now believe them. They said seeing the screening of the court and its verdict was helpful to confirm their stories.

Furthermore, it was a good opportunity for the Center to educate the public about the tribunal generally and Case 002. Many people thought that Duch should be killed. Thus, it was a good opportunity to explain the legal parameters of the tribunal. People also said they were interested in following Case 002, which should provide for a more engaged public in the future.

Attendance:

- Morning Screening, July 26: 120
- Evening Film Screenings, July 26: 250
- Morning Screening, July 27: 120 people; 40 percent were women, 10 percent were under 18. 19 were Buddhist monks.

Materials:

- *Searching for the Truth* (400)
- *Genocide: The Importance of Case 002* (500)
- Duch Information Pamphlet (100)
- CTM Booklet (30)
- ECCC Posters (10)

Interviews:

- DC-Cam conducted 31 interviews.
- Excerpts include the following:
 - **Son Kan (50) and Hu Chheut (58):** "If he were young, what would the court decide? Maybe then he would have gotten life."
 - **Ut Cham Nam:** "Cambodian people are quick to be angry, and they are quick to let go of their anger. The court is very open, and I think it makes people feel better."
 - **Prak Rem:** "The trial cannot make the victims come back. I am still very angry with the Khmer Rouge."
 - **Kao Tong:** "I would decide according to the crimes committed and for the crimes committed the sentence should be life. 19 years is not enough. I feel very little, powerless."

- **You Nuon:** "If Duch were 40 to 50, I wish I could ask for the court to sentence him to life in prison because the crimes he committed were so serious. If I were a judge I wish I could try Duch for life imprisonment now."

IV. INTERVIEWS



Vanthan Peoudara talking to the villagers

Em Chhat, 50

Currently lives in Phnom Penh and works for DC-Cam as housekeeper.

Under the Khmer Rouge regime she lived in Banteay Meanchey province, Preah Net Preah commune. She said that coming back to the commune was difficult because it brought back many sad memories. "It is very painful," she said.

The place where the verdict was shown is now a pagoda, but it used to be a killing site, a detention center and a medical facility under the Khmer Rouge. Em Chhat recalled one terrible instance of violence when a couple that was having an affair was killed. She and about 100 other villagers were required to watch their deaths. They were killed under a tree that stands right in front of the pagoda by a man named Phan.

Em Chhat lost a lot of her family under the Khmer Rouge. Many were high ranking Lon Nol officers. She said there were too many lost relatives for her to count: siblings, uncles, aunts and nieces. Her second brother was put in a jail during the Khmer Rouge. She learned that he was so miserable he killed himself. She was told that he hit his head with a rock over and over again until he died. Her uncle's entire family was wiped out. And she almost lost her life because she was ill and overworked and hungry. She returned to Preah Net Preah not only to watch the verdict, but also to meet with two women whom she says helped to save her life under the regime. Em Chhat said that if no one asks her about Khmer Rouge she is OK, but when she talks about it she becomes very upset. "The pain is a great amount," she said.

Before hearing the verdict Em Chhat said she was very excited and happy to have the tribunal. However, when she found out that Duch would only serve 19 of the 35-year sentence, she was very upset. "It is so low. It is not enough," she said.

What would be enough? "The whole life verdict," she said. "Or, at least long enough so that he dies in prison." Later she said, "Duch was like a king during that time so how can they let him go?" She was also angry at Duch's apology. "How can you forgive someone who killed so many people? How do people believe him?"

She did say that screening the verdict was helpful in teaching the younger generation about the regime. She said she told her daughter about the regime, but her daughter had trouble believing her. "Now with the TV, she seems to believe it more and more."

Em Chhat said she still wants to see Case 002. "These people (the leaders) are even more guilty," she said.

Yem Kim Ros, 57

Preah Net Preah middle school director and one of the women who saved Em Chhat's life.

Kim Ros said she remembers a lot about under the KR. Before the KR, she was a student in Banteay Meanchey province. On April 17, 1975 she was sent back to her village Preah Net Preah. She then went to find her mother in another village, Pouy Samrong. After three days, the KR sent her to another village in the same commune. They told her not

to take her things to the village because she would come back in three days, but they lied. Later they moved her to Pouy Chas where she met Em Chhat. She was a student so she was not good at fieldwork so she tried to live as smoothly as she could and try to understand the work. She became the leader of the group, and she was scared because if she didn't keep everyone organized, she would be killed.

There were students who studied with her at BM. When her group moved to a new village to build a dam, she met her other students. Most of them were boys. They escaped to Thailand in 1977. After their escape, people assumed she knew about it so Khmer Rouge cadre followed her around. One day two men came to take her. They worked for an older man who was her neighbor when she was a student. The older man objected to her being punished and made the two men release Yem Kim Ros. The man who saved her life was named Som At; he was later killed under the KR regime.

How she helped Em Chhat

Em Chhat was so small (KR) so I didn't let her work as hard as the rest. If they woke us up at, for example, two in the morning, I would have her sit up and then when the bosses left I would let her go to sleep.

Why she helped her

I had pity on her, and I didn't want her to work too hard. Had I not been good, Em Chhat would have died. "To be a human, I could not see someone die below me. If someone died, I would feel so guilty. I just wanted to do my best. It was the human thing to do."

Meeting between Em and Yen

This is the second time for them to meet. They met yesterday as well. Before that they had only talked on the phone. She was so excited to meet Em. "It is unbelievable that she came, and she is still alive because I thought maybe she had died." "When we meet together, the pain is lessened. We have known each other for thirty years, and we have survived," said Yen Kim Ros.

Of all the people who were under her during the KR, none were killed. She tried so hard to make sure they survived. A total of 100 people were under her supervision and most

were considered “new people.” She said that a lot of people still come back to see her and give her money and thank her.

On the Duch Trial

She does not have time to follow the Duch trial because she is busy with her work as a teacher. However she feels the sentence is not long enough. If he stays in jail for a full 20-30 years, that is OK. But if he stays for less, then it is not enough for the killing.

Yem Rom (53) in Preah Net Preah

She is the younger sister of Yem Kim Ros. Under the Khmer Rouge, she lived in the same house as her sister, but was not in the same group. She was not a leader of a group, but moved around the villager doing work.

She said she learned about the trial today. She thinks the sentence is OK for her because she did not have to work as hard.

Im Sarak & Kong Leour

They know Em Chhat because Im Sarak was the youth unit’s leader. In 2007, Em Chhat came to meet them to thank them for saving her life. The second time is on the eve of the Duch verdict.

Im Sarak said they did not follow the trial of Duch. They just learned about the verdict from DC-Cam. She will go to the verdict, but her husband said he did not want to go because it was too painful.

Kong Leour also lived in Preah Net Preah under the Khmer Rouge. Before the Khmer Rouge regime, he lived in Phnom Penh and studied. He said he tried to be nice to people, even though he was a leader in the village under the Khmer Rouge. But he was worried about death too. He also said that those who were mean under the Khmer Rouge were hated by the other villagers; some even went so far as to kill those who were mean to them after 1979.

Im Sarak and Kong Leour were married under the Khmer Rouge. At the time, another woman had a crush on Kong Leour. He said he had to warn her not to come around him or she might be killed. He recalled the story of the couple that was having an affair

(moral crime) that was killed in front of the pagoda while 100 others were forced to watch. The man who killed the couple is still alive, but no longer living in the same village.

Kong Lep (48)

He is the brother of Kong Leour. He lived in Preah Net Preah under the Khmer Rouge regime. He worked in the mobile youth unit where he dug canals, built dams and farmed. He said what he remembers is being hungry every single day. "99 percent of the time, I was hungry."

Today is the first time he heard about the Duch trial. He came to watch the screening in order to hear the exact words and to know more about the court. When he heard that Duch got 35 years, he said it was "reasonable and acceptable."

He said he would try to follow Case 002 if he can. He hopes that DC-Cam will come back to show that trial as well. He is now a village chief and he plans to share the information with other members of the village.

Tim Sot (59)

Pouy Kdoeung Village, Preah Net Preah, Banteay Meanchey province

He was a soldier under Lon Nol. He ran away to Thailand when the Khmer Rouge took over. He returned to Cambodia in 1980.

He said he just learned about the Duch trial today, and when he watched the verdict he felt that the court was very sound and reasonable. He thinks the court is a good thing too because he never wants to see the Khmer Rouge come back into power. He plans to follow Case 002 and to learn more by reading the book on it. His reaction to the verdict: "I was so happy to see the sentence." The reparations did not make sense to him. He thinks there should be a memorial.

Choy (13)

Preah Net Preah

She said she never knew about the Khmer Rouge, but she did learn a little today. She said she wants to read the book to learn more.

Run (65)

Kok Ta You village

Under the Khmer Rouge she lived in Trapeang Kak village working in the field planting potatoes and rice. She said that the court must make the decision about Duch. Since he did a bad thing, he should be punished. She said that she was OK with the verdict of 35 years. (Note: She did not know about the 19 years.)

Huot Than (58)

Pouy Samrong village

Under the Khmer Rouge she lived in Pouy Chas village. She said she had to work very hard clearing the tree trunks and farming and that she was always hungry. "I feel very relieved after seeing the trial. Before the trial, I feel so much pity for the victims. I want [Duch] to be tried and to be held accountable." She said she would like to follow Case 002 if she can. Today was the first time she saw the court and saw Duch. She never knew about him or S-21 until then. She said that she also tries to talk to the children to help them understand the suffering.

Prak Rem (55)

Pouy Samrong village

Under the Khmer Rouge she lived in Kork Lun village working in the mobile work unit building dams. She lost five of her relatives to overwork and hunger. She still suffers a great amount. "The trial cannot make the victims come back. I am still very angry with the Khmer Rouge."

She did not know about Duch until today. She thinks that the verdict is not enough because too many people died. She is still angry, and she would like to see Duch put to death. She said she would follow Case 002 as long as the news about the trial continues to come to Banteay Meanchey province.

Ut Cham Nam (55)

Trapeang Veng village

Under the Khmer Rouge, he worked in mobile youth unit so he was never in one place for very long. He said he first learned about the trial when DC-Cam came to town to talk about it and show the screening.

He said the sentence depends largely on the age of the accused. When he heard 35 years, he thought it was good because Duch would die in jail. He thinks Duch will not live another 19 years so he accepts that sentence as well. In short, as long as Duch dies in prison he is OK.

He later said that he thought the court should have condemned him forever. If Duch had committed just one crime, the sentence would be enough, but for all of the deaths at S-21 it is not enough of a sentence.

On the court: "Cambodian people are quick to be angry and they are quick to let go of their anger. The court is very open, and I think it makes people feel better." He plans to watch Case 002 if possible.

Son Kan (50) and Hu Chheut (58)

They both said that for the crimes committed, the verdict is simply not enough. But in terms of Duch's age, it seems appropriate because he will probably die in prison. "If he were young, what would the court decide? Maybe then he would have gotten life."

Chong Soeu (63) and Pram Sokhom (64)

Preah Net Preah village

They initially said they did not remember much about the Khmer Rouge. Later, he said that he lost his parents and his siblings under the regime.

They did not attend the initial screening of the verdict because they did not know much about the trial. He thinks that it is up to the court to decide what is fair because he has no idea on this. He also hopes that the passing of time will help. The sentence seems somewhat fair to him.

They have told their children and grandchildren about the Khmer Rouge regime, but most of the time the grandchildren have trouble believing/fathoming what happened. "They cannot believe we survived on so little," he said.

At Seap (55)

Lives in Sres Lech village, Preah Net Preah commune. She lost her grandfather, uncle and aunt to the Khmer Rouge regime. She said "because Duch is old now, with 19 years in prison, it seems he will be too old to make it out alive."

You Nuon (62)

Lives in Sres Lech village, Preah Net Preah commune. Under the Khmer Rouge he was extremely ill because of his hunger. He also lost three relatives.

He expressed his concern that nothing can bring back the lives of the people who died under the regime. And the crimes committed by Duch took far too long to condemn. He hopes that Duch will die in prison.

"If Duch were 40 to 50, I wish I could ask for the court to sentence him to life in prison because the crimes he committed were so serious. If I were a Judge I wish I could try Duch for life imprisonment now," said You Nuon.

Hong Huy (55)

Preah Net Preah Commune Chief

Hong Huy's uncle's entire family was killed under the Khmer Rouge. He also lost a son, his mother-in-law and a sister. Hong Huy followed the verdict and the trial. He read about it mostly, and he worked with DC-Cam to facilitate the screening. He said that while the trial brings some relief, it is not enough to undo what happened. Duch should have been sentenced to life because the crimes were so serious. "The focus should not be on his age, it should be on the crimes committed. He should have been sentenced to life."

He believed the screening was beneficial to the villagers because it is important for them to see the court and to hear the actual words from the judges. Already a few people had come to see him and ask him about the verdict.

He thought more people would have attended the first screening if the weather had been better, and the verdict wasn't during the same time as the students' finals and the Buddhist ceremony.

He has hope for Case 002. He trusts that it will be better and that DC-Cam will help with making sure the court gets all the correct documents. He would like to have DC-Cam come back for Case 002. Though ideally, he would like the villagers to be able to go to Phnom Penh to see the court and the killing fields and S-21.

Kao Tong (39)

He does not remember much about the Khmer Rouge because he was so little. He said he had never heard about the Duch trial until DC-Cam came to the province. He now knows a little more. He watched the verdict at home. He and his friends spent the day talking about the result.

"35 years seems appropriate because Duch seems very old already. But I have one question, if Duch were younger, how would the court sentence him"? If he were to sentence Duch: "I would decide according to the crimes committed and for the crimes committed the sentence should be life. 19 years is not enough. I feel very little, powerless."

V. CHALLENGES

Technology

Due to the rainstorm in the morning, the screening was a bit blurry, and it was sometimes difficult to hear. In response, the team opened the doors of the pagoda and moved the second screening outdoors. There was also an issue with some of the films; only one of the three films would play on the computer.

Location

The number of participants in the live screening was smaller than expected in large part due to the weather and the distance. Since it was the rainy season, it was difficult for many people from remote villages to attend. In fact, DC-Cam did not contact three of the 13 villages in the province because residents would have had to take a boat and then a bus or motorcycle to get to the screening.

Miscommunication

While most participants understood the verdict from the ECCC president, they had difficulty understanding the legal language, especially for things like reparations. Furthermore, the verdict, while only an hour, was quite exhausting for most and many seemed to lose interest with some leaving well before the sentence was announced.

Another issue was the discrepancy between the sentence that was announced (35 years) and the actual time Duch will spend in jail (19 years). Many people were initially happy with the verdict, but were quite disappointed to learn it was less. This misunderstanding was both confusing and upsetting to many of the participants.

Timing

Unfortunately, the screening took place on the same day as the Buddhist ceremony for the rainy season and final examinations for high school students. The festival was in the same location as the screening, which created quite a bit of distraction as well as noise competition. Holding a second screening was helpful in ameliorating this conflict. On the second day, nearly 20 monks attended. Unfortunately, the students were still in their examinations and could not attend.

VI. IMPACT

Education

For many villagers, the screening was the first time they had seen or heard about Duch and the tribunal. They said the screening taught them a lot about Duch, S-21, the Khmer Rouge and the tribunal. Many said that with their new knowledge about the tribunal, they would like to follow Case 002. They also said the screening helped them to prove, in essence, to their children and grandchildren that the Khmer Rouge regime really did happen.

Reconciliation

While many people said they still feel very sad and angry, they also said that watching the verdict was helpful. Many described feeling relieved and lighter knowing that Duch had been found guilty. In addition, the location of the screening at the pagoda may have helped the village. As stated above, the pagoda was once a killing site under the

Khmer Rouge regime. Now, however, it is also the place where the villagers had access to the trial and to justice.

One particular poignant example was the chance for Em Chhat, the housekeeper for DC-Cam, to meet with two women who were her former group leaders under the regime and helped to save her life. While one woman claimed not to remember much about the Khmer Rouge regime, the other was deeply moved and happy to reconnect with Em Chhat. They spent most of the afternoon after the verdict talking both about the past and the present.

Takeo province



Team: Nhean Socheat, Tat Leakhena, Ry Leakhena, Prak Keo Dara, Richard Kilpatrick, Laura Vilium

The verdict screening in Takeo province took place in Cha village, Cha commune, Prey Kabas district. DC-Cam chose to conduct a screening in Takeo province because it was the birthplace of Ta Mok, one of the senior leaders of the Khmer Rouge regime. In 1968, Ta Mok became Commander of the Southwest Zone in Democratic Kampuchea, where he is believed to have orchestrated many massacres of villagers and purges of suspected party enemies, earning him the nickname "The Butcher."

DC-Cam further chose Cha village as a screening site because of the work of Prey Kabas District Committee Member San Sok, who has conducted significant research on and drawn a map of the Khmer Rouge killing sites in the region. His map shows 152 mass graves in Prey Kabas district, most of which contained the bodies of between 50 and 100 victims.

Some of the largest killing sites contained more than 200 victims. The screening was held at Cha Pagoda; 200 people from three communes were invited to attend.

I. SUMMARY OF ACTIVITIES

Day 1 (July 25): The team arrived in Takeo province before lunch and met with San Sok, who hosted the DC-Cam staff at his house. San Sok and the team then spent the day informing villagers about the verdict screening by hanging banners around the district and asking local cafes to show the verdict on their televisions. The team placed comment books in two of these cafes so that villagers could publically record their thoughts on the trial. In the afternoon, the team visited Cha Pagoda to set up for the screening and test the audio/visual equipment.



Day 2 (July 26): The team arrived at Cha Pagoda early in the morning to prepare for the screening of the verdict, set to air at 10 am. Many villagers had already assembled to await the screening; by 10 am, about 180 individuals had gathered at the pagoda. San Sok welcomed the crowd and introduced DC-Cam's work to the villagers. Nhean Socheat then gave a brief summary of Duch's responsibilities during the Khmer Rouge regime and how his trial had proceeded. After the verdict was announced, San Sok and Socheat directed a question and answer session about the verdict and Duch's trial generally. Lunch was then served for the attendees around 12 pm. In the afternoon, the team conducted interviews of some of the villagers who saw the screening; they were asked to explain their experience under the Khmer Rouge and their feelings about the outcome of Duch's trial. In the evening, DC-Cam screened the documentary Behind the Walls of S-21 at Cha Pagoda for the community; approximately 100 villagers attended. Socheat and San Sok hosted a question and answer session about the documentary after its showing, but few people took the opportunity to speak.

Day 3 (July 27): DC-Cam hosted a second screening of Behind the Walls of S-21 the day after the verdict. Approximately 80 villagers attended this event, and the discussion session after the documentary was more animated than the day before. After the screening, the team visited the cafes that had shown the verdict on television for their customers and collected the comment books left there. The team returned to Phnom Penh around lunch time.

II. GENERAL OBSERVATIONS

The turnout at Cha Pagoda for the verdict screening was higher than DC-Cam staff had initially estimated (100 people were expected). Villagers arrived at the pagoda very early and patiently waited through about an hour of audio-visual equipment malfunctioning. The audience consisted mainly of elderly villagers and very young children; high school age children were prevented from attending by a three-day high school exit exam, and middle-aged villagers may have been working during the live broadcast.

Given the anger many villagers felt toward Duch and the senior Khmer Rouge leaders, it was interesting to see many of them at the screening accept the Tribunal's judgment. Yet few villagers wanted to speak publically about their experiences under the Khmer Rouge or ask questions about the trial. This likely was because of a general fear of

sharing personal information and an inability to keep up with the Tribunal's work without daily access to newspapers or television.

III. OUTCOMES

- Approximately 180 villagers attended the initial verdict screening on July 26. During the question and answer session following the screening, several villagers shared their opinion about the court's decision to sentence Duch to 35 years imprisonment [**Note:** at this time, it was not known that Duch would only serve 19 years of the sentence due to mitigating circumstances and time already served.] Several men and women said they agreed with the length of Duch's sentence and the guilty verdict. Another man said he agreed with the length of the sentence but would have liked to see the Tribunal order Duch to make some type of reparations or apology to the Cambodian people for his crimes. A fourth man said if Duch were ever to be released from prison, even if he lived for another 100 years, the villagers in that district would submit another complaint to the Tribunal so that Duch could be prosecuted again. The Commune Chief then said that he accepted the verdict despite believing that Duch deserved far more. He also said that he hopes the other senior leaders to be prosecuted successfully. Another person then added that it was important to thank the international donors and the national government who worked together. She also said that she hoped the spirits of those who died at S-21 would feel rebirth and happiness. Then a United Kingdom embassy spokesperson asked a few questions to the crowd. She first asked who had been to S-21 (the museum). About 15 people responded that they had (out of around 100). She then asked who had followed the trials on TV. Most of the people responded that they had. One person then said that he hoped that Duch would live to be old so that he would serve as a reminder of the murderous Khmer Rouge and would embody justice being served as his sentence is carried out. Another person asked whether Duch was the leader of other prisons and whether other prison leaders will be prosecuted.

Outcomes of the First Documentary Screening

More than 100 people attended the first screening of Behind the Walls of S-21 on the evening of July 26. Socheat and San Sok invited villagers to share their thoughts about the film, but no one volunteered.

Outcomes of the Second Documentary Screening

Approximately 80 individuals came to the second documentary screening on the morning of July 27. In the subsequent question and answer session, one woman said if Duch dies before his sentence is completed, she would want his ghost to be prosecuted so that his soul would stay in prison. Another man said that according to Buddhist teachings, Duch will never be truly free because his soul will go to hell in his next life. In the current legal system, however, the man said a 35 year sentence is long enough. Many other villagers shared their belief that a 35-year sentence was fair.

IV. INTERVIEWS

DC-Cam conducted 5 interviews in Cha village with the individuals who attended the verdict screening. Their stories and comments are summarized below:

Sau Peng (77)

In the 1970s, Sau Peng lived in Phnom Penh with his family. When the Khmer Rouge took control of the city in 1975, they were evacuated to Prey Kabas district, Cha village. After five months there, the family was evacuated again to Battambang province. Sau Peng remained in Battambang, working as a fertilizer manufacturer, until 1979, when the Khmer Rouge uprooted the cooperatives and moved the people closer toward the border with Thailand so as to stave off the coming Vietnamese invasion. After two or three months at the border, Sau Peng was rescued by the Vietnamese. He returned to Battambang for several years, and in 1982 he moved back to Cha village. He lost two members of his family to the Khmer Rouge—a cousin who died in 1976 and a son who died from disease.

Sau Peng said that he tried to follow the Tribunal's proceedings over the radio, but it wasn't until the 25th that he learned the verdict in the Duch trial would be handed down the 26th. He wanted to see the judgment because he knew Duch was the head of S-21 and wanted to see what punishment he would receive. Sau Peng was satisfied with the 35 year sentence, but upset to learn that Duch would only serve 19 years due to mitigating circumstances; he hoped that Duch would accept the sentence and not try to appeal or ask for a reduction of time.

Mr. Sau also spoke at length about the significance of the Duch verdict for Cambodians and the international community. He hoped it would be recorded in history and passed

on to future generations. It was important, Mr. Sau said, that DC-Cam screened the verdict publically, as it provided an opportunity for villagers to watch the judgment together and discuss its implications with each other. Mr. Sau speaks frequently with his family about the Khmer Rouge era because he wants his children and their children to know what happened to him.

Finally, Mr. Sau commented on the possibility for reconciliation between victims and perpetrators in Cambodia. He said it was important for the Tribunal to finish its work, because only after the trial has ended will former Khmer Rouge cadre feel comfortable talking about the crimes they committed. Mr. Sau hopes that someone will then be able to tell him how it was possible for Khmers to kill so many other Khmers.

Sok Van (64)

During the Pol Pot years, Sok Van was sent to work in the fields, plowing the land for rice planting. He lived with other people, as his home was taken by Angkar, and he owned no individual belongings, as private ownership was prohibited. Sok Van worked the entire day without stopping and ate only a thin rice porridge. There was no escaping the work communes, Sok Van said, because those who escaped were discovered by Angkar and punished. Angkar turned the individuals who worked in the cooperatives into spies and forced them to report suspicious activity to the authorities.

Sok van was never evacuated during the Khmer Rouge era; he has lived in Sre Por village, Prey Kabas district since birth. He lost many family members to the Khmer Rouge, however, including his sister's entire household.

Sok Van said that he has been following the Tribunal's proceedings closely, and that he knew Duch's background and role in the Khmer Rouge leadership from reading books and watching the news. Before the verdict, Sok Van thought Duch should be sent to prison for the rest of his life. But afterward, he said he agreed with the Tribunal's decision to sentence Duch to 35 years because it was still a significant amount of time and Duch is not young anymore. Furthermore, Duch did not make all the decision at S-21, Sok Van reasoned; there were officials in higher positions than Duch directing lower level cadre to arrest and purge suspected enemies.

Sok Van said he cannot speak for all Cambodians, but he is personally satisfied with the Tribunal's proceedings and appreciates the time the ECCC took to render a final judgment for Case 001. He admitted to not knowing much about the Tribunal's rules or legal proceedings generally, but said he believed the judges did the best they could given the circumstances. He further believes that the Tribunal will do the same in Case 002 so that justice can finally be achieved for all Cambodians.

The Duch verdict is important to the people of Cambodia, Sok Van said, because it serves as a lesson to young people that the Tribunal is efficient, fair and working for justice for victims of the Khmer Rouge. DC-Cam's work to bring the verdict to the provinces is exciting news for the villagers in his community, Sok Van said, because it provided an avenue for people to talk about this historic event. He promised to spread the word about the verdict to those who did not attend the screening, and he asked the Tribunal to continue its good work, to finish the trials on its docket, and to bring all Khmer Rouge leaders to justice.

Tiang Chamrean (47)

Tiang Chamrean began by saying that he thinks the verdict is fair. If Duch were to be killed, he said, there would be no justice—the dead cannot be brought back. He also said that he had 10 relatives killed during the KR era and that everyone shares the pain of those years. On a personal level, he had been forced to work under the children's unit and was almost starved to death under the harsh conditions. If he didn't work hard, he said, he would be punished. He also said that he once had stolen food and been forced to go to a re-education center. Because his family was from Phnom Penh, he was categorized as "new people" and was eventually put on a list to be killed. However, the Vietnamese invaded the day after his name was added to the list and he survived.

He provided a few other stories. For example, he said that he remembered many people being taken away and the next day their clothes were re-distributed to the other people in the commune. He remembered a particular type of clothes that one woman had worn being distributed back to the population. He assumes the people were killed and used for their clothes. He also found many human skulls nearby in the woods.

He remembers the killers. They lived next door to him for many years, he said. The killing occurred only at night, he remembered. One evening, when he went to steal rice

because he was starving, he saw the killers eating a meal together. According to someone else in the village, the perpetrators always ate together after they had killed people. He said that he personally spoke to the killers years later and that they were not much older than he was.

Because of his anger, he wanted the court to sentence Duch to 50 or 60 years. If he was a judge, he would have sentenced Duch much longer, but most people believe that 35 years is sufficient because their anger has subsided over time, he said. He also recognized that Duch was under duress when he killed people—he would have been killed himself had he not followed orders. He also said that the court will be a good model for younger generations and he blames the system of communism for the violence that occurred under the Khmer Rouge.

When asked how open he is with his experiences, he said that he tells everyone about what happened during Democratic Kampuchea—his children, his friends, his relatives. He says he will also tell them about the Duch verdict and will stay up to date on the ECCC proceedings. He thinks that Case 002 is much more important because it concerns the more senior leaders from the Pol Pot regime.

He wonders why the Khmer Rouge made people work so hard and why so many illiterate people were placed in leadership positions. He even questioned whether the leaders were being directed by some country from the outside because he cannot understand why Cambodians would commit such crimes against other Cambodians. Finally, he said, if war comes to Cambodia again, he will not survive it.

Group of villagers (ages 40-50)

When asked whether she saw the verdict, one woman said that she had watched it on TV and that prior to then she was unaware of the killings that occurred at S-21 and Duch's role as Chairman of the Security Center. She said when she heard about the torture that went on at S-21, she became very angry and that she was happy that Duch was being prosecuted. She even said she hoped he would be held accountable for his crimes "in the next life." Personally, she had lost a sister during the DK era and after 1979 her mother actually walked from Takeo to Phnom Penh to look for her. She never found her.

Regarding the verdict, she said that anything below 35 years would be unacceptable. She emphasized that she had suffered much loss during the Khmer Rouge era and experienced near starvation herself. She said that the screening was important to educate the children on the atrocities that occurred and that she and her husband both talk to their children about what happened during those years.

Another woman in the group emphasized that capital punishment was, in her opinion, the only appropriate remedy for the crimes Duch committed. Others agreed with her on this point. In fact, another woman chimed in at that moment and said that she thinks Duch should be tortured. In gruesome terms, she said that Duch's flesh should be torn, bit by bit, and that salt should be added to his wounds. When pressed as to why she felt this way, she admitted that she was very angry about the rapes that occurred at S-21. She also said that when she was a young girl, only 8 or 9 years old, she witnessed several killings by the Khmer Rouge while she was hiding in the bushes nearby. She even said that she had seen a baby being killed by a cadre using a bayonet.

Family: one male and two females (ages 40-50), one female (82)

Regarding the screening, one man said that although he had not attended he had heard about the verdict. He said he knew little about Duch and the tribunal but that he was aware that Duch had been the Chairman of S-21. Personally, he said that one of his cousins was sent to prison and killed during DK and that his brother-in-law was killed. He thinks that the Khmer Rouge was brutal and that they killed indiscriminately.

Regarding the tribunal, he said that he had no preference for the sentencing and that he trusted the court to make to an appropriate decision. He did say, however, that if it was up to him, he would seek capital punishment. He did say that the 35-year sentence seemed fair and he expects that Duch will accept it.

He also said that the court will play an important role in providing credibility for the stories that people tell their children regarding the DK era. Many children, he said, do not believe that such violence actually occurred. He then said that some of the perpetrators still live in the village and that some used to but have since died.

Another woman then said that her cousin had been beaten to death during the Khmer Rouge era and that another one of her cousins died when he was forced to work in a

flood plain. She also said that she personally had worked until 2:00 am some days under the Khmer Rouge.

Then another elderly woman, age 82, joined the discussion, emphasizing that she wanted to speak about her experiences. She said that two of her children had suffered severely under the Khmer Rouge. One of them was killed during an evacuation to Battambang province and another was imprisoned for one month and sixteen days. He was forced to drink his own urine and could not walk properly for an extended period after being released when the Vietnamese invaded. He was imprisoned arbitrarily, she said. His group leader had made some kind of mistake and all 27 of those under his leadership were imprisoned. Only 12 of them survived.

She said that she knew nothing about Duch, the tribunal, or the crimes committed at S-21 particularly, but said that she trusted the Buddhist principle of Karma to ensure justice.

V. CHALLENGES

DC-Cam staff faced several challenges during the verdict screening in Takeo province. The first concerned the malfunctioning of the audio-visual equipment during the verdict screening, which delayed the start time of the viewing. The problems were mostly solved by the time the judgment summary was read, but the villagers in attendance missed much of the pre-verdict commentary and information about Duch's background that the television station was airing.

Another challenge concerned the general confusion about the length of time Duch was sentenced to serve. It took several hours for the DC-Cam staff on site to confirm that Duch would only serve 19 years of his 35-year sentence, so this information was not immediately relayed to the villagers.

Several members of the DC-Cam staff who conducted post-verdict interviews with villagers had a difficult time getting people to speak to them about the Khmer Rouge generally and the Duch trial specifically. Some villagers said they were too busy farming to keep up with the news of the Tribunal and therefore had no thoughts on Duch's sentence. Other villagers said they still feared repercussions from former Khmer Rouge cadre in the area if they spoke. One man said it was simply too hard for him to speak

about his experiences under the Khmer Rouge; he had suffered too much to explain his pain. In all, five individuals declined to speak to DC-Cam interviewers. DC-Cam staff later said some of these villagers may have been hesitant to speak on the record about their experiences because they were affiliated with the Khmer Rouge in some way during the 1970s.

The hesitancy to speak was also an issue at one of the public screenings of Behind the Walls of S-21 and in the comment books DC-Cam left at local cafes, where only one comment was left in both books combined.

VI. IMPACT

Education

Informing the villagers of the ECCC, the crimes committed at S-21 and the Duch judgment were educational goals served by both the screening of the live verdict and the film, Behind the Walls of S-21. This was encouraged by holding the event in a public place where interested people could attend and posting signs around the village inviting everyone to participate. The subsequent discussions and interviews also allowed villagers to contribute their opinions on the significance of the Khmer Rouge era and the value of keeping the atrocities committed during that time in open dialogue.

Reconciliation

Many people voiced satisfaction with the Duch verdict, as this is the first time a Khmer Rouge official has been brought to justice by a court of law meeting international standards. Although the relatively lenient sentencing was questioned by some, others appeared prepared to move forward in the healing process no matter what the ECCC determines, speaking openly about their personal suffering and their hopes for the future of their country.

Measuring the impact of this project will of course require an ongoing assessment, but even at this stage there are indications that the healing process of those who suffered under Democratic Kampuchea is progressing.

Svay Rieng province



Team: Som Bunthorn, Pheng Pong Rasy, Ly Sokchamroeun, Hin Sotheany, Laura Goodwin

In Svay Rieng, live screenings of the verdict announcement were facilitated in four locations:

1. Coffee Shop, Svay Rieng provincial town
2. Po Serey Temple, Chrok Skor village, Svay Chek commune, Rumdoul district
3. Coffee Shop, Rumdoul district
4. District Hall, Rumdoul district

Svay Rieng is a province located in Eastern Cambodia; during the Khmer Rouge period it was a part of the Eastern Zone, Region 23. Svay Rieng borders Vietnam on its eastern and southern edges and shares a border with the province of Prey Veng on the west. Before and during the Khmer Rouge regime, Svay Rieng was the site of much violence between Khmer Rouge troops and soldiers from Vietnam. Purges also occurred during Khmer Rouge rule, particularly in 1977 and 1978.

The main screening site was at Po Serey pagoda. The pagoda was originally built in 1965 and made out of wood. However, when the Khmer Rouge took control of Svay Rieng, they destroyed the pagoda in order to take the wood material for their own uses. One such use was the building of a prison in Por Pok Village. Buddha figures were taken from the pagodas and buried together as if it were a mass grave. The monks residing at the temple were forced to disrobe. Most followed the orders and were not further threatened, but two resisted. These two monks were taken to another village, forced to disrobe, and then made to forcibly disrobe other monks. They then were conscripted as Khmer Rouge soldiers. The buildings presently at the pagoda site are new, built in 1984 out of concrete and wood. This site was chosen for a screening because it has the capacity to bring a large number of people together and because the pagoda is often used for community gatherings generally. In addition, most local residents in the village do not have access to television and would otherwise be unable to view the verdict announcement.

I. SUMMARY OF ACTIVITIES

The trip began with two days of preparation and site checking. Saturday morning was used for travel from Phnom Penh to Svay Rieng provincial town. Then, the DC-Cam team met with their local contacts in each place to discuss logistics, arrange the banner to advertise the screening at each site, and leave the magazine and booklet for distribution to attendees. On Saturday, the locations visited include the Anouwat School, a coffee shop in the provincial town (to replace Anouwat School as a screening location due to scheduled exams), and the Chrok Skor village pagoda site. At the coffee shop, the DC-Cam team worked with the owner on the details of the screening for Monday. The screening there was facilitated on Monday by a provincial teacher trained through DC-Cam's Genocide Education Program. In the village, the commune chief was consulted and traveled with the DC-Cam team to the pagoda site and a villager's home for

equipment rental. On Sunday, all screening sites were visited or re-visited, including a coffee shop in Rumdoul district and the nearby District Hall.

Monday morning the DC-Cam team arrived at the pagoda complex around 8:30am to set-up for the live verdict screening. Soon after, the equipment needed was delivered and set up after a prayer ceremony ended. The television signal was fixed so that it was clear, allowing attendees to watch either on a small television set or a larger sheet screen arranged at the front of the pagoda meeting hall, with sound played through large speakers. Television coverage of the verdict was started from about 9am, with an explanation from the DC-Cam staff that what was being shown was information about the proceedings and trial and that the official announcement would begin at 10am; the schedule for the rest of the day's activities was also explained to the crowd. Just before the verdict began, the staff handed out copies of *Searching for the Truth* magazine, *Genocide: The Importance of Case 002*, and Duch information sheets to all in attendance. After the live announcement began, two DC-Cam staff members went to the two closest sites in Rumdoul district to check on the screenings there.

Lunch was served following the end of the verdict announcement. Then, because of a low number of participants, one-on-one interviews were conducted with viewers instead of a group reaction session. The film version of the play "Breaking the Silence" was shown from about 3PM to 5PM, followed by another snack. In the evening, karaoke videos were shown to draw a large crowd for the screening of Children of Cambodia.

On Tuesday morning the verdict announcement was shown to a new group of local people, followed by a group discussion on their reaction to the sentence and other information provided by the tribunal. In the afternoon, Behind the Walls of S-21 was shown to a small group of villagers, some of whom had not attended any of the prior events during Monday or Tuesday.

II. GENERAL OBSERVATIONS

Overall, the verdict screening trip to Svay Rieng was a success. Four screenings were organized with an estimated 260 viewing the verdict and 300 people participating in various events. While some people did say during interviews that they followed parts of the Duch trial by radio, it is unlikely that most people would have watched the verdict announcement. Concerns over work in the fields and lack of television in most home in

the village would have contributed to less knowledge of the verdict without DC-Cam's presence. The trip provided a great opportunity for people to share testimony, ask questions about the tribunal process, and receive published material related to the tribunal and other transitional justice issues. In particular, the distribution of the *Genocide: The Importance of Case 002* booklet will help to increase attention and active following of the court's second case. As discussed below, some challenges were encountered, but the Svay Rieng team was quick to decide on and implement creative solutions to ensure active engagement with the local people.

III. OUTCOMES



The number of local attendees at each event held in the pagoda complex differed greatly. At the start of the Monday verdict screening, there were 48 people in attendance, plus the five people in the DC-Cam team. Because people came and left during the screening, it is estimated that approximately 60 different individuals attended at least part of the verdict screening. During the showing of the play "Breaking the Silence," 28 villagers attended. Monday evening's event had the largest turnout during the Svay Rieng trip; over 110 people came to view the karaoke videos followed by Children of Cambodia.

On Tuesday, 22 people came to view the re-screening of the verdict. Nearly all were local villagers who had not attended any of the events the previous day. Afterwards, 10 people stayed for the group discussion on reactions to the announcement; in addition, around 10 young children were in the meeting building at the time and listened to the

discussion though did not actively take part. Approximately 10 people attended the showing of Behind the Walls of S-21 on Tuesday afternoon.

At the other sites, a crowd of 100 was drawn to the coffee shop in Svay Rieng town, 70 to 80 people attended the screening at the coffee shop in Rumdoul district, and 20 people attended at the District Hall. During the trip, 400 copies of *Searching for the Truth* magazine, 500 copies of *Genocide: The Importance of Case 002*, 30 posters, and 300 copies of the Duch information sheet were distributed at the screening sites. Around 12 interviews were conducted by various DC-Cam staff members to gauge participant reaction and gather testimony.

IV. INTERVIEWS

Among the viewers of the Duch verdict, there was a general feeling that the sentence given to Duch was not enough. Many pointed to the severity of his crimes compared to a 35-year reduced sentence (total of 30 years imprisonment). They felt there was a disconnect between the two. Several people mentioned life in prison or a death sentence as a better alternative. However, people still overwhelmingly had positive feelings about the process in the Duch case and in the tribunal generally. The typical feeling was that at least some justice was served through the guilty verdict and that the tribunal provides a way for the younger generation to learn about Cambodia's past. Villagers were eager to share their own stories during the Khmer Rouge period as well as answer questions about their opinions of the ECCC.

Many also explained that although they knew of Pol Pot and others in Case 002, Duch was not someone they had heard of prior to the start of Case 001. In order to further illustrate reactions, the following is a summary of several interviews conducted post-screening.

Yim Min, a 62-year-old from Chrok Skor village, made a comparison between the Khmer Rouge and Nazis regimes and felt Duch should have been sentenced to life in prison. He himself lost eight family members between 1975 and 1979, of which two were sent to Phnom Penh. Yim Min was very positive about the tribunal generally and also events put on by DC-Cam; he said he previously visited the ECCC with DC-Cam and plans to keep a close eye on proceedings for Case 002, as well as Cases 003 and 004 if they go forward. He believes the trials provide a historical record for the younger

generation and he provides information and materials to his grandson on the Khmer Rouge so that he can learn also. A suggestion was also put forward during this interview that reconciliation could occur at the national level through the trial, while open discussion meetings at the local level can help people release anger, promote forgiveness, and live peacefully together.

Va Samut disagrees with the 35-year sentence because Duch killed so many people. She is not happy about the judges' decision. Therefore, she thinks the Duch verdict can find truth for many people, but she remains angry with Duch and others who killed during the Khmer Rouge period. With a more positive take, Nean Vanna said that she is happy about the verdict and thinks that Duch will suffer throughout the sentence. The judgment is still unfair, however, because he killed so many people and also had a lot to do with torture, killing fields, and other atrocities. The sentence should be longer if possible, as it is not enough to make him responsible for his actions. He should be punished for his whole life, which would make her feel justice was served.

On Tuesday after the re-screening of the verdict, one villager stated that had the sentence meant 35 additional years this would be sufficient, but once that sentence was reduced to 19 additional years he felt justice was not served. There was also concern from the group that the trial may set a negative precedent by allowing a reduction for cooperation; later, people may decide to commit crimes and then admit to it afterwards in order to get a reduced punishment.

However, a DC-Cam staff member explained how this reduced could aid in Case 002 as a strategic measure. Several participants also felt the tribunal was positive because the amount of evidence presented means the accused cannot avoid accepting responsibility for their actions.

Overall, people in both individual interviews and the group reaction session still expressed concern over finding out why the Khmer Rouge killed people in the first place. They believe the tribunal provides a great historical record and opportunity to educate the younger generation and pursue justice, but still do not understand why they were forced to suffer so much at the hands of the Khmer Rouge regime.

V. CHALLENGES



While the DC-Cam team encountered several challenges during the course of the screening implementation, most were able to be solved creatively to contribute to the success of the trip. For example, upon arrival in Svay Rieng provincial town, a local teacher contact informed the staff that Monday July 26th would be an exam day, so the Anouwat School could not be used as a screening location as planned. The buildings would all be closed during the exam. However, because those taking the exam were not the same students invited to the screening, the team found a nearby coffee shop to rent for the screening instead. The teacher communicated with the students so that they could attend the screening at the coffee shop and still be able to view and discuss the Duch verdict.

In the village itself, the major challenge to the screening and other planned activities was ensuring significant turnout and participation from the local people. It was repeated many times by the commune chief and others that many local residents could not attend the activities because they were busy in the rice fields; in particular, because there was significant rain on Saturday and Sunday after a period of relatively low rainfall, Monday was a good day for rice planting. Also, the local children had an exam on Monday so this kept them and some of their family members busy and away from the screening. The verdict screening itself had a good turnout, but the subsequent activities planned for Monday suffered from a low number of participants. To deal with this issue, prior to the Monday night film screening, the staff played traditional Cambodian karaoke videos at high volume to attract more viewers. As a result, more than 110

villagers came to the pagoda to watch Children of Cambodia. A similar strategy was tried on Tuesday morning by playing music prior to the re-screening of the verdict, but because it was during the day the result was not as positive. Villagers who attended the re-screening specifically asked the DC-Cam staff to show Behind the Walls of S-21 at night so that more people could attend after finishing their daily work.

Another challenge was posed by confusion surrounding the sentence announcement itself. When the court stated Duch was sentenced to 35 years in prison, most people understood this to mean 35 additional years on top of the time he had already served (i.e., 35 years was the result after reduction of time served and remedy for illegal detention). However, the staff later got confirmation that 35 years would be reduced to 19 additional years. This issue had to be carefully explained to attendees and meant that some interviews conducted before the clarification are not as accurate as they otherwise would have been.

VI. IMPACT

It is important to note that several people stated during their interviews that other than some discussions with family members, local residents do not usually discuss the ECCC proceedings together, even when important events occurred in the case. Thus, these public events opened a door to larger discussions among the villagers and set a precedent for the future. Many villagers in Chrok Skor stated they had not heard of Duch before the trial, so being able to screen the verdict live greatly increased their understanding of his role in the Khmer Rouge period and the specific crimes which took place at Tuol Sleng prison.

The screening and other events during the trip certainly increased awareness and understanding of the ECCC proceedings. Participants were able to view the verdict live, which they otherwise would have been unlikely to do, and have a chance to dialogue about the tribunal on this historic occasion. Interviews conducted with viewers not only provided DC-Cam with additional information for programming purposes, but also assisted participants in deep reflection on their reaction and feelings about the process.

Kandal province



Team: Dy Khamboly, Huy Samphoas, Ouch Pon, Ouch Sovan, Jennifer Ford Walker, Aimee Haynes, Natalae Anderson

The screenings in Kandal province took place at Wat Por Andet and Wat Keo Veang Koh Andet, Anlong Pann village, Prek Sdey sub-district, Koh Thom district, Kandal province.

Prek Sdey is the home of a former S-21 prison guard, Him Huy, and DC-Cam wanted to consider not only the reactions of victims of the Khmer Rouge (KR) regime, but also those of regime members. Especially because Him Huy worked under Duch, DC-Cam believed he could share an important perspective on the verdict for Case 001.

Him Huy joined the Khmer Rouge as a soldier in 1972, and was injured during the fighting. In 1977, he was assigned to work at S-21. He was in charge of documenting both new prisoners and those executed. Late in 1978 Him Huy was promoted to head of security, fifth or sixth in the prison hierarchy. He was responsible for transporting prisoners to Choeung Ek and executed some of them, including former S-21workers.² A regime prison called Por Tunle was also located Prek Sdey, just across the river.

² Chandler, David. Voices from S-21: Terror and History in Pol Pot's Secret Prison. Berkeley: University of California Press, 1999.

I. SUMMARY OF ACTIVITIES

Sunday, July 25, 2010- Preparations



The staff met Khoy Kea, the commune chief, at the commune hall. Khoy Kea was very helpful and provided a great deal of assistance in coordinating the screenings. The staff dropped off textbooks, pamphlets, posters, and magazines, and Huy Samphoas confirmed the arrangements for refreshments to be provided at the screenings. Next, the staff hung banners advertising the upcoming screening at two restaurants on opposite ends of the village. At one restaurant, the patrons were reading copies of “A History of Democratic Kampuchea (1975-1979)” that the DC-Cam staff had given them. Finally, they tested all the electronic equipment at Wat Por Andet to ensure it worked properly, including the television, sound system, and projector.

Monday, July 26, 2010- Live Verdict Screening at Wat Por Andet

Preliminary Activities

The staff met at DC-Cam at 5:30 a.m., and reached Prek Sdey about two hours later. By 08:00 a.m. many villagers had already arrived at Wat Por Andet, where they sat sipping tea. The staff passed out copies of *Genocide: The Importance of Case 002* and *Searching for the Truth* to each villager. Samphoas began the program, introducing DC-Cam,



inviting the villagers back for film screenings later in the day, and asking if they knew of Duch. One villager replied that he was not sure who Duch was.

Khoy Kea, the commune chief, spoke next and confused DC-Cam staff with staff from the ECCC. He stressed that it was important to see the verdict on

television, and explained that after the screening there would be an opportunity for comments and questions. He also invited the villagers to enjoy refreshments and a lunch of traditional Khmer noodles. Finally, he announced the next day's screening at Wat Keo Veang Koh Andet.

Boly explained general Khmer Rouge history as it related to Case 001: Duch's role at S-21, the location of the prison, that the Khmer Rouge killed their own cadres and saw enemies everywhere. He also talked about Case 002. Samphoas gave a more detailed talk about Duch's background and how he joined the KR. She also gave a summary of Duch's arrest, detention, and trial. She then opened the floor for questions and comments. One man forcefully asked why Duch alone was being prosecuted. He wanted to know why Son Sen was not being prosecuted, as Son Sen had committed many crimes. The man had been a KR soldier and met Son Sen in the forest in the 1970s. The man was sent to fight cadres in another zone. Samphoas replied that Son Sen had died in 1997, but if he were alive today he would be brought to justice.

Another man shared his experience under the KR regime. He said the KR committed cruel acts during their rule. He had to perform hard labor with only watery rice porridge to eat. He had to work day and night; otherwise, he would die. He thinks the survivors are very lucky. He was made to work for the fishing unit, and was responsible for bringing in fifty kilograms of fish each day. He had to struggle for the benefit of the higher leaders. Only the illiterates became leaders. The intellectuals were forced to

work under the illiterates. He knew of some of the senior leaders, but had only heard of Duch and S-21 recently, when he learned of the ECCC. He wants to prosecute even the dead, as they committed so many terrible crimes; we should ask hell to prosecute them in hell.

Screening of the Verdict

The television network broadcast a program in which the participants expressed anger about Duch's change of position at the end of his trial. A clip of Chum Mey's testimony was shown, as well as footage of S-21. During the reading of the verdict, most people appeared interested, although there was a low buzz of people chatting. As Nil Nonn asked Duch to stand at the end of the verdict, the power cut out, so the staff quickly had to make calls to determine the length of the sentence and share that information with those in attendance.

After the verdict, Him Huy briefly addressed the villagers, saying that Duch is cruel, and Duch killed his own brother-in-law. Him Huy was satisfied with the verdict because Duch is already in his old age, and will be of no harm to others now. No one publicly asked questions of Him Huy, but after he spoke some villagers gathered near him to speak with him. The staff then asked some people to share their initial reactions to the verdict. Their reactions are listed below, in the "Interviews" section. Generally, people agreed with the sentence (which was believed to be thirty-five years at the time) because Duch's age assured that he would likely die in prison.

After a lunch of traditional Khmer noodles, the staff privately interviewed some of the villagers about their reactions to the verdict. When the program resumed, a smaller number of villagers were in attendance, and the staff asked a number of them to share their thoughts.

Tuesday, July 27, 2010 Verdict Replay Screening at Wat Keo Veang Koh Andet

Samphoas began with an introduction and asked if anyone knew of Tuol Sleng. Boly explained that Duch worked with Nuon Chea and Son Sen, and that Duch had cooperated with the ECCC in giving testimony, which is one reason his sentence was reduced.

Again, during the verdict some people were chatting, but most appeared to be interested. Three groups were filming the day's activities: the BBC, a team shooting a documentary, and the Cambodia Tribunal Monitor. During the screening the film crews moved around the Wat and walked through the audience to get close-ups shots of villagers' reactions. Professor Alex Hinton of Rutgers University was also in attendance.

After the verdict, some villagers volunteered to share their reactions, but others had to be coaxed into sharing. One woman said that she thought the sentence is too long, and that it will hurt reconciliation if it is longer. A man rose and walked to the front of the room immediately after she spoke and said that he thought the sentence was too short. Boly asked for a show of hands of those who agreed with the sentence and those who did not. Many more people disagreed with the sentence than agreed with it.

Ros Rin, whose father died at S-21, addressed the audience. Then Him Huy spoke, and had much more to say than the day before. Their speeches can be found below, in the "Interviews" section.

Supplemental Activities

Monday, July 26, 2010

As the last activity of the day, the staff screened three films: Children of Cambodia, Tuol Sleng in 1979, and Behind the Walls of S-21.

Tuesday, July 27, 2010

The villagers left immediately after the conclusion of the main program, so no films were shown.

II. GENERAL OBSERVATIONS

In general, people seemed to be satisfied with the verdict, because they believed Duch would die in prison. However, some people thought that he should have been given a life sentence. When asked what sentence they would have given, most people replied that it was up to the court, and that they could not say. Many people said that they planned to share information about the day's events with their families and neighbors.

III. OUTCOMES

Two hundred fifty-nine people attended the live screening, and 178 people attended the screening of the replay the following day. Four hundred issues of *Searching for the Truth* were handed out, along with 500 copies of *Genocide: The Importance of Case 002*. No posters were given out because they were in English. Handouts on the ECCC were also distributed. The villagers were all very excited to get the information, and were insistent that all people who joined had an opportunity to get copies of the materials.

IV. INTERVIEWS

Sorn Nhor, 53 years old, from Prek Sdey commune, Koh Thom district, Kandal province

She worked in the women's unit in Leuk Dek district, Kandal province. She was assigned to raise cattle and cut grass for the cattle. She was also made to plant rice and build dams. She was about 18 years old at that time. She had to dig one cubic meter a day for the canal. If she didn't finish the required amount, she had to work into the night. Visiting her family was forbidden. Everyone was assigned to different units, and they could not meet each other because they were in different districts.

Her brother was killed, "smashed" in the language of the regime. He was killed because his wife was connected to the Vietnamese. As her brother was taken for execution, her mother followed in an attempt to save his child (her grandchild), but they did not let the grandmother save the baby. They killed the baby along with the rest of the family. One of her cousins was killed as well.

She does not follow the process of the Khmer Rouge Tribunal (KRT) because she is busy with business. She does not know how many leaders are being prosecuted. She relaxes after the verdict and business. She thinks that it is appropriate that Duch serve for 35 years for what he did in the past. She does not know that he will serve 19 years, rather than 35 years. It is no use to kill Duch; it would not bring her siblings back. If she were the judge, she would give Duch life imprisonment. He must die like her brother and other relatives, without ever being set free.

Her neighbors in the commune were very angry with the Khmer Rouge leaders. They may not be happy with the verdict of 19 years in prison; some of them say they want to

kill Duch with their hands, as they are so pained that their family members were killed during the Khmer Rouge. "For me, as well as the other neighbors," she said, "we would like to give a longer sentence to Duch."

The Duch verdict does not bring reconciliation to the public for their suffering under the Khmer Rouge, and from the deaths of all their relatives. "Nineteen years doesn't satisfy me, but if you ask me, I don't really know what would satisfy me; it's up to the court," she said. She thinks the court does contribute to educating Cambodia's young population about what happened during the Khmer Rouge period. It teaches the young generation so they will not do something like what the Khmer Rouge did.

Her brother was killed and pushed into a well. The people could not make mistakes, and the Khmer Rouge executed them for being CIA or KGB, even though they were not members of the CIA or KGB. Even when people broke a basket, they would be accused of being enemies and brought for execution. She does not know why the Khmer Rouge killed people. She worked such long hours that she did not even know in which direction she slept, did not know whether her head faced east or west.

She is happy to see the court prosecuting the Khmer Rouge leaders. She is happy to see the establishment of the court, but a bit upset with the 19 year term of imprisonment for Duch. She is happy that DC-Cam is here because she at least got some information about the Duch verdict and about the court. She is glad that the villagers in the commune can learn. She will share information about the court and the verdict so others can learn from the screening today. That way, more and more people will hear of it, as the information is spread by word of mouth. She is happy to see that Khmer Rouge history is being put into the curriculum for young generations. If there is no information in the curriculum the young generation will not know about what happened during the Khmer Rouge.

She requests that we distribute more information to the population about the Khmer Rouge so they don't return to the country.

Sam Lay (71) Koh Thom commune, Koh Thom district

She lived in Prek Sdey sub-district during the Khmer Rouge period. She was assigned to plant rice. She was separated from her children, as they were assigned to different units.

She did not know why she was separated from her children. However, they met each other every week.

She had rice porridge. She was not full but she had no choice; that was the amount the KR shared with her. She dared not bargain for food from the KR cadres. After the KR period her family reunited, except for one member who worked as a soldier during the KR. He left to work as a soldier and never returned home. Someone told her that her son died. The only thing she heard was that her son died in a bombing, but she did not know who dropped the bombs.

She has never heard of the KRT. She does not remember well, and she forgets things a lot now; she is old. Sometimes she hears the KRT broadcast, but she forgets the content because she is old now. She just heard about Toul Sleng prison but she did not know who the head was. The interviewer explained that Duch was the head of S-21.

He told her that Duch will serve 19 years in prison. She does not have any comments on the decision; she said it is up to the court. He asked her if it is fair and just to sentence Duch to 19 years in prison. She said yes, but it seems as though she has no idea. She does not seem to care, perhaps because she is older and her memory is failing. He asked her if 19 years was appropriate and she answered that it was.

She will disseminate information to others about the KRT. She is bringing the materials DC-Cam distributed back home so others can read them. She said she and her family will very soon see advantages from the screening, because it educated them about the tribunal. She has been a widow since the KR regime. The interviewer asked if there was anything else she wanted to add and she replied that she did not.

Woman

She lives with her children. She is satisfied with the verdict; whatever the court decides is okay. Thirty years is okay, nineteen years is okay. She is angry because her children were killed. Before, she was so furious she wanted to kill the Khmer Rouge, but now she is not angry; the prosecution healed her wounds. When asked if she were a judge what sentence she would have given, she replied, "I wouldn't know what to do if I were a judge." When asked what she thought of the possibility of Duch's appeal, she replied, "It's up to the court."

Toch Phorn (68) Prek Sdey sub-district

He has seen the KRT often on CTN, but he is not clear on the specifics. He has heard of Duch, but not much. What he knows of Duch he heard from CTN. He would prefer a long sentence, but he is not a lawyer, so he dare not name an exact length. Whatever the court decides is appropriate; it depends on the law. The KRT can educate the young on the KR; it's good for them to see the criminals brought to justice. We can get some sense of the KR history from the KRT, from the Duch testimony. The screening is good because it shows what is happening with the KRT process. He will share stories from the screenings with his relatives at home. During the KR period, he heard of people going to be educated, but they never returned. It's important to prosecute Duch, because it will help heal those families whose members were killed.

Hort (73) Prek Sdey sub-district

During the KR period, she was in her thirties. She was separated from her husband and children. She was made to raise pigs. People were spied on by cadres, and killed by them. Her husband was very ill. After the KR period, she sold her house to raise money to afford medical care for him. Today her eyes are not good, and she cannot see clearly.

Woman (60) Prek Sdey sub-district

During the KR, she worked in a women's unit. She was made to work with the cattle. Her husband was a KR soldier. She has seen the KRT on the television. She has only recently heard of Duch, so she does not know much about him. When asked what she would give as a sentence, she replied, "It's up to the court for the sentence." If she were the judge, she would have no idea what sentence to give, maybe thirty years, but it is up to the court. Before, she was uneasy with the thought of letting the KR go free, but now she feels better.

Ros Rin, whose father was killed at S-21, addressing the audience at Wat Keo Veang Koh Andet after the replaying of the verdict

He said his father was caught in 1976 near the border with Vietnam. He said he did not know his father was killed at S-21, until many years later when he had an interview and they brought the documents to show him. He was very angry and very pained to find that his father was killed at S-21. He said he used to be furious at the KR, but now he feels release because of the verdict. He would like to give Duch life imprisonment, but he is satisfied with the sentence of 30 years, because Duch will die during that time. Boly asked Ros Rin if he still felt angry at the former KR. Ros Rin answered that a long time has passed since then—it was 30 years ago—so he does not feel anger anymore. He is still angry that his father was killed, but there is nothing that he can do. Nothing will bring his father back

Him Huy, former S-21 guard, speaking to the audience at Wat Keo Veang Koh Andet after Ros Rin's remarks

He introduced himself and discussed his life. He said he was in the military before serving at S-21. He talked about the fighting that took place and how he often returned to his village. When he returned, his village head would ask him when he was going to return to his company. He said there were 100 companies. He switched to a different company at some point. During the fighting he was seriously injured and could not walk. He owned one bomb that he thought about using to kill himself. Everything was difficult for him because of the injury, even fetching water. He expressed fear that the KR would kill him, even though he was fighting on their side.

He worked in the rice fields, and also at S-24, building a dyke. It was then that he was asked to work at S-21. In 1976 he was assigned to work in Phnom Penh. He thought at the time that he was just going for some training after being a soldier in the battlefield fighting for the Khmer Rouge. When he went to Phnom Penh he believed that he would be able to go home. However, he was grouped with former soldiers, some from group 703, into a work group assigned to set up S-21. Sometime in late 1976 or 1977 he started working at S-21. People from group 703 and staff from both S-21 and S-24 were arrested.

He was responsible for receiving the prisoners and transporting them to the killing fields. At first, people were buried at S-21, and then they started using the killing fields. He, Duch, and Hor transported people to the killing fields. He discussed the relationship between Hor and himself when they were in group 703 together. Him Huy also worked closely with Chan.

In 1977, he saw all of the bad things in S-21, and he asked his leader if he could change his work assignment (be sent to another place); he expressed that he wanted to be with the military force fighting the Vietnamese. If he was going to die, he wanted to die alone so that his family would be okay. However, he was not allowed to transfer because they were worried that if he were arrested, he would be able to share government secrets.

He said he organized his friends so they could rebel together against S-21. When Duch found out that Him Huy wanted to rebel against S-21, he took all weapons out of his control. At the end of 1978, they sent him to the killing fields to work.

He was arrested in 1978 along with three other people. Two of them were released, but he and a man named Pan were interrogated. After Pan was interrogated by Hor, Him Huy was then released, but reassigned to work in the rice fields digging dykes.

Duch was not a good man, and he was very strict with his work. Duch was the head of S-21, and was also a member of the Central Committee. Duch had the authority to implement his work, and to arrest leaders higher than Duch. Duch wanted to be the leader of the party, not just the head of S-21. Duch said that all men should be smashed, and only the women kept in the country. Him Huy still wonders, "What is the purpose of killing all the men and keeping only three million women in the country?" He seemed to be confused while discussing Duch's sentence. At first he heard that it would be 35 years, but then he heard only 19 more years. At one point, he expressed satisfaction with the sentence, but later said that he thinks that Duch should get life imprisonment and not just 35 years. Otherwise, he could cause harm once released. [This was slightly different than the feelings he had expressed at the previous day's screening, but the change could possibly be attributed to confusion about the length of Duch's sentence, and confusion about the number of years he will serve.]

Him Huy told a story about the time his brother was running into the forest and Duch sent people out after his brother to try to kill him. Apparently the brother was not killed.

Kreum Vy, Prek Sdey sub-district

During that time he was sick, but was forced to do all the same work. When he was sick he saw the doctor, and he and others were injected with something. Some of the people injected recovered, but others did not. During his sickness he was taken to another village by the head of the village. The person who took him has already passed away.

His mother was Khmer but his father was Vietnamese. They took him to go away, he thinks because of his relatives. His wife said that if he died, he would die with all his relatives. He was taken to Por Tunle Prison, along with others. He was separated from

his wife. At Por Tunle he was forced to dig a dyke. Por Tunle was a security center, but he was allowed to be free in order to work, rather than shackled and kept in a facility. His relatives, including his nephew, died. At night he was ordered to bury the dead bodies from the security center.

He was not allowed to go into the center because it was being kept secret. Many of the people working with him were sent to other places, but then came back to the cooperative where he was working.

Older Woman (shared with the audience immediately following the verdict)

One of her sons was killed, and her sister's whole family (five people) was killed. She said the verdict was good. There was no need to torture Duch; he could die in prison.

Man (shared with the audience immediately following the verdict)

He was sent to another place to work, and because he was moved he did not know that his home village had a security center. He said he was happy to see the trial. He does not know who the senior and junior leaders are.

Man (shared with the audience immediately following the verdict)

When asked if he understood the length of the sentence, he replied that he heard 35 years, but he could not catch the rest of the sentence.

Man (shared with the audience immediately following the verdict)

When asked if he understood the length of the sentence, he replied, "Yes, I understand. It's 35 years, but reduced by five years, to 30 years." He thinks it is appropriate because Duch is old now, and he will be 98 in thirty years. If he were the court, he would sentence him to life.

Man (shared with the audience immediately following the verdict)

When asked if he knew that the prosecution had sought 40 years, he was confused, because he had no idea what the prosecution is.

Woman (shared with the audience immediately following the verdict)

She wanted to sentence Duch to life.

V. CHALLENGES

The staff was very well prepared and had all the materials that they needed for the project. They also went the day prior to the screening to test all of the projection and sound equipment to ensure that the showing would go smoothly. However, during the live screening, there were a couple of technical difficulties where the picture turned off even though the sound stayed on. This seemed to be due to the difficulty of getting electricity from the pagoda. Either one of the batteries or the generator went out causing the TV or projection equipment to not function properly. The staff did a great job of quickly fixing the technical issues and making sure the participants in the screening were able to see as much of the verdict as possible.

One other difficulty the staff faced was the reluctance of the villagers to participate in the group discussion. Many of the villagers were very shy to join in the discussion. This could be due to two reasons: first, there were local officials in the audience and police at the entrance to the pagoda. This may have made some villagers uncomfortable in sharing their true opinion because they did not want to upset any local officials. Secondly, many of the villagers expressed that they had not followed the ECCC proceedings closely and they did not hold strong personal opinions about Duch's sentencing. The staff believes that because of the distribution of information at the screening, that many more villagers will become informed and may show stronger opinions in the future as they learn more about the ECCC.

After the replaying of the verdict on the second day, all villagers left immediately after the main program ended. No one stayed to watch the additional films, so the staff did not screen them. This could be because the time of day (late morning) was inconvenient for most villagers.

VI. IMPACT

Following the verdict, the DC-Cam staff spoke with the villagers about the meaning of the verdict and sentence. The villagers, after hearing Duch would serve 19 more years without any reduction for good behavior, felt mostly satisfaction with the verdict. They expressed belief in the court to know what the most appropriate sentence should be, and felt that they did not know enough to decide what the length of the sentence should be. Many of the villagers said they had no comment on the sentence because

they had not followed the proceedings of the trial because they were too busy working to pay attention to the actions of the ECCC. They were glad that DC-Cam had held the screening and that they were educating people about the KR period and the ECCC. Villagers also had the opportunity to speak with Him Huy, a former S-21 prison guard. Although no one asked questions of him publicly, after he addressed the audience some people gathered around him to speak with him more privately.

Many of the villagers plan to share what they learned at the verdict with neighbors and relatives who were unable to attend the entire screening. They will do this both by discussing the verdict with others in their community, and by showing other people who did not attend the materials that DC-Cam passed out. The staff believes that word of mouth is where the majority of the distribution of information is going to occur in the villages.

Kampong Thom province



Team: So Farina, Anne Heindel, Kimsrouy Sokvisal, Kan Penh Samnang, Sor Sengkear Stephanie Wang, Elizabeth Shutkin

On Sunday, 25 July, a team from the Documentation Center of Cambodia (DC-Cam) went to the pagoda in South O-Kunthor Village where they did the preliminary set up for the verdict screening. Members of the team also conducted interviews with some locals about their expectations for the next day and learned about the history of the village. This area was specifically chosen for a screening because one of the villages in the commune, Prek Sbauv, was Pol Pot's hometown. According to local residents, Pol Pot's family lived in the village back when it was still mostly forest and sparsely populated. Pol Pot had seven siblings, one of whom was known for her beauty and eventually became the king's concubine. After Pol Pot left to study in Phnom Penh, both he and his sister would visit the village often, bringing presents and alcohol for everyone. As a result many people looked favorably upon his family. During the war between the Khmer Rouge and the North Vietnamese, everyone including Pol Pot's family was evacuated and they would only return home in 1981. The last of Pol Pot's siblings, Salot Nhep, passed away a couple years ago. He was well respected in the village because he placed great importance in education, sending his children to school while he worked in the fields alone.

From conversations with villagers, DC-Cam learned about the special significance of the pagoda where the screening would take place. As religious structures were not allowed during the Khmer Rouge regime, it was only built in 1986. The community came together then and decided to build a pagoda called Pov Pisey.

After leaving the pagoda that day, the DC-Cam team stopped by two coffee shops where they placed some materials about Case 002. They also left DC-Cam comment books in which customers could write down their reactions to the verdict. Additionally, the staff hung banners with the date and time of the live screening. These banners were put in five locations: O-Kunthor Commune Hall, Prek Sbauv Middle School, the two coffee shops, and in front of the screening hall.

I. SUMMARY OF ACTIVITIES



Monday was the day of the live screening of the verdict and the staff arrived early to the Pov Pisey Pagoda to finish setting up the projector and to make certain everything was working properly. Most of the people present were from Prek Sbauv, South O-Kunthor, North O-Kunthor, and Boeng Leas villages. The O-Kunthor Community Deputy Chief introduced the DC-Cam staff members and thanked all the participants for coming. Farina explained the objective of the Documentation Center and why the team was visiting the area. Visal handed out DC-Cam materials, including different editions of

Searching for the Truth magazine and the booklet about Case 002. Sengkear videotaped the events and Sam oversaw the projector and screening equipment.

In addition to merely showing the verdict, the team's objective was to help everyone comprehend the process and the background of the tribunal. Before the screening, Farina explained the mandate of the Extraordinary Chambers of the Court of Cambodia. She also described the materials being handed out. After this exposition, the attendees were asked about their previous knowledge of the court. Farina then described the specifics of Duch's trial, his background, his role at Tuol Sleng, and his subsequent detention. She went through the procedure of the verdict announcement, along with its different parts, emphasizing that the most important point would be at the very end when the judge announced the sentence.

Next, the team showed clips of interview with families of victims of Tuol Sleng and their expectations of the verdict. This led to participants at the pagoda describing their own expectations. Farina spoke about Duch's testimony and admissions, as well as the role of the court and how it had to act in accordance with the law and only consider evidence and facts presented. There was a lot of discussion about the limits of closure the verdict could bring to those who had suffered so much under the Khmer Rouge regime.

The team then screened the verdict live to the villagers, whereupon the judge appeared to announce a sentence of 35 years. After the verdict, people talked about their reactions, and people took a break for lunch. During this break, the DC-Cam staff found out from Anne Heindel, DC-Cam's Legal Advisor, that the amount of time Duch would actually serve would be nineteen years (from the time the verdict is in effect). The team made an announcement to everyone present to clarify this, and also called teams in other provinces about this development.

After lunch, Farina moderated a discussion about the verdict, focusing on the reduction of the sentence. Many people voiced their opinions as to the fairness of the sentence. The appeals process, and the reparations decision were topics that were brought up as well. When this dialogue concluded, Visal and Sengkear interviewed individual people. Farina and Sam met with a woman who had a brother in Tuol Sleng and gave her his detention file. In the evening, DC-Cam showed three documentaries: [Behind the Walls of S-21](#), [Tuol Sleng in 1979](#), and [Children of Cambodia](#). After each film the attendees

were asked about their reactions. After the screening of Behind the Walls of S-21, they talked about whether they believed Him Huy's account as to why he served as a prison guard at S-21. Farina concluded the day's activities by reminding everyone about the repeat screening the next day and the discussions that would follow.

On Tuesday, DC-Cam replayed the verdict announcement at the pagoda. Farina went back over some points that she felt had been confusing to the participants on the previous day. She spoke about the difference between Case 001 and Case 002, along with the judges' rationale for taking sixteen years off of Duch's original sentence of 35 years. After the verdict was re-screened, everyone sat in a circle and one of the village chiefs made a speech urging everyone to share their opinions so that the team could bring their reactions back to Phnom Penh. Many people present spoke about their feelings after seeing the announcement and asked Farina many questions about the ECCC. There was a lot of dialogue about what would constitute justice for those who had suffered under the Khmer Rouge regime as well as whether there was the possibility of forgiveness for the perpetrators of the crimes during that period. This discussion continued until around noon, at which point a village chief thanked DC-Cam for their activities in the community. That afternoon and the next day, the DC-Cam team distributed more booklets about Case 002 at other locations, including the Red Cross. Team members also conducted follow-up interviews with people they had spoke to before the verdict to compare their reactions with their expectations.

II. GENERAL OBSERVATIONS



Aok Touch, 76, (Srey Sambo's sister) and Vat Nhep, 47, (Srey Sambo's niece)

The Duch Verdict: A DC-Cam Report from the Villages

Witnessing Justice, Village Screenings of the First Khmer Rouge Verdict of the ECCC -- 61

The pagoda was basically a wooden hut, with a Buddhist shrine in one corner, and the kitchen in another. At one point the pagoda was so filled that people were pressed against one side and there was no space for people to sit down. The atmosphere was very welcoming, with most eager for the DC-Cam materials. Many people immediately started reading and leafing through the booklets. At least one man taped the verdict on his phone. The survivors present were willing to share their stories, sometimes without needing any encouragement on our part. They were very friendly and respectful toward the team and expressed their gratitude about the screening and the information brought to them.

Throughout all the activities, villagers were engaged and attentive. Although at the beginning of every discussion people were hesitant to speak, they would slowly get drawn into the discussion. Some participants did not want to speak in front of a large group, but clearly had strong opinions on the topics being discussed. At times, the dialogue would become quite emotional, and the verdict was of great interest to everyone. Some speakers would break down in tears after sharing their personal experiences during the Khmer Rouge regime, but there was a sense of relief that they had a forum to express themselves. There would be applause after some comments and murmurs of agreement or dissent after others.

A lot of villagers attended, especially on the first day, and although people had to leave in order to take care of their personal business or to eat, many would come back. The participants were of all ages. Parents often brought their children along. However, the young adults were not as willing to speak and those who had lived during the Khmer Rouge period were the most vocal during the events. The people present had a very good understanding of the court's proceedings, in part due to Farina's clear and thorough explanations. As a result, they asked fairly sophisticated questions about the ECCC's jurisdiction and whom the court had authority to prosecute. They were also very forward thinking, and asked many questions about the appeal. In particular, they were concerned that Duch's sentence could be further reduced. The villagers also had a very clear grasp of DC-Cam's role and purpose, and understood it was an independent organization from the court.

The DC-Cam team well together and clearly had a good grasp on their respective tasks and responsibilities. Farina was a particularly skillful moderator, and handled the

discussion with great finesse, frequently responding to difficult and emotional questions. She was very respectful and polite, and never seemed invasive when she asked people to share their opinions. Due to this, people were very open and willing to share with the larger group. The other DC-Cam staff also was very adept at conducting their one-on-one interviews and the attendees would quickly warm to answering their questions.

III. OUTCOMES

Materials Distributed

- *Genocide: The Importance of Case 002*: 500 copies
- *Searching for the Truth* magazine: 400 copies
- ECCC posters: 30 copies
- Banners: 5 locations
- Comment books distributed in provincial capital
 - Coffee shop #1: 21 responses
 - Coffee shop #2: 3 responses

Attendance

- Verdict Screening and discussion 26 July: 200 participants
- Film Screening 26 July: 50 participants
- Replay of Verdict and Discussion 27 July: 40 participants

People Interviewed: 27 (before and after the verdict)

- Ms. Aok Touch, 76 (Srey Sambo's sister and Ms. Vat nhop, 47 (Srey Sambo's niece) (Videotape interview)
- Mr. Chiv Kim On, 52, and Mr. Seng Voanky, 55, Prek Sbauv village, O-Kunthor commune, Stung Sen city, Kampong Thom province. (Cassette tape interview)
- Mrs. Kup Aishah, 56, Trapeang Chhouk village, Boeng commune, Baray district, Kampong Thom province. (Cassette tape interview)
- Mrs. Ty Hoa, 78, Prek Sbov village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mr. Mom Kung, 75, Prek Sbauv village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mrs. Um Tom, 69, O Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mrs. Eng Sarom, 50, O Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.

- Mr. Mr. Hak Thin, 40, O Kunthor village, O Kunthor commune, Stung Sen city, Kampong Thom province.
- Mrs. Bun Kimvorn, 52, O Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mr. Soh Slaiman, age unknown, Kampong Thom village, Kampong Ro commune, Kampong Thom city, Kampong Thom province.
- Mr. Nuon Chen, 73, O-Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mr. Heng Horrt, 43, O-Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mr. Tam Rauuth, 42 O-Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mr. Sim Him, 38, O-Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Ms. Ly Savang, 17, O-Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mr. Pat Yong, 73, O-Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mr. Hak Tniln, Deputy Village Chief, O-Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Ms. BO Kmourn, 60, O-Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- Mr. Son Slaiman, O-Kunthor village, O-Kunthor commune, Stung Sen city, Kampong Thom province.
- NOTE: 3 interviews were lost due to cassette damage.



Farina So and her team putting up a banner for the screening

IV. INTERVIEWS

DC-Cam lead 2 group discussions and conducted numerous interviews following the verdict. The village chiefs in attendance encouraged everyone to participate so that DC-Cam could share the villagers' thoughts with the court and with the international community. Throughout the program, DC Cam staff carefully explained the legal issues of the case, such as the fact that Case 001 was only about crimes committed at Tuol Sleng, and that Duch was still found guilty of crimes against humanity and grave breaches of the Geneva Convention of 1949, and encouraged villagers to not only share their personal experiences, but to think critically about the verdict and what, if anything, they would have done differently. This resulted in thoughtful, though at times emotional, discussions in which villagers not only reflected on the past, but also looked forward.

Overall, most villagers were disappointed with Duch's 19-year sentence. Most villagers said they thought Duch should have received a life sentence. All 21 responses left in the comment book in one of the coffee shops in the provincial capital expressed a desire to see Duch serve a life sentence. Many villagers present at the screening were survivors of the Khmer Rouge era and discussed the pain and suffering they continue to live with as a result of the regime. Many noted that those convicted of a single murder in a domestic court receive sentences of 15 to 20 years in jail, whereas Duch killed many more and was no ordinary criminal and that his punishment simply did not meet the crimes. Most villagers were not persuaded by Duch's expressions of remorse and maintained that he willfully tortured and killed thousands.

Some villagers were not just disappointed, but outraged. One woman said she thought Duch should only have 1 meal a day while he is in prison, consisting of one spoonful of food and half a liter of water. She went on to say that Duch's legs should be shackled until his death and shackled in his grave. One woman even said she would rather see the money going to fund the ECCC go to fund the construction of schools and roads that would actually help the Cambodian people. "I can see no justice," she said. Another woman said the verdict gave her no sense of closure. One of Pol Pot's nephews suggested that Duch should have to serve his sentence in a prison much like Tuol Sleng. Another woman said she thought Duch should spend his sentence reading confessions, working very hard, and receiving little food and water. On the issue of reparations, one

woman suggested that the court have portraits of all the victims of Tuol Sleng placed in markets for all to see so they could remember the victims and learn from the past.

Other villagers also expressed a desire to expand the prosecutions to include other prison chiefs and other Khmer Rouge cadres. As one villager explained during a group discussion, "I know the man who executed my uncle. He is a farmer. I can take you to him to arrest him."

Still, some felt that Duch was so old, the 35-year sentence, and in some cases even the 19 -year sentence, served the functional purpose of a life sentence and were satisfied with the outcome. Two who shared their views in a comment book DC-Cam provided to a local coffee shop said they were satisfied with the verdict. Some villagers also drew from their Buddhist beliefs, saying they could look past the Khmer Rouge period, but still wanted justice.

Another commonly expressed concern was the prospect of appeal. Many villagers said they were afraid that Duch would succeed on appeal and receive an even lower sentence. These concerns revealed a real grasp of the legal system and DC-Cam staff were able to clarify many of the villagers' other questions about the court. While villagers did not think the verdict was adequate, for the most part they maintained that the ECCC conducted a fair trial and was doing important work and understood why the court decided to lower Duch's sentence due to time already served and his prior illegal detention. Nuon Chen, a survivor of the Khmer Rouge regime who was sent to work in Santuk district not far from the pagoda, said that the hybrid nature of the ECCC made for the best combination for a court and that the verdict would be an important lesson to other countries recovering from atrocities. He later said he was happy to see Cambodia follow the rule of law, noting it was not the case under Pol Pot. Villagers also asked sophisticated questions about who the court could prosecute and whether the prosecution or even victims could appeal and seek a greater sentence. Everyone thanked DC-Cam for helping them gain a better understanding of the court.

V. CHALLENGES

There were a number of small challenges leading to reduced attendance during DC-Cam programs. The verdict coincided with baccalaureate exams for local students, which

meant that most of those in attendance who were born after Khmer Rouge period were small children. The timing of the verdict announcement, 10:00am, also coincided with the time many villagers return home to eat. As a result, many villagers who were present to watch news footage and DC-Cam's presentation describing the ECCC and Case 001, left just as the court was announcing the verdict. Fortunately, several villagers who left for the verdict screening returned later in the day or the next day to participate in the discussions.

There were also minor technical problems with the projector and DVD player, though those were quickly addressed and did not lead to any serious problems.

The biggest problem was not with the timing or DC-Cam programming, but with the ECCC hearing itself. After viewing the initial broadcast announcing the verdict, viewers believed that Duch was sentenced to serve an additional 35 years. It was not until later in the day that it became clear that Duch would only serve 19 years. DC-Cam had to make another announcement to villagers about the actual verdict, causing some confusion. DC-Cam staff went to great lengths to explain the reduced sentence and the reasons behind it. As mentioned above, while many villagers were disappointed with the sentence itself, they ultimately did understand how the court reached the sentence that it did.

VI. IMPACT

While it is not possible to gage the long-term impact of the verdict screening, it was clear that villagers were grateful to have the opportunity to view the verdict and participate in an open discussion. The chief of O-Kunthor village said his village never had an event like this. He even asked for a copy of the broadcast of the verdict. Many villagers also indicated during the discussions and during interviews that they planned on sharing what they learned with their families and neighbors who could not attend the screening. They said they not only planned on sharing the history of Khmer Rouge era, but also wanted to tell others that Duch and other Khmer Rouge leaders were finally held accountable for their crimes and that those who commit crimes cannot escape the rule of law.

In addition, DC-Cam was able to deliver several files to the relatives of Srey Sambo, a Tuol Sleng victim. Both his sister and his niece attended the verdict screening where DC-

Cam gave them copies of Srey Sambo's biography, a copy of an interview his sister gave to the Promoting Accountability project, and other files from the DC-Cam database. Srey Sambo's relatives were emotional watching and discussing the verdict, frustrated with the length of the sentence, and disappointed that the deadline had passed for them to file an application to join the case as civil parties, but said they were glad to have the files to help keep the memory of Srey Sambo alive.

Pursat province



Savina and Krista (red shirt) at the Buddha praying hall before the screening

Team: Sirik Savina, Men Pechet, Chhay Chhunly, Long Aun, James Roberts, Krista Nelson

The Living Documents Team chose to screen the verdict of former S-21 Prison Chief “Duch” in Pursat province due to the large numbers of Khmer Kampuchea Krom who were relocated to the area between 1974 and 1979. DC-Cam team members spent four days in Rumlech commune, Bakan district, preparing for the screening and interviewing survivors.

I. SUMMARY OF ACTIVITIES

Preparation for the screening began two days before the verdict, when DC-Cam staff met with the local Commune Chief and community organizers to discuss logistical arrangements for the screening. After confirming the screening location, food preparation, and transportation, DC-Cam made arrangements to return for victim interviews the following day.

At a local coffee shop in Bakan District, several kilometers outside the city center of Pursat, DC-Cam requested the venue hold a screening of the verdict for area residents. The elderly Kampuchea Krom owner, himself a Khmer Rouge survivor, eagerly agreed to hold the screening and gave an in-depth interview of his experiences under Democratic

Kampuchea. DC-Cam staff helped hang a banner advertising the verdict outside the storefront, delivered several copies of *Searching for the Truth* magazine and *Genocide: The Importance of Case 002*, and provided a comment book for local residents to record their opinions on the verdict.

Preparations on day two began with a meeting at a second coffee shop in Pursat city center. The storeowner, a primary school teacher and survivor of the Khmer Rouge, agreed to screen the verdict, hang a second banner advertising the screening, and record viewers' comments.

Following a trip to the market to purchase offerings for community monks and food preparation materials, DC-Cam staff returned to Rumlech Commune to meet again with the local Commune Chief and community organizers. After meeting the television technicians and equipment testing, DC-Cam interviewed several Kampuchea Krom victims from the area.

Beginning the morning of the verdict, villagers were transported to Rumlech Pagoda via a truck arranged by DC-Cam. Nearly 230 people attended the event, which began with DC-Cam's distribution of *Searching for the Truth* magazine, *Genocide: The Importance of Case 002*, and information sheets on the ECCC and Case 001. Screening began with biographical information on Duch, followed by live coverage from outside the ECCC and a reading of the judgment.

At the conclusion of the Court's judgment, DC-Cam held a discussion with community residents, who shared mixed feelings about the result. While many acknowledged the autonomy of the court, most were upset and felt Duch's sentence of 35 years in prison was far too lenient considering the number of lives lost at Tuol Sleng.

The provision of lunch enabled viewers to stay into the afternoon, and many remained to watch Tuol Sleng in 1979 and Behind the Walls of S-21, films they had never before seen.

The next day, Tuesday July 27, the DC-Cam team replayed the verdict to a group of about 30 people. The team provided a brief summary of Duch's biography and the trial proceedings to the participants, most of whom were high school students. Following

the verdict, one student asked, "How long is the sentence exactly?" The team explained the reduction of the 35-year prison term given that Duch has already served in detention since 1999. Some victims in attendance expressed their dissatisfaction with the decision. One villager commented that the sentence was too light for such crimes. However, one of them sought to accept the judgment, saying, "There's nothing else I can do." Following the screening and discussion, the team showed two documentaries: Behind the Walls of S-21 and Tuol Sleng in 1979.

II. GENERAL OBSERVATIONS



The Commune Chief and community organizers seemed eager to have DC-Cam present for the verdict and did their best to ensure a successful event. The Commune Chief invited many individuals to the screening and arranged for interviews with Kampuchea Krom community members. Monks were flexible with the timing of their Pagoda ceremonies and residents greeted the staff with welcoming words.

During the verdict screening, villagers appeared interested and engaged, but did not express much emotion. Yet during the discussion, many attendees were eager to voice their opinion and often expressed sadness and outrage both at the sentencing of Duch and their experiences under Democratic Kampuchea. Women were especially vocal and engaged in the discussion.



Children too young to have lived through Democratic Kampuchea were more interested in playing with the decorative publications from DC-Cam than participating in the discussion. The parents of the children often smiled during the verdict, evidencing their resilient nature; yet the juxtaposition of emotions between the younger generation and the older, more visibly upset speakers was striking.

III. INTERVIEWS

Kim Huoy, aged 60, Rumlech village, Rumlech commune, Bakan district.

Kim Huoy is a Khmer Kampuchea Krom. Her parents came from Southern Vietnam when they were 7 or 8 years old. They came to Rumlech, previously known as Prey Cheu Teal (jungle of Cheu Teal trees) to look for agricultural opportunities. They started to clear the land, grow rice, build houses and form a village. In 1975, when the Khmer Rouge captured the whole country, Kim Huoy, her husband, and children were evacuated to Battambang and left behind her parents and other families members who remained living in Rumlech. Ironically, this separation from her parents and other family members saved her life. Back home, her parents and other relatives were targeted for execution since they were identified as Khmer Krom. Kim Huoy described the constant fear she had to cope with concerning her identity as Khmer Krom. Once she moved to Battambang, she tried to her best to keep her real identity hidden from the local cadres. In 1976, the village chiefs did biographies of new people. Since Huoy was away from home, she managed to lie to the cadres and nobody knew her real identity. In 1979, the fall of the Khmer Rouge regime, she returned to her home village and found that her parents and other relatives were all killed. In total, her parents, 6 siblings, 20 nephews and nieces were executed at once in 1977 in Prey Kabas village, some kilometers from her home village. She described how her two brothers suffered the humiliation from the KR before they were killed. Also, she learnt later that two of her female cousins had been raped in a security office before execution.

Today, Huoy has applied to be a civil party in Case 002. Huoy told the team that she was invited to participate in the ECCC's trial proceedings, and participated in the village meetings on several occasions. Before seeing the verdict screening, she had previously

hoped to see Duch sentenced to at least 55 years in prison. However, the court judgment to sentence Duch to 35 years is fairly acceptable for her. She said, "35 years is acceptable to me. The tribunal will bring justice in my opinion, because I never thought that there would be a tribunal in the first place. I accept this sentence because I want reconciliation. If Duch were executed that would not bring back my parents."

Phan Sia (56) Stungkambot

"I think 35 years is acceptable because Duch is quite old now. To me this is justice."

Mos Ran (55) Prasat Village Rumlich commune, Bakan District

"During the Khmer Rouge regime, my father was hung upside down until he died because he was associated with Ta Vanh, the region chief during the Lon Nol Regime... I think 35 years is unacceptable. For me, [the sentence] is not justice because too many people died. I do not think the Duch verdict will promote reconciliation because I still do not trust the former Khmer Rouge... the screening was beneficial for me because it helped me learn about Duch and his role at Tuol Sleng."

Chab Khoung (53) Pralay Rumbeng , Rumlich commune, Bakan district

"I think 35 years in prison is not enough, however there is nothing that I can do about it...I would like to see reparations like the future construction of Pagodas."

Buoy Phan (56) Boung Chhouk, Khnar Totoeung

"35 years is acceptable for me because Duch is very old right now. I am not so angry at Duch, but I am at Nuon Chea because he personally sent me to the labor camp at Chraing Chamreh."

Mao Pheng, male, Stung Kambot village, Trapeang Chornng commune, Bakan district, Pursat.

Pheng had a wife named Chuk Pang who was arrested and sent to killed after being identified as Khmer Krom By then, she was already 9 month-old pregnant. Pheng described how his wife was killed, saying, "At first, the KR cut my wife's stomach open and took the baby out. After killing my baby, they killed my wife. I learned this story from a KR medic one month following the fall of the KR regime."

Following Duch's verdict screening, Pheng commented, "35 years prison term is too short comparing to the scale of the crimes." He added that if Duch was released before he died, "I would still feel upset and angry. I will not be satisfied." Nevertheless, Pheng found the trial and sentence important to educate young people. "Children will be able to understand the rule of law and that wrong doers will be held accountable."

Ros Chanthou, female, 69, Rumlech village, Rumlech commune, Bakan district, Pursat.

Chanthou lost parents and 10 other family members identified as Khmer Krom. She did not know about her parents and her family members' deaths until she returned to the village in late 1970s. She was evacuated to Battambang before the coup d'état in 1970. Chanthou survived the regime because she was able to hide her identity as Khmer Krom. After watching the verdict announcement, Chanthou commented, "35 years is not that long. I don't think this sentence is appropriate given the scale of killing. To me, life prison is more appropriate. I am still angry when the court sentences Duch like this."

IV. OUTCOMES

Materials Distributed

- *Genocide: The Importance of Case 002*: 500 copies
- *Searching for the Truth* magazine: 400 copies
- ECCC posters: 30 copies
- Duch information sheet: 130 copies
- CTM Booklets: 30 copies

Attendance

- Verdict Screening and discussion and film screening 26 July: 230 participants
- Replay of Verdict and Discussion 27 July: 30 participants (including monks and high school students)

After the verdict, 20 people individually spoke during a discussion facilitated by DC-Cam staff, many of whom recounted their own experiences of suffering under the Khmer Rouge. The general sentiment among those who voiced their opinions was that 35 years was not enough time for Duch to be imprisoned, as 18 out of 20 felt the sentence was too short. One of the two individuals who did not expressly state that 35 years was an insufficient sentence was Ros Yin, who simply stated, "so many of my relatives were killed that I cannot even count them."

Some individuals spoke of desired reparations, for example that a memorial dedicated to the victims be erected. Women speakers outnumbered men, and only the elderly spoke of their experiences, as those who were young when the tragedies happened did not speak.

One woman recounted that her whole family, twenty people in total, were killed during the Khmer Rouge period. Another older gentleman, who was a self-identified Cham Muslim, shared that he was forced to eat pork during Democratic Kampuchea and that his family members were tortured.

Later, DC-Cam employees conducted 21 interviews with local residents to record their impressions of the verdict. One interview was unusable because the individual failed to meaningfully answer any question; the woman simply responded, "I do not know." The responses of other interviewees varied. Chab Khoung, from Bakan District stated, "I think 35 years in prison is not enough, however there is nothing that I can do about it." Others were content because they believed Duch will most likely die in prison. As Phan Sia stated, "I think 35 years is acceptable because Duch is quite old now. To me this is justice." The one common sentiment expressed by interviewees was that no amount of time in prison could undo the damage to the victims, to their families, to the communities, and to the nation.

V. CHALLENGES

The screening was held free of any major difficulties, yet several inconveniences complicated logistical arrangements.

First, the timing of the verdict was problematic, as it fell during the rainy season when many villagers were busy in the rice fields and the Pagoda was busy with ceremonies. The Pagoda was able to accommodate both the screenings and rainy season ceremonies after the offerings were arranged to be earlier in the morning. While the morning ceremonies likely drew additional screening participants, it is uncertain whether more would have been present if they were not needed in the fields.

Second, an important aspect of the project in Pursat was to obtain interviews from Khmer Kampuchea Krom residents. Yet due to a breakdown in communication, many

Kampuchea Krom residents from the area were not invited to the screening. The problem was identified before the verdict, and additional Kampuchea Krom residents were invited to a rebroadcasting of the screening the following day.

Third, there were several technological difficulties during the screening. The broadcast of the verdict ceased for a few seconds, prior to the reading of the judgment. The cable feed ceased several other times, yet was promptly repaired by the technicians. In addition, several people momentarily blocked the projector. After the verdict, there was minor feedback from the microphone, yet the problem was corrected quickly.

Lastly, during the screening the long delivery of the verdict and presence of many children was distracting for many viewers. Some people grew disinterested during the long reading prior to the sentencing and left; however, the stream of people leaving was outmatched by the influx of interested parties. Approximately 50 attendees left during the screening, yet were replaced by several others who continued to be transported during the morning.

VI. IMPACT

Due to the lack of clarity regarding the Court's sentence and whether the 35 years included the time already served by Duch, most individuals left the event believing Duch would serve 35 years in prison. Yet attendees left with a greater understanding of the ECCC, Case 001, and knowledge regarding upcoming Case 002.

Kampong Cham province



Team: Eng Kok-Thay, Ser Sayana, Ker Sarath, Huy Sophorn, Meas Bunthann

The location of the Kampong Cham screening was Svay Khleang village, Svay Khleang commune, Krauch Chhmar district, Kampong Cham province. DC-Cam coordinated the activity with local community leaders including Normin, the village chief of Svay Khleang, Sos Pinyamin, the Hakem of Svay Khleang and village Tuons named Sman Nomad and Roman Yousof.

Svay Khleang, also known as village 5 in government's official administrative division, has a rich history. Kampong Cham is the homeland of Cham Muslim people, who comprise about 8% of total population of the province, although Kampong Cham has the highest number of Muslims in Cambodia. Svay Khleang is a typical Cham village along the Mekong River. Fifteen kilometers to the west of this village lies Trea village, which has the largest mosque in Cambodia, following orthodox Islam Dawa Tabligh, while another fifteen kilometers further west lies another large mosque in Kampong Treas village.

Svay Khleang village has an old Islamic minaret (Seun) located next to the Mekong river that was built in late 19th century. It is one of the oldest such towers in Kampong Cham. Svay Khleang also has three old wooden structures built around early 1900. The houses belong to two wealthy Chams who lived in the village in the same period. According to

the village chief, Svay Khleang was at the center of Cambodian Muslim community at the time. The two men were Bautes and Snong Man. Bautes was once given a position of royal counsel to King Norodom and colonial residents in the area.

According to villagers, King Norodom once came to Svay Khleang by a steam boat, which the locals called “fire boat.” He was welcomed by both Bautes and Snong Man, who covered the path to the riverfront with red silk carpet. The houses of both men are still in good condition, located along the Mekong River. While Bautes was a royal official, Snong Man was a rich timber trader. Villagers said he floated timber down the Mekong River from Kratie and Stung Treng and stored them along the river bank, waiting to be transported further south to Vietnam.

I. SUMMARY OF ACTIVITIES

The DC-Cam screening team arrived in Svay Khleang on Saturday, July 24. The team placed five banners at various locations in two communes, aiming to attract a largest possible audience to the screening. The banners were placed at the following locations:

1. The first banner was placed at the entrance to the mosque between the morning and the afternoon markets.
2. The second banner was placed in a cafe in front of En Ko Sei pagoda, a common area where locals congregate. DC-Cam team also placed a logbook to record villagers’ view at this location.
3. The third banner was placed at the evening market in front of Botum Vatey pagoda.
4. The fourth banner was placed next to Prek Cham market in between villages 5 and 6.
5. The fifth banner was placed in Daem Chrey village, Krauch Chhmar commune, next to Russey Keo pagoda.

On July 25, the DC-Cam team rented motorbikes equipped with loudspeakers to announce the live screening program in Svay Khleang and neighboring villages. The team also set up the audio and visual system for the live showing the next day. The selection of a screening location was particularly challenging. Several considerations came into play. For the LCD projector to work during the verdict, a sizable venue to accommodate more than one hundred people was required. The venue also needed to be dark enough for screening during the day. However, the team also wanted to have a location with high public visibility, for example, a place along the main road. Only three houses that could accommodate one hundred attendees were available. One was an incomplete new house locating next to the village mosque too high and lacking a

proper handrail that could ensure the safety of viewers. The other one was a house along the main road, which was good for visibility but lacked adequate space and dark enclosure. The last one was a former Surav which had been converted into a family home, but located along an inner village road. The team decided on the third option. The team worked until around 7 p.m. in the evening to install a TV antenna and a banner at the screening location.

The team spent the nights of July 25 and 26 at the village chief's house. The program on July 26 started at 8 a.m., thus the team started preparing at 6 a.m. the morning of July 26 to install the slide projector and sound system. They also prepared to distribute materials, including *Genocide: The Importance of Case 002*, *Searching for the Truth* magazine, Duch biography handouts and ECCC posters. The installation of the CTN TV antenna was particularly challenging because the team needed to make sure it received sufficient reception. The antenna was raised high above the roof before the picture became clear and sound was crisp. Due to heavy rain the previous night, making the village dirt road slippery, arrival of attendees to the screening venue was delayed by 15 minutes and the program started at 8:15 a.m.

II. GENERAL OBSERVATIONS



At Svay Khleang village and neighboring Koh Phal village, the Khmer Rouge killed almost 80 percent of villagers after the village took part in a so-called rebellion against the Khmer Rouge in late 1975. Stories of the Khmer Rouge's swift and brutal suppression of the villagers are still remembered vividly by Svay Khleang villagers today. They talked about their sons and husbands being burned alive by the Khmer Rouge, being dragged out of their home and shot, being taken away and killed, imprisoned, tortured and executed. Svay Khleang village has gradually been rebuilding itself since

1979, but the courageous resistance of late 1975 and subsequent suppression still remain in the villagers' mind. Today they eagerly await the first Khmer Rouge leader being given a just verdict, although some of them do not expect to hear the kind of retributive justice they seek for what they lost.

Sos Pinyamin, the Hakem of the village and a key member of the rebellion in late 1975, somehow survived the Khmer Rouge's subsequent search and kill program. He said that he never expected the court to deliver justice for what he lost and for what his village suffered. He asked why justice should be delivered now, 31 years after the Khmer Rouge and 34 years after his village was destroyed. He said justice should have been delivered much early, ideally in the early 1980s when people need justice for them to move forward during the reconstruction period. For him, the proper and internationally recognized proceedings of the ECCC have been difficult for him to take, not because they bring up old memories, but because they have allowed Duch and other Khmer Rouge leaders opportunities to speak freely in court and given their lawyers the right to counter arguments and testimony by victims. When he was imprisoned after the rebellion, he was never given similar opportunity. Moreover, at S-21, Duch never gave victims those rights. By giving the accused this opportunity, the trial has run counter to what he sees as justice. However, as a pious member of his Muslim community, Pinyamin participated in the screening program. He respects the decision of the Cambodian government and Prime Minister Hun Sen. He also respects the decision of the international community for establishing the ECCC and funding its operations. For him as a victim, he has no choice but to suffer injustice once again so that the rule of law can be established in Cambodia.

The program started with a brief introduction by Sos Pinyamin about the long-awaited verdict. Pinyamin asked villagers to consider the verdict and offer their reactions after viewing the verdict. The village chief, Nomin, also participated in the event. Afterward Kok-Thay ENG provided a brief presentation about Duch's case and biography. He raised a few important considerations for attendees to consider about the verdict, particularly relating to dilemmas faced by the Court in deciding an appropriate verdict for Duch to deliver a proper judgment. Kok-Thay ENG discussed various issues relating to the Duch trial, including Duch's sincerity and Duch's teaching experience versus his secret affiliation with the Khmer Rouge. Duch was a seemingly good teacher during the day, and a brutal, heartless communist during the night who would kill thousands of people who believe serve his party.

The screening program was attended by approximately forty villagers, half of whom were women. Each villager was given a copy of Duch case file. Because many household own color TVs, many villagers chose to view the verdict in the comfort of their homes.

III. INTERVIEWS



Attendees provided the following reactions to the verdict:

Nomin (52) Svay Khleang village chief, said that Duch should be sentenced to more than 35 years in prison because Duch was a “teacher and an educated” person. It is difficult for Nomin to forgive Duch because he possesses a critical thinking ability that could have helped him judge whether or not to follow the order of his superiors. Nomin believes that Duch committed his crimes intentionally and with full knowledge of the choices he made. Nomin’s view was also supported by **Santeab (male, 50)**, who said that because he is educated Duch should not be viewed like the uneducated and brainwashed adolescents who were ordered to kill. For them, knowledge comes with power and power comes with responsibility.

Many villagers in Svay Khleang expressed an Islamic view toward the verdict. They raised the idea of “an eye for an eye” as followed by Islamic tradition. **Sleman Min (45)** said that in Islamic tradition, if one is kicked one time, he should kicked back once, no more and no less. Sleman Min said that Duch should be executed if Cambodian law permits such judgment. His view was shared by Sman Tos who after hearing that there is no death penalty for Duch wanted 100 years imprisonment. Exacting revenge was also the desire shared by many attendees at the live screening.

Him Sreyman (male, 76) said that the proceedings are not at all fair for the people because under the Khmer Rouge many people committed crimes, not just Duch. There are also almost two hundred prison sites in Cambodia. Therefore for Sreyman Duch should not be the only prison chief to be taken to trial and judged.

Mat Ali (35, male), a Khmer converted to Islam who is now living in Svay Khleang, said that he can forgive Duch if he serves his prison term until he dies. He also said that he regrets that Duch could not be executed for the immensity of what happened at S-21.

Hab Phsos (female, 64) lost many of her relatives to the Khmer Rouge, especially after the rebellion in late 1975. Hab Phsos is a Tuon who teaches the Cham language to village children. Now she is old, frequently ill and living alone. She said that nobody is taking care of her now and that no degree of justice could serve her.

Pinyamin (56) the village Hakem, offered two points for consideration. First, he said that in Cambodian law, when a person intentionally commits a murder he is punished with life time imprisonment, yet Duch who “was responsible for the death of 12,273 people will serve only 35 years in prison.” Second he asked about Duch’s detention conditions. If his prison provides him with air conditioning, nutritious food with “meat he can choose,” a place to exercise and swimming pool he can relax in, all he would have losted is his freedom to travel. Compared to living conditions in the village, his living conditions would be better. This type of sentence is clearly inadequate for a former prison chief like Duch who never gave his inmates such luxury.

In the afternoon, DC-Cam team showed a film called, “Behind the Wall of S-21” to villagers seeking to incite more reaction from villagers. People were also shown a film on the footage taken on S-21 after 1979. A woman named, Noh Satas, crying after watching the film provided her thoughts about the Duch sentence. Many of her family members were killed under the Khmer Rouge. She said that Duch should be given a death sentence. For her to be a sole survivor of her family (almost 20 members of her family perished) she said she needed to hide her ethnic identity. She was once tied by the Khmer Rouge and questioned if she was Cham or Khmer. She was one of the lucky ones to answer Khmer. She also admitted that she now could not sleep and forgets things. She believes herself to have some degree of mental problem. The Duch sentence is too light. She echoed the words of Pinyamin that prisoners at S-21 were treated like animal and shackled most of the time, but for Duch, prison conditions for him are much better. Her daughter sat next to her crying.

Min Man (male, 53) has been following the Khmer Rouge tribunal on radio and TV, but has observed the trial in person. He believes that Duch should be imprisoned for the rest of his life. But he is also satisfied with the sentence since Duch will probably die in prison.

Mat Fa-ilin (male, 22) said he does not agree with the verdict because he thinks that the verdict does not match what Duch did under the Khmer Rouge. Therefore he will not

be able to forgive Duch. For him an appropriate verdict would be the death penalty, although it does not exist in Cambodia. Viewing the Duch verdict, the ECCC procedure made him think more critically about what is good, bad, sinful, just and unjust.

Tin Osman (male, 53) is also not satisfied with the Duch verdict and believes that Duch should have been imprisoned for life. Therefore he will not be able to forgive Duch. Duch should have been given the death penalty for his “brutality, indiscriminate killings.” He highlighted the fact that, in Islamic tradition, a life should be paid for with a life.

IV. OUTCOMES

In short, Svay Khleang villagers were not satisfied with the sentence of Duch. Notably, the reactions that DC-Cam received were based on a 35-year sentence, starting from now. After learning that Duch would be imprisoned for just 19 years going forward, the reaction to the verdict would have been even more negative. In Islamic tradition, as mentioned by villagers, Duch should be given a death sentence as the villagers follow “an eye for an eye theory” rooted in Islamic tradition. Noting that Cambodia abolished death penalty, the villagers said that life imprisonment would be acceptable, although Duch might not live longer than 20 years from now. Despite their doubts, a majority believed that the court decides for victims what kind of justice is good for them as a whole.

V. IMPACT

1. A woman cried after seeing Behind the Walls of S-21. She was given an opportunity to speak about her grief.
2. People were given opportunities to speak about their satisfaction or lack of satisfaction with the verdict.
3. A Reuters TV crew filmed the events.

VI. CHALLENGES

1. Heavy Rain
2. Delivery of a recorded announcement to Svay Khleang never arrived due to lack of convenient transportation to remote village.
3. Road became slippery.
4. Difficulties in locating a location allowing for a large viewing audience.
5. Many houses own TVs.
6. Many villagers do not have a clear opinion to offer about the complexity of the verdict.

7. Half of the attendees were women and younger adults who are generally not inclined to speak up in the Cham Muslim community. They did not offer many opinions about the film showing.

VII. LESSONS LEARNED

Visitors to the coffee shops were fewer than expected because the screening time was later than morning coffee hours.

July 26 was the start of the examination period for both grades 9 and 12. Parents were therefore pre-occupied with their children's exams.

Phnom Penh

Team: Chy Terith, John Ciorciari, Dacil Keo, Sarah Thomas, Jennifer Ka

Chy Terith and Sarah Thomas will be writing a separate legal monitoring report to be posted on the DC-Cam website (Analysis Section)



Disarray and Disappointment after Duch Verdict

by Dacil Keo



The verdict of Case 001 at the Khmer Rouge Tribunal involving former S-21 prison head Duch (Kaing Geuk Eav), delivered amidst intense speculation, considerable spectacle, and moderate disarray, disappointed more people than it satisfied. Convicted of crimes against humanity and grave breaches of the Geneva Conventions of 1949 for atrocities perpetrated at S-21 that left at least 14,000 people dead, Duch received 19 years in prison; a figure reduced from 35 years after consideration of mitigating factors. This historic conviction is the first judgment for the unspeakable horrors that occurred under the Khmer Rouge regime responsible for the deaths of nearly two million people from 1975-1979. It was also a judgment that was unsatisfactory and perplexing to many ordinary Cambodians who survived the regime's brutality. Many had expected the tribunal to deliver a harsher jail sentence. This expectation, along with initial misunderstandings of the verdict, has emphasized the injustice of the 19-year sentence even more.

The Verdict Reading

Several minutes before 10 a.m. inside the 500-seat courtroom, slate-blue curtains and vertical blinds opened to a packed audience of Khmer Rouge survivors, Buddhist monks, university students, scholars, dignitaries, and reporters. Inside the glass-enclosed wooden stage, court officials were already seated in position along with key S-21 witnesses. A few minutes later, Duch entered the stage escorted by two policemen. He is

neatly dressed in a pale blue Polo shirt layered over a white t-shirt and gray pants held in place by a metal buckle belt. Oddly, his attire matched the glass wall sectioned off by thick metal bars and curtains while contrasting the row of bright orange-robed Buddhist monks sitting in the front center.

At the beginning of the verdict reading, Duch sat leaning against his chair showcasing his usual stern expression. At times, his piercing black eyes darted back and forth while his body remained calm. Towards the middle of the hour-long reading, Duch leaned forward with his arms folded on the desk near his bottled water. As the verdict reading approached its end, a subtle intensity appeared in Duch's eyes. When the judge announced the 35-year sentence, murmurs immediately erupted in the audience. Now standing, Duch's eyes are noticeably red, although his countenance is still composed. The judge finished the verdict reading at 11 a.m. and Duch is escorted off stage.

Responses from the Courtroom

The spectacle of the verdict day, which began with security checks and the disorderly seating of national and foreign observers, heightened after the verdict was delivered. All spectators, those inside the courtroom, the several hundred sitting on plastic chairs on the court lawn, and the millions watching across the country, reacted strongly.

As audiences made their way out of the courtroom following the reading, the initial murmurs became open critiques. The most common among them was, "The sentencing was unclear, so just how many years will Duch serve in prison?" Villagers with limited education, reporters accustomed to legal proceedings, and scholars with decades of schooling alike all began to subtract numbers in their head. "So the judge said 35 years in prison, but minus five years because of illegal detention at a military prison, and minus another eight years of actual time spent in the military prison, and then three years at the tribunal detention center, so that makes...wait, or was it nine years in the military prison...so that makes...wait, was the five years awarded to him in addition to the nine years served in the military prison?" Others left out the five years awarded to Duch for being illegally detained. "No, no, it's just 35 years minus nine years and then minus five years for cooperating with the tribunal." Others were unclear with the starting figure. "Was the 35 years before or after the five years awarded for illegal detention? So does that mean the initial number of years was 40 as the prosecutors had wanted?" There was also a large portion of the audience that was unconcerned with the arithmetic and simply concluded that Duch will serve 35 years in prison. This figure of 35 years,

unsurprisingly, caught on among some members of the press and was used in their initial reporting of the verdict.

As the confused and disappointed observers descended the court stairs and stepped outside, members of the press, who had been waiting patiently by the entrance doors, quickly began to take photographs. Other members of the press were already interviewing people from among the several hundred who had watched the verdict delivery on the front lawn. Some of them had arrived as early as 7 a.m. to set up their equipment and to scout out a good location to conduct interviews. Famous S-21 survivor Bou Meng and almost equally famous former S-21 security head Him Huy were bombarded by the media. Other prominent interviewees included noted scholars, tribunal officials, civil society organization directors, government officials, and crying Khmer Rouge survivors.

One episode involving three Khmer Rouge survivors on the courtroom lawn proved rather unfortunate. Former S-21 child prisoner Norng Chan Phal, who resurfaced several years ago after two decades of quiet living, was sidelined by woman as press cameras scurried to capture survivors' reactions. Unbeknownst to many, before entering the courtroom Mr. Norng was approached by a reporter who requested to film and interview him immediately following the verdict announcement. Mr. Norng, a bit anxious but experienced from having done dozens of interviews in recent years, agreed. In a moment of genuine disappointment and heartache however, a Khmer Rouge survivor beside him began to cry as she walked out on the lawn. Alerted by her crying, the press swarmed to capture this emotional scene, including the very reporter that had made a deal with Mr. Norng to film him. Another woman, who spoke both Khmer and English, sensed this opportunity and rushed to the scene blocking Mr. Norng from the cameras' view. She offered to translate for the anguished woman. Upon seeing these two women, Mr. Norng, who was also distraught after hearing the verdict announcement, retreated alone to the parking lot and climbed inside the bus he arrived in to recover from the episode. He remained inside the bus until it left the courtroom compound. Mr. Norng, one of the rare survivors of the S-21 prison, regrettably was not interviewed following the historic verdict for crimes committed at the notorious prison.

Back inside the courtroom a press conference was underway. Four separate groups were lined up to speak to reporters: the ECCC Public Affairs Office, co-prosecutors, three civil

party groups, and the defense (which later canceled). The most repeated question at the press conference concerned, unsurprisingly, the exact number of years that Duch is to serve in prison. After receiving an indefinite response from the first group, reporters asked Cambodian Co-Prosecutor Chea Leang from the second group. The Co-Prosecutor went through each mitigating factor one by one and gave a final figure of 18 years. This figure was slightly different from the 19 years given by the first group, and far different from the 35 years that had already been published in news reports.

Reactions in Phnom Penh

Throughout the day and evening, Public Affairs Chief Reach Sambath worked hard to explain the verdict, especially given that the full verdict document is over 400 pages in Khmer. Radio airplay of his explanation, along with expert commentaries and interviews with survivors, was pervasive throughout the night. The reactions to the verdict in Phnom Penh ranged from indifference to anger, although many appeared disappointed.

Youk Chhang, Director of the Documentation Center of Cambodia (DC-Cam), believes that “the verdict is correct, but it could have been harsher” and that “there is a lack of sensitivity to the reparations.” Mr. Chhang also believes that “Duch can never be a free man and will die in prison.” DC-Cam has been assisting the tribunal since 2006. The Center has not only provided translation, photocopy, and delivery services to the tribunal but also has allowed all three units- the prosecution, defense, and investigating judges, to use DC-Cam offices for research and work. Many of the lawyers and judges have gladly utilized these services, with the exception of Duch’s Cambodian defense lawyer Ka Savut. Strangely, Mr. Ka has said that he cannot access the Center’s resources or use its facilities. The Co-Prosecutors and Co-Investigating Judges offices, along with the defense lawyers for Noun Chea, Ieng Sary, and Ieng Thirith have had no problems utilizing the Center’s assistance however.

A few people interviewed on the streets said that they weren’t aware of Duch’s verdict announcement because they were busy making a living. Others had heard that Duch’s verdict announcement would be announced on Monday, but got tied up with other things such as their children’s high school exam which coincidentally began on the same day. In Cambodia, a series of exams lasting for two and a half days, determines whether students graduate high school and their college prospects.

Some followers of the verdict listened to radio for several hours, including Ros Sokhal who lost her husband, only child born ten days before the Khmer Rouge takeover, and numerous relatives during the Khmer Rouge regime. A resident of Phnom Penh, Ms. Ros had been following tribunal developments regularly and like many who followed the spectacle of the verdict reading, was unclear about the final number of years Duch was to serve in prison. At the Finance Office in the Council of Ministers where she works, the office television played the verdict screening as employees watched on and off. The majority of people in her office, like many in Cambodia, were most interested in finding out the number of years that Duch will serve in jail. Once the verdict reading was over, Ms. Ros along with her co-workers expressed disappointment and confusion. If Duch serves 35 years in jail, Ms. Ros said that she would accept the judgment because this meant that he would die in jail. However, if it is 19 years then she cannot accept the judgment because there is a possibility that he will be alive after serving time. Mr. Ros also commented on Duch's character, "He is a coward. His stern and cold expression and his audacity to kill people are opposite of his cowardice." According to her, someone like Duch who is "brave enough to kill someone" should also be "brave enough to accept life imprisonment." Life imprisonment, she explained, is much easier to accept than being tortured and killed at S-21. Clearly, Ms. Ros was deeply upset by the judgment.

A Survey Across Provinces

The reaction from survivors across Cambodia was also diverse, but again, disappointment and dissatisfaction were the most common responses. DC-Cam organized live screenings of the verdict in seven provinces: Kandal, Kampong Thom, Kampong Cham, Banteay Meanchey, Takeo, Svay Rieng, and Pursat. Approximately 200 or more local villagers attended these screenings, although in a few areas the number was considerably less because villagers were occupied with transplanting rice seedlings. Depending on the size of the rice field, transplanting rice seedlings can take several days or up to a week during Cambodia's rainy season.

Reactions from the provinces can be divided into four groups: (1) those who think the sentence is 35 years and are disappointed; (2) those who think the sentence is 35 years and accept it; (3) those who think the sentence is 19 years and are disappointed; and (4) those who think the sentence is 19 years and accept it. Several interesting patterns appear. First, many who reject the 35-year sentence feel that the brutal acts of Duch deserve a harsher sentence such as life imprisonment. Second, those that accept the 35-

year sentence do so because they think that he will die in prison. Among those that reject the 19-year sentence, many feel 19 years is vastly disproportionate to his crimes and that he could possibly live after serving his sentence. The few that accept the 19-year sentence cite being sympathetic to his age, believe that he will die in prison, or reason according to the teachings of Buddhism. Lastly, as more information on the mitigating factors, which reduced the sentence to 19 years, became available, the majority of people from the second group (who believed that the sentence is 35 years and were satisfied), instantly became dissatisfied with the 19 years. Overall, there is a feeling of dissatisfaction and to lesser a extent, anger, among survivors of the Pol Pot regime.

Group 1: Dissatisfied with 35 Years

Many ordinary Cambodians understood Duch's sentence to be 35 years immediately following the verdict announcement. For most, this was tolerable because they believed that Duch would die in jail. However, there were quite a few Cambodians who were not satisfied with 35 years. In Cha commune, Takeo province, many of the people interviewed following the verdict screening wanted Duch to be imprisoned for life.

In Svay Chek commune, Svay Rieng province, DC-Cam interviewed people who were upset by the verdict. Oum Sokhom, who was imprisoned under the Khmer Rouge regime, felt that Duch should have been given the death sentence because he is responsible for the deaths of thousands of people. Similarly, Va Samut was also upset by the 35-year sentence and said that she is still angry with Duch and other perpetrators. Yim Min and Kong Rong also felt that 35 years is too short because Duch killed a large number of people as head of S-21, however they also felt that the tribunal is still beneficial for Cambodia because it can help teach the younger generations that crimes will be punished.

Several survivors from Svay Khleang commune, Kampong Cham province, wanted Duch to suffer the way he made others suffer at S-21. Unaware that the Cambodian Constitution prohibits the death penalty, Sreang Srang wanted Duch to be executed by hanging. Sa Habb Sas wanted Duch to receive life imprisonment but also added that, "If I were the judge, I would torture Duch in the same way he tortured others." Ms. Sa felt that the court was partial towards the defense. No Sadass, whose entire family of eight died under the Khmer Rouge regime, also wanted Duch to be tortured for his role at S-21. Mr. No explained, "I want to punish Duch in the same way he tortured people at Tuol

Sleng; to put him in handcuffs, [and] let him starve.” Prak Rem from Banteay Meanchey province lost five relatives and is also still angry at Duch. She wanted him to receive the death penalty.

Group 2: Accepts 35 Years

The general reaction among Khmer Rouge survivors from Kampong Thom province and Banteay Meanchey province was, initially, mild acceptance of what they believed to be a 35-year sentence. After finding out that the sentence is 19 years however, the dominant majority of these people expressed great dissatisfaction. Nuon Chean of Khum O Kunthor sub-district, Kampong Thom province said that 35 years is enough because Duch would die in jail. He added that the Khmer Rouge tribunal is important because it teaches the world about what happened in Cambodia under the government of Democratic Kampuchea and it can also serve as a model for other tribunals. Huy Ehheut of Preah Net Preah commune, Banteay Meanchey province, felt that the 35-year sentence was not enough given the crimes that Duch committed, but nevertheless felt that it was appropriate given Duch’s age of 68 years because he would die in jail. Both Phan Sia and Buoy Phan of Rumlech commune, Pursat province, also accepted the 35-year sentence because of Duch’s age and the certainty that he will die in prison after 35 years.

In Rumlech commune, Pursat province, Kim Hauoy expressed acceptance of the 35-year sentence for a different reason. Ms. Kim lost 22 family members under the regime including her parents, siblings, and her husband. For a long time she believed that Khmer Rouge leaders would go unpunished. “I never thought that there would be a tribunal in the first place,” stated Ms. Kim. For her, acceptance of the sentence is not because she wanted Duch to die in prison. She elaborated, “I accept this sentence because I want reconciliation. If Duch were executed that would not bring back my parents.”

Kao Tong, from Preah Net Preah commune, likewise begrudgingly accepted the 35-year sentence based on the reasoning that Duch would die in jail, although he too would have liked to see Duch receive a much longer sentence. After finding out that the actual sentence was 19 years however, Mr. Kao became deeply disappointed and felt “little and powerless.”

Group 3: Dissatisfied with 19 Years

For better or worse, the unclear manner in which the tribunal judge explained Duch's jail sentence has caused many to compare the fairness of a 35-year sentence with a 19-year sentence. After some of the confusion surrounding the sentencing had been cleared, an overwhelming feeling of dissatisfaction grew among survivors of the Khmer Rouge regime, especially those that initially believe the sentence to be 35 years.

Prak Vuthy and Tep Chan Thon, both from Katok commune, Kandal province, are both unhappy with the 19 year-sentence because they felt that the sentence is greatly disproportionate to the thousands of people who died under his orders at S-21. They both felt that the court made the wrong decision.

Aok Touch and Vat Nhit of Khum O Kunthor commune, Kampong Thom province, were both initially not satisfied with a 35-year sentence and became even more upset when they learned that the sentence was actually 19 years. Both Ms. Aok and Ms. Nhit lost relatives at S-21. For them, Duch can never be forgiven. They believe that he is dishonest and insincere because he strategically acknowledged only the lighter crimes at S-21 in order to receive a reduced sentence. Ms. Srey wants Duch to be imprisoned in a jail cell that does not have air conditioning or good food. She also wants him to read the confessions that he and his interrogation staff forced S-21 prisoners to write.

Group 4: Accepts 19 Years

Among the small number of interviewees who were satisfied with the 19-year sentence, several reasoned that Duch would die in jail. Both Oeun Ret and Suon Auok of Katok commune, Kandal province, think that the 19-year jail sentence is fair given Duch's old age and the likelihood that he will die jail before being freed.

Pel Kimlang, of Svay Khleang Commune, Kampong Cham province, also accepted the sentencing, although for a very different reason. She turned to her understanding of Buddhism to form her perspective on the case. She explained, "We follow the Buddha, and he asks that we forgive, so if there are three choices of release, execution, or imprisonment, I would chose the middle choice of imprisonment so that Duch can have a few years to be with his family and die at home because he also has a wife and children." She further added that killing someone as a form of punishment would only result in continuous revenge-taking. "If someone who kills a person is crazy, and if we did same [thing], we would also be crazy too," reasoned Ms. Pel.

Perhaps the interesting interviewee who also accepted the 19-year sentence is Pol Pot's nephew, Srey Hean. Mr. Srey, from Khum O Kunthor commune, Kampong Thom province, felt that a 19-year sentence is appropriate. He did warn however that if Duch is still alive after serving his term, Duch might seek revenge or create other safety concerns.

Morning after the Verdict: Kandal Province

Interviews with people in Katok commune, Kandal province, right next to Phnom Penh where the Khmer Rouge tribunal is located, revealed quite a number of people who were unaware of or indifferent to the verdict announcement. Although many did know about the verdict from television, radio, relatives, and even neighbors, many others were completely unaware of the verdict announcement and some were even unaware of the Khmer Rouge tribunal in general. Of the 27 people interviewed by DC-Cam on the morning after the verdict hearing, 13 of them said that they were unaware or unconcerned with Duch's verdict. Soam Aum, Say Pen, and Chat Samnang were unaware that Duch's verdict was delivered the day before. Likewise, Las Mao and Say Sophat did not know that the court announced Duch's verdict because they were busy transplanting rice.

Interviews the day after also revealed that some people still believed that Duch was sentenced to 35 years in prison despite intense on-air clarifications from tribunal officials. Phun Savon expressed disapproval with Duch serving 35 years in jail. For her, justice has not been delivered. Su Hean, also believing that the sentence was 35 years the day after, was likewise disappointed. She felt that his crimes were too heinous to warrant only 35 years in jail. She requested that the tribunal reconsider its decision. However, Tep Somaly and Chuob Nim said that they accepted the 35-year sentence when interviewed the following day.

Beyond the Jail Sentence: Civil Parties and Reparations

Although much of the attention after the Duch verdict has focused on his jail sentence, the issues of civil parties and reparations are also important and no doubt will generate greater attention once the shock of the 19-year sentence wears down. At the press conference following the verdict announcement, all three civil party groups expressed grave disapproval with Duch's 19-year sentence, the tribunal's disregard for civil party participation, and the rejection of reparations.

Many Cambodians had wanted Duch to receive life imprisonment since Cambodia does not allow the death penalty. The prosecution asked for 40 years imprisonment. Given Duch's age of 67, a 40-year sentence guaranteed that he would die in prison, providing some comfort to those who wanted a life sentence. The harsh reality of 19 years however is considerably less than what people wanted and does not guarantee that Duch will die in prison. Further, the judges' decision to frame the punishment as 35 years, rather than 19 years, has not only misled many people, but has some wondering whether it was strategic or not. Whatever the tribunal's intentions, it has created increased frustration and anger among civil party participants who already were having a difficult time dealing with the court since Case 001 began in March 2009. Another major blow to civil parties was the court's declaration on the verdict date that at least 24 civil parties are not recognized by the court. These were civil parties that had been engaging with the court for many months under the assumption that they were a legitimate part of the process.

Perhaps the least talked about issue immediately following the verdict by ordinary Cambodians is that of reparations. Among the more than sixty people interviewed by DC-Cam during the film screenings, only a few of them talked about reparations. There are several reasons for this. First, many Cambodians aren't aware that it is possible to seek, or attempt to seek, reparations from the tribunal for what occurred under the Khmer Rouge regime. Second, the process by which this is achieved (through civil parties), is also little known to many Cambodians. Third and perhaps more fundamentally, many survivors are not interested in receiving material compensation for what is undeniably an irreplaceable loss. The fact that 20% of the population perished meant that at least every person in Cambodia lost a family member, in addition nearly all of their property. Thus the main attraction of the Khmer Rouge tribunal for survivors has been to simply find out what happened during the three years, eight months, and the twenty days of Khmer Rouge rule.

Nevertheless, denial of civil parties' reparation requests (with the exception of two: the inclusion of the names of S-21 victims in the verdict judgment and the distribution of Duch's apology) delivers a very cold message to victims, especially given that many of these requests required relatively little time and money such as the conservation of the paintings of S-21 survivor Vann Nath which are already displayed at the Tuol Sleng Genocide Museum, construction of a walkway along the outside wall of S-21, and writing a letter to the Cambodian government to request an apology for the civil parties.

Agreeing to a small portion of these requests would have placed the tribunal in a much better standing among survivors. John D. Ciorciari, a professor of Public Policy and Cambodia expert at the University of Michigan, believes that “the tribunal does have a role in reparations.” He further believes that the tribunal should have worked with civil society from the very beginning to work out arrangements in order to fulfill some of the civil parties’ requests and that failure to do this was a “missed opportunity.” As more attention is given to the matter of reparations in the coming days, perhaps more Cambodians will begin to think about the court’s role in not just delivering legal justice, but also in helping to memorialize the tragedy of the Khmer Rouge regime. Moreover, given that many are displeased with the light jail sentence, agreement to some reparations that benefit society as whole such as those focused on genocide education, mental health clinics, or the construction of memorial or pagodas, would help to lessen the anger and disappointment that many feel. Chab Khoung of Rumlech commune, Pursat province, in reacting to what he believed to be a 35-year sentence, responded “I think that 35 years in prison is not enough, however there is nothing that I can do about it...I would like to see reparations like the construction of pagodas in the future.”

Dacil Q. Keo, Public Affairs Officer at the Documentation Center of Cambodia and a PhD Candidate, Political Science Department at the University of Wisconsin-Madison

The Path toward Justice

By Jennifer Ka

Cambodians were stuck in a nightmare they could not wake up from. I cannot imagine the brutality of the Khmer Rouge period because it was too chaotic. There was no mercy, no compassion, and no rules. The savagery makes me question the goodness of humanity. The act of genocide will always keep us wondering how this happened. We ask these questions to appease our virtuous hearts because we are too afraid of what we are all capable of. `

Tuol Sleng prison was full of horror. Everything was left untouched after the fall of Democratic Kampuchea. I could still see the blood stains on the floors of the innocent victims who were tortured. I saw the torture methods, the narrow rooms, and the pictures of victims. The eyes of the victims stared timelessly back into mine. I saw the suffering and the agony deep within them. They knew that they could do nothing. I began to feel my hate and anger grow. They did not deserve this treatment; the prisoners didn't have a chance. The Khmer Rouge was blinded by their own distrust toward others leading to the unneeded deaths. They really did not care if you were innocent or not. At Cheoung Ek, I roamed around the Killing Fields of the buried souls. Most of the former prisoners were taken here after mutilation or were killed here. It felt empty and silent because there was nothing left. The lives of Cambodians were gone leaving only the clothes they once wore. I saw the desolate skulls that once belonged to a baby, an elder, a woman or a man piled together. My emotions began to overwhelm me as I tried to soak in the truth. I wanted justice for my people.

I went to the Khmer Rouge Tribunal for the long awaited verdict of Duch with hundreds of others including the civil parties, monks, reporters, and other interested viewers. The energy of the courtroom was bleak and apathetic. There seemed to be no remorse for the victims, it wasn't enough. After the controversial verdict was read, people scattered around expressing all kind of emotions. Some cried, some were angry, some wanted to get a great story out of it, and some did not really care at all. Me, myself didn't really know what to feel. I just stared at this wild scene of humans hovering over each other to catch the reactions. The tribunal's significance began to fade away because the whole process seemed like a spectacle instead of a path toward justice. I was then confused and disappointed by the unsatisfactory result of the tribunal. However, I soon realized

that the tribunal itself was not as important as what the tribunal symbolized. Yes, the survivors searched for justice within the court and most of them left disappointed, but the truth is they will never be completely satisfied. Nothing can ever bring back their loved ones.

We all search for a cure to heal our emotional wounds, but the only way is to face the pain itself. The tribunal set the past free allowing the victims to face the truth. It gave them a chance to tell their stories and have a voice. The people of Cambodia must see the tribunal as the foundation for the future. The revival of the country can begin as the basis of her wounds is learning to heal. It is a long process we all must contribute to as a collective community to rebuild what was lost. Cambodia has lost so much already, but she shall no longer be victimized by the Khmer Rouge. This regime has taken too much power from her already to let them do it once again. She knows the younger generations are the future and will bring back justice for her people. Together with the wisdom of the old generation and the strength of the new, we can build a better tomorrow for Cambodia.

I did not want to hate or be angry anymore. The negative energies wanted to take over and take me to complete darkness. It wanted me to remain detached from the world and fall into my own self pity. But I couldn't let it. I know now that we all have a choice in what we do with our emotions. We must believe that our pure hearts will override the fangs of evil. As humans, we are capable of so much which still scares me, but we cannot lose sight of what is needed. We must continue to fight the invisible armies of evil with our weapons of truth and love.

Feeling what is real can be overbearing and cause us to feel weak, but when we choose to make a change, our weakness becomes our strength.

Jennifer Ka, 21, Volunteer at the Documentation Center of Cambodia. She is a Cambodian-American undergraduate at the University of California, San Diego majoring in Psychology. She has been involved in the Cambodian community for several years and is part of the Cambodian Student Association at her university. For the club's annual show she wrote, directed, acted, and choreographed the play, "Unspoken Words." The play is about a mother and a daughter who are unable to connect because the mother hides the pain of her past of the Khmer Rouge Genocide from her daughter.

The Duch Verdict

By Dr. John D. Ciorciari

On July 26, the Extraordinary Chambers in the Courts of Cambodia (ECCC) issued its first verdict in the case against Duch. The tribunal found Duch guilty of war crimes and crimes against humanity for atrocities committed at "Office S-21," the infamous Khmer Rouge prison at Tuol Sleng. The verdict was an important watershed for Cambodia. For the first time, a key Khmer Rouge official has been held accountable in a credible court of law for crimes of the Pol Pot era.

Nevertheless, the verdict immediately attracted substantial criticism from Cambodian survivors, including Foreign Minister Hor Nam Hong. This article briefly discusses two key sources of consternation. First, many victims have complained bitterly that Duch's punishment was too light. The Trial Chamber sentenced him to 30 years in prison, which amounts to less than 20 years after subtracting time Duch has already served. Second, civil parties-individuals who joined the case to pursue redress for injuries they suffered as a result of Duch's conduct-were disappointed with the Trial Chamber's award of reparations. The judges promised only to publish the names of the victims in the verdict and to compile a record of Duch's statements of confession and contrition.

The Sentence

Duch's sentence was the primary source of frustration. It is roughly in line with precedents from other international tribunals, but for survivors, it is understandably difficult to stomach the fact that Duch could walk free if he reaches the age of 86. Even the strictest penalty available to the tribunal-a life sentence-pales beside the thousands of lives lost at the Killing Fields. The ECCC co-prosecutors requested a sentence of 40 years, but the Trial Chamber opted for a shorter 30-year prison term. It held that Duch's cooperation and contrition merited a sentence of a term of years rather than life imprisonment. It also reasoned that Duch was entitled to a sentence reduction for the violation of his rights, because he was illegally detained for several years prior to the commencement of the ECCC proceedings. The Trial Chamber was in an unenviable position, trying to balance the interests of suitable retribution against considerations of fairness and due process.

Duch's illegal pre-trial detention probably furnishes the most compelling reason to curtail his prison term. Although few victims will have sympathy for the former S-21 chief—who imposed infinitely harsher imprisonment on his victims—the ECCC can only promote norms of fairness and justice if it abides by them itself. Indeed, one of the best features of the Duch trial is that it was fair to the defendant despite overwhelming historical evidence of his guilt. The court should be commended for taking due process norms seriously and setting a useful example for the Cambodian judicial system. Its award of a modest sentence reduction to Duch was by no means out of order.

The Trial Chamber also based its decision on the argument that Duch had been cooperative and contrite. Courts have good reasons to incentivize defendants to speak, reveal the truth, and aid in the quest for accountability. Duch is the only well-known Khmer Rouge official to date to acknowledge culpability. At trial, he also confirmed numerous facts and introduced bits of new information about the workings of S-21. However, his acknowledgements added marginally at best in the search for the historical truth about the atrocities at Tuol Sleng, and his cooperation was not needed to convict him, because documentary and other evidence against him abounded.

It was more important to give Duch an incentive to testify against four senior Khmer Rouge leaders in Case No. 2. The evidence connecting those individuals directly to physical acts of atrocity is less overwhelming than it was for Duch, and thus his willing testimony could be valuable. It is unclear whether Duch's sentence will indeed prompt him to offer useful testimony in Case No. 2. If he has useful information, he may already possess ample incentive to share it. Impugning his superiors would emphasize the limits of his own responsibility and ensure that those who ordered him to commit atrocities would not go free.

In theory, the prospect of a light sentence could also lure one or more Case No. 2 defendants into breaking ranks, acknowledging crimes, and accepting responsibility. However, this seems unlikely. All four charged persons are considerably older than Duch and in ill health. None could reasonably expect to outlive a sentence of the length Duch received. Their greater incentive to speak will be to impugn one another to avoid taking responsibility.

The case for reducing Duch's sentence due to contrition is relatively weak. When courts

reward apologies, they need to do so carefully to avoid encouraging false or empty shows of regret. Acts matter more. Duch did express regret to the court, but he missed his opportunities to issue a direct apology to victims. At the end of his trial, after months of acknowledging guilt and asking for mercy, he reversed course and entered a plea through his domestic defense lawyer of "not guilty." If the scale of his crimes had not been so great, his shows of regret would merit serious consideration. Given the horrors he oversaw at S-21, his apologies cannot alone support a significant sentence reduction.

The Trial Chamber opted for a sentence toward the lower bound of reasonable options. To exact retributive justice, it had to deliver a sentence that is likely to consume all or nearly all of Duch's life. To uphold due process norms and promote truth-telling and apologies, it had to start from a figure that would make its sentence reductions at least potentially meaningful. Duch has already announced that he plans to appeal, and the co-prosecutors are weighing the possibility.

The Appeals Chamber should not reduce the sentence but should consider a slightly longer prison term. A sensible approach would be to begin with the 40 years requested by the co-prosecutors-which took account of mitigating factors and is already generous in relation to Duch's crimes-and include a minor reduction as a remedy for his illegal detention. The result would be a term of 35 to 38 years. This would make it highly unlikely that Duch will walk free and better satisfy retributive interests without gutting the court's efforts to promote due process and truth-telling.

Collective and Moral Reparations

A second major criticism of the verdict relates to reparations for civil parties. The ECCC has neither the budget nor the authority to provide financial reparations to individual victims. It also lacks legal authority to enforce implementation of reparation measures by the Cambodian government. However, it does have a mandate to provide "collective and moral reparations" to civil parties found to have suffered wrongs. Civil parties had good grounds for disappointment; the Trial Chamber's awards of reparation were sorely lacking. The Trial Chamber found 66 civil parties to qualify for redress but offered them only token acknowledgement by publishing their names and selected statements by Duch. Numerous civil parties have criticized them as a sign of dismissal and disrespect.

The ECCC has been a pioneer in victim participation, largely by implementing a civil party scheme, and has won donor support partly for that reason. The participation of civil parties in the Duch trial generated controversy, consuming time and sometimes drawing legitimate complaints from judges and prosecutors. The role of civil parties has thus been drastically curtailed in Case No. 2. That policy change is defensible but does not absolve the ECCC's responsibility to respond meaningfully to the requests of civil parties in the Duch trial. They played an active and important role, and the Trial Chamber erred by providing minimal reparations that fell short of their modest and reasonable expectations of a collective remedy.

The Trial Chamber should have been much more creative on the issue of reparations. There are many possibilities short of financial awards. It can recommend measures, help to catalyze action by donors and civil society, or bless actions undertaken by other entities even if it does not physically implement or fund a reparations scheme itself. The ideas proposed by survivors and civil society organizations are not radical. They include establishing simple memorials, commemorative gatherings of survivors, or establishing drop-boxes where ordinary citizens can contribute funds to address victims' needs. The ECCC's support for such initiatives would entail minimal funds and organizational risk but would have a strong legitimating effect and real meaning for survivors. Fortunately, the Duch verdict is not necessarily the tribunal's last opportunity. If the co-prosecutors appeal, civil parties can request that the ECCC Appeals Chamber make amends. The tribunal should also have an opportunity at the conclusion of Case No. 2.

The ECCC can never make the survivors of Tuol Sleng and their families whole. The Trial Chamber's duties included conducting a fair trial, rendering a credible judgment of guilt or innocence, imposing suitable punishment, and issuing reasonable collective reparations within its modest means. It performed admirably on the first two of these tasks, which are probably the most important for a criminal tribunal of its kind. It also made a reasonable effort to manage Duch's punishment, which was bound to be controversial. The greatest area for improvement going forward is to manage its innovative civil party process more effectively. Otherwise, the ECCC process risks further frustrating many of the survivors it is meant to serve.

Dr. John D. Ciorciari, Assistant professor at the Gerald R. Ford School of Public Policy, University of Michigan, and senior legal advisor to the Documentation Center of Cambodia.

Duch Verdict on 26/7/2010 delivers Only Partial Justice

By Pou Sovachana

All distinguished members of the Extraordinary Chambers in the Courts of Cambodia (ECCC)—both Cambodian and international—deserve praise for their achievement and contribution in bringing the Khmer Rouge Tribunal to its first verdict. Despite the intricacies and the difficulties of the task, there has been a huge amount of work accomplished through the professional effort and collaboration of all involved.

As a silent victim in search of the truth and justice, I went to the ECCC to experience firsthand the delivery of the verdict on the trial of former S-21 (Toul Sleng) prison chief AING Guek Eav, commonly known as Duch. In the court chamber, I sat alongside more than 500 observers to personally witness the hybrid justice proceeding. It was a moving experience and historic event for all the victims, who have waited more than 30 years to experience some sort justice for the thousands upon thousands of Cambodians who were detained, tortured and executed under Duch's command. For his role in these atrocities, Duch stood trial for intentional murder, torture, one case of rape, illegal imprisonment, mass execution and other sadistic acts. Found guilty of war crimes and crimes against humanity, Duch was convicted and sentenced to 35 years imprisonment. However, according to the court decision, he will serve only 19 years in prison because he has already spent 11 years in pre-trial detention and received another five years clemency for cooperating with the court.

I have long anticipated the response that this verdict would elicit. Yet, when the president of the trial chamber, Judge Nil Nonn, summarized Duch's crimes and announced the reduction of his sentence, I felt doubtful that most Cambodians would understand and accept these legal concessions to Duch. When it registered that Duch would serve a mere 19 years—or as one lawyer now famously characterized it, a meager 11 ½ hours for every life that he stole—I predicted that this leniency would be difficult for the victims' families and the broader Cambodian public to comprehend.

This pursuit of justice, however incomplete, is at least the first step toward establishing a historical record of truth, admitting guilt, and perhaps pursuing some

type of reconciliation and healing. But national and international victims still have many questions. There are concerns that due to lack of funds and the old age of the KR leaders awaiting on trial, the ECCC should complete its term and find tangible justice as soon as possible. Time and funding are of the main essence: will the due process of justice in which the investigation process alone to build up Case Two can take months, if years, to complete be too little, too late? What is the view of the donors in trying to gather wider support from the international community, especially from the United States and China? What is the budgeting prospect beyond 2010? These are just the logistic concerns—what about broader issues of societal perceptions and future directions? How might this hybrid court promote accountability and human security in general, particularly in relation to Cambodia embracing the principle of responsibility to protect (R2P)? How might the ECCC end impunity, promote national reconciliation, deter future atrocities, and finally contribute to building an accountable local judiciary that is legitimate in the eye and the feelings of the victims? At the end of the KRT process, will Cambodians experience and internalize a sense of justice? Will the ECCC satisfy the Khmer people's emotional feeling that justice is finally served, particularly when it seemingly offers lenient sentences and distills the whole of the Khmer Rouge's guilt to the trial of only a few individual leaders?

At the end of this first verdict, I feel that the ECCC succeeded in establishing a record of truth of the mass killings, but failed to satisfy the survivors' emotional feeling of justice with the shortening of Duch's prison term. Justice is not just delivered, it is experienced. Khmer people place moral value in the hope that the verdict would release them internally, emotionally. From my observations, for Cambodian victims, justice was not fully served. For the Khmer Rouge survivors, this ruling does not completely acknowledge the scale and perversity of the violations. More work and fuller understanding of the victims' side are necessary if the ECCC is to deliver a real justice, end impunity, and promote national reconciliation.

Pou Sovachana, Lecturer at Pannasastra University of Cambodia and a visitor to DC-Cam Screening.

Capturing the Events of the Day

By Natalae Anderson

Every since the verdict, I've been trying to capture the events of that day and what I felt in writing. I have started and stopped several times-abandoning whole paragraphs and starting anew. For once, the girl who feels more comfortable expressing herself in writing than by talking could not write. Maybe when my spirit has fully processed the day the words will come to me. But now, words elude me. In the meantime, I want to dedicate this note and my profile picture to these two women, the children and all of the other villagers that I witnessed the verdict with.

For some unknown reason, these two women came up to me after the verdict. One of them grabbed my hand and began speaking in Khmer. I tried to explain that I couldn't understand her but she seemed undaunted by the fact that I was speaking English. She continued holding my hand and I couldn't let it go. I had to know what she was saying. I held up one finger hoping that she would understand I was telling her to wait while we found a translator. The translator said that her leg was hurting. She was trying to tell me that while sitting there listening to the verdict all of that time that her leg had begun to hurt and she was asking for medicine. I didn't have any. I asked some DC-Cam staff members and anyone else that I thought might have some aspirin or other pain reliever but no one had anything. While we waited for another staff member that we thought might have medicine to show up, the elderly women and I sat on the wooden pagoda floor.

The same woman who initially grabbed my hand continued talking to me-sometimes touching her leg, no doubt detailing her pain. We waited, but the staff member didn't show up. Abruptly, she grabbed my hand, stood me up, and she and her friend began to lead me to eat. Lunch had been set up in the pagoda for all of the villagers following the verdict. No other foreigners were eating, they were only serving. I hadn't planned to eat because I knew that if I did, I was likely to get sick. I had already gotten sick once after my first visit to the provinces and I wasn't eager to repeat the experience. The food had been prepared in the village-I didn't know what the water source was or if the soup had been heated warm enough to kill any bacteria or parasites. The noodles that were being served were being put into bowls by the hands of several villagers. I really wanted to avoid eating. I tried to explain that I wasn't

hungry and encouraged them to eat without me, but they continued to lead me to the eating area. I knew that the ladies were being extremely kind and by the time they got me to my sitting place, I knew that it was more important to accept their act of kindness than to succumb to my fear. I sat down to eat.

I saw an ant crawling on my noodles, but before I could take it off of my food, the lady next to me grabbed my bowl and ladled soup into it. The ant disappeared into the broth. Oh well, I thought, one ant never hurt anybody. After finishing half of my food, I put my palms together and slightly bowed my head and said "Aw koon" (thank you) to the people around me. I then went back to my task of trying to find medicine for the women. I went to find the remaining DC-Cam staff member and she told me that she usually kept a pain reliever in her bag but that she had taken it out. I went back to tell the women that I didn't have any medicine for them. I felt defeated. As I was sitting with them on the floor, still hoping that we could find something, Orlando showed up. He handed me two pills in hard plastic shrink wrap. Unbeknownst to me, he had taken a trip down the road with a little kid who knew where to buy some medicine. The little kid took him to someone's home that was also a makeshift store where he could buy a pain reliever.

We handed her the medicine and then promptly had to send the little boy back to the store with money because her friend's leg was also hurting. As we sat there with the women, they sometimes spoke, smiled, touched my hair or face and explained to me about the pain in their legs. I wished that I could understand exactly what they were saying and speak back to them, but instead I held her hand tightly hoping that act conveyed my wish.

I still don't know how I feel about the verdict. Duch is responsible for the torture and deaths of tens of thousands of people. I walked through S-21-the prison that he was in charge of-and saw the old blood stains that refuse to disappear-saw the pictures of people that were tortured-including children. Do I think the verdict was unfair? Do I think that no number could ever fully satisfy every Cambodian, so his guilty verdict and the sentence were merely symbolic? Do I think that serving time in jail isn't a befitting punishment anyway-instead he should be made to read the confessions of everyone he tortured every day or forced to do some other act that brings the victims' families satisfaction? I don't know. What I do know is that Cambodia is a country that is still in

great pain from what happened during the Khmer Rouge. Many adults still suffer from post traumatic stress disorder, depression and substance abuse because of what they lived through. I know that I wish the world would understand that as a community everything we do affects other countries. None of us lives in a bubble. The Khmer Rouge did not come to power simply because of the events that took place within Cambodia. World events and politics played a part. I know that I unrealistically pray that the world will never let such atrocities happen again.

I dedicate this note and my profile picture to these two beautiful women who like the country of Cambodia just want the pain that they feel to be eased-they want to be healed-they want someone to listen-they want peace. I hope that peace will someday release them and this country from its tortured past.

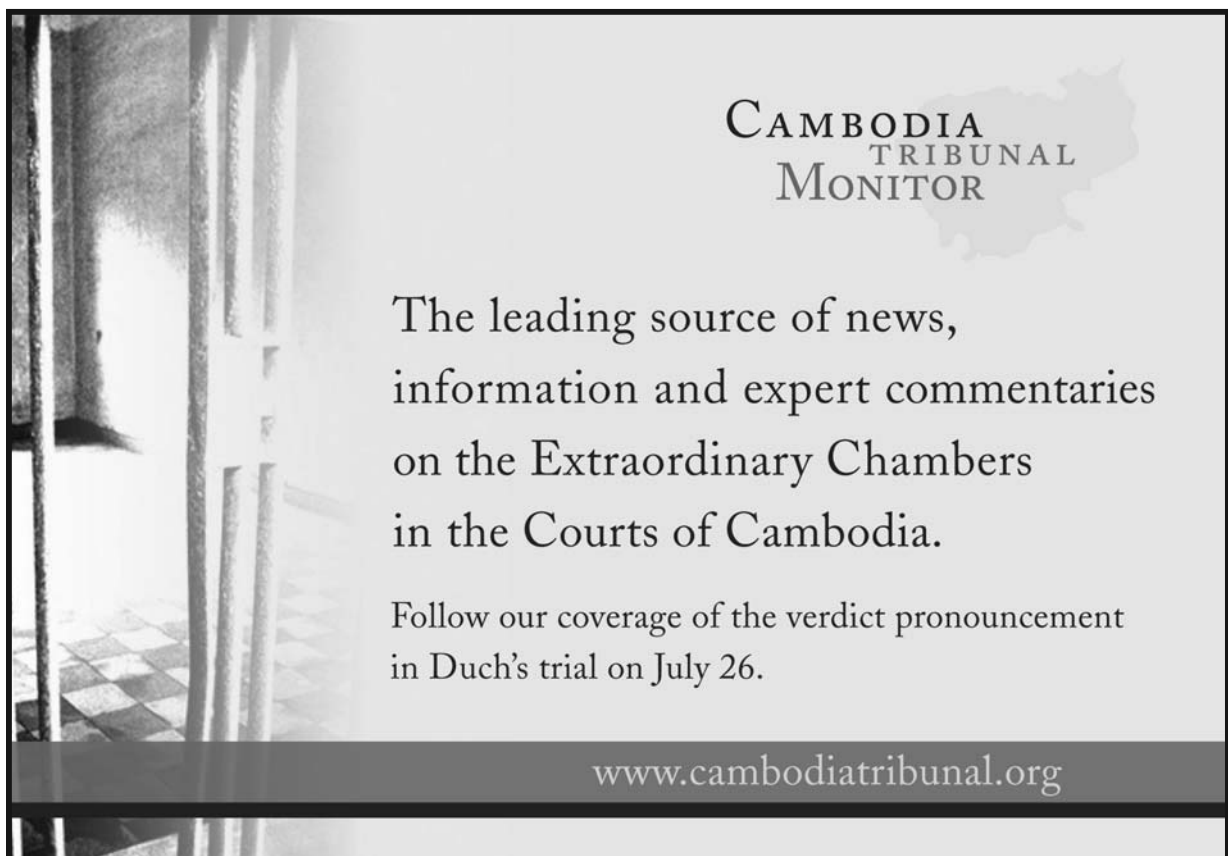
Natalae Anderson, Rutgers JD candidate 2011, DC-Cam Legal Associate



DC-Cam Internet Live Coverage Team and Cambodia Tribunal Monitor (CTM) Team

*Sim Sopheak , Kith Serey, Sa Fatily, Phat Piseth, Mam Sophat, Ten Soksreynith, Tyler Nims,
Michael Saliba*

See www.cambodiatribunal.org for more coverage of the trial.



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Région | Page 23

Le verdict tombe, les émotions restent

Ni larmes ni soupirs de soulagement. À Koh Thom, dans la province de Kandal, plus de 150 villageois, réunis par l'ONG DC-Cam devant un écran géant, ont assisté à l'énoncé du verdict sans oser réellement faire part de leurs émotions.

Assis en tailleur face à l'écran installé pour l'occasion dans la pagode Po Andet du village de Preah Theat, An Sorn, 65 ans, explique simplement avoir été curieux de « voir à quoi ressemble Duch et quelle peine il devra purger » : « Je ne connais pas toute l'histoire mais s'il est condamné à quarante ans de prison, c'est suffisant à son âge, estime-t-il, à une heure du verdict. Dans tous les cas, je respecterai la décision du Tribunal. »

Son voisin Ben Sarun, 53 ans, est lui aussi venu « voir de ses propres yeux ». Ancien soldat khmer rouge, il confie son envie d'assister à la condamnation de l'ancien chef de S-21 : « Cela apaisera un peu ma colère. Je n'ai jamais participé aux exécutions. J'étais à la frontière vietnamienne et je ne savais même pas que ma famille avait elle aussi été décimée. »

Aucune jeune personne n'a pris place sur les nattes de la pagode, dont les murs sont couverts de photos à l'effigie d'Hun Sen et de son épouse. Alors que l'heure du verdict approche, les habitants feuillettent d'un air distrait le manuel offert par DC-Cam, s'arrêtent

quelques instants sur les portraits des présumés coupables, échantillant quelques paroles. La plupart se contentent de manger en silence les gâteaux de riz fournis par l'organisation.

La séance débute, l'attention se fixe à nouveau, mais pas pour longtemps. Lassés par les explications de la Cour dont beaucoup ne comprennent ni les tenants ni les aboutissants, des habitants se remettent à parler à voix haute, font des allers et retours au village, voire s'en vont.

Lorsque le président annonce l'imminence de la sentence, les têtes se tournent de nouveau toutes vers l'écran et vers le visage impassible de Duch. Mais soudain, le générateur cesse de fonctionner, laissant place à un écran blanc. Les habitants se regardent, désorientés. C'est finalement par téléphone que Dy Khamboly, chef d'équipe à DC-Cam, apprend le verdict : trente-cinq ans de prison.

Aussitôt informés, les villageois laissent échapper quelques exclamations de surprise. Un léger brouhaha se fait entendre, rapidement interrompu par le représentant de l'ONG qui appelle l'assis-



Intérêt discret pour le procès.

tance à s'exprimer. Personne n'ose prendre la parole et c'est étonnamment à Him Huy, ancien gardien du centre S-21, que l'on tend le micro.

« À Tuol Sleng, tout le monde craignait Duch, commence celui qui a reconnu avoir torturé et tué dans S-21, le film de Rithy Panh. Personne n'osait regarder son visage. Il est cruel, c'est vrai, mais trente-cinq ans, c'est assez. Il est déjà vieux. S'il était plus jeune, il aurait mérité une peine plus lourde. »

« Him Huy est originaire de ce village et je souhaite qu'un dialogue

ait lieu avec les habitants autour de ce verdict », précise Dy Khamboly. Mais le débat souhaité par l'ONG n'aura pas véritablement lieu. Un homme accepte finalement de prendre la parole. Il approuve la peine du Tribunal parce qu'il « ne sait pas bien ce qui s'est passé à Tuol Sleng » et parce qu'il a eu « la chance de ne perdre aucun membre de sa famille ».

Deux ou trois habitants avancent des arguments similaires et bientôt, plus personne ne souhaite parler en public. Tous semblent résignés au verdict. Beaucoup évoquent la vieillesse de Duch pour expliquer cette peine bien légère au regard des crimes commis.

Il n'y a ni cri ni protestation. Seuls certains villageois murmurent leur incompréhension : « Duch ne méritait pas cette clémence, lance Hang Phon, 59 ans. On oublie qu'il a tué des milliers de personnes. J'aurais voulu qu'il soit condamné à perpétuité même s'il meurt dans dix ans. »

« Ce qu'a fait Duch sous le régime khmer rouge, c'est du jamais vu », murmure Po Sok, 60 ans, originaire du village voisin. J'ai perdu une trentaine de membres de ma

famille et je ne comprends même pas que des avocats aient accepté de défendre un homme aussi cruel. »

Assise près de Po Sok, My Chan, 52 ans, se mure dans le silence. Contrainte pendant des années au travail forcé après avoir perdu trois membres de sa famille, elle ne comprend tout simplement pas pourquoi Duch n'a pas écopé de la perpétuité.

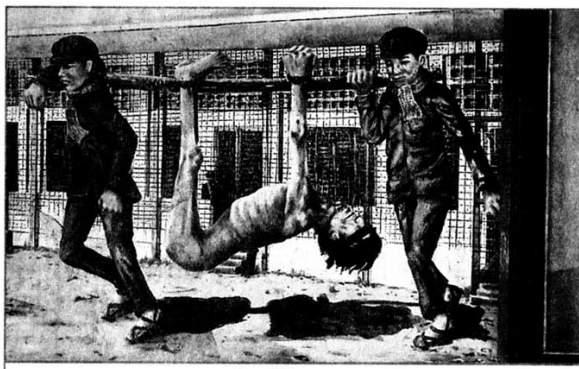
Mais les villageois n'ont pas le temps de se perdre dans leurs pensées. Les organisateurs annoncent que le repas est servi et tous se précipitent sur les plats de nouilles posés sur les nattes. À peine dix minutes après l'énoncé du verdict, la vie a repris son cours. La majorité des conversations ne tournent déjà plus autour des Khmers rouges. « De toute façon, il est âgé, il ne vivra pas longtemps, estime Ung Leng, une villageoise de 64 ans. J'ai aussi perdu beaucoup de membres de ma famille mais même s'ils avaient condamné Duch sévèrement, cela n'aurait rien changé. Mieux vaut tourner la page... »

Pen Bona et
Émilie Boulenger

Cambodge Soir Hebdo n° 143 - 3^e année, du 29 juillet au 4 août 2010 13

ប្រតិកម្មចម្រុះពីគ្រូបង្រៀនប្រវត្តិសាស្ត្រកម្ពុជាប្រជា- ធិបតេយ្យលើការកាត់ទោសនិងជាប់ទោសខុស

ប្រទេសកម្ពុជា៖ ជនត្រូវចោទ
កាំង ហ្គេតស៊ាវ ហៅខុច អតីតប្រធាន
មន្ទីរស-២១ ឬគុកទួលស្វែងនោះ ត្រូវ
បានអង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការ
កម្ពុជា(អ.វ.ត.ក) ប្រកាសសាលក្រម
ចំពោះមុខគាត់ និងមហាជនជាង-
១.០០០នាក់ អ្នកសារព័ត៌មានជាតិ
អន្តរជាតិជាង៣០០នាក់ កាលពីព្រឹកថ្ងៃ
ទី២៦កក្កដា២០១០កន្លងមក ។ ប្រធាន
អង្គជំនុំជម្រះសាលាដំបូងនៃអ.វ.ត.ក គឺ
លោកនិល ណុន បង្ហាញថា ខុច មាន
ពិរុទ្ធភាពពីបទឧក្រិដ្ឋកម្មប្រឆាំងនឹង
មនុស្សជាតិតាមរយៈការធ្វើទុក្ខបុកម្នេញ
ការសម្លាប់រង្គាល់ ការធ្វើទារុណកម្ម
ការរំលោភផ្លូវភេទមួយករណី អំពើ
អមនុស្សធម៌ជាច្រើន និងការបំពាន
បំពានធ្ងន់ធ្ងរច្រើនទៀតនៃអនុសញ្ញា
ក្រុងហ្សឺណែវ ឆ្នាំ១៩៤៨ ។



រូបភាពពីទារុណកម្ម ឧក្រិដ្ឋកម្ម នៅគុកទួលស្វែង ដែលខុចគ្រប់គ្រង



នឹង៨ឆ្នាំ ជាប់នៅពន្ធនាគារតុលាការ
យោធា និងជាឆ្នាំជាប់នៅអ.វ.ត.ក
(បណ្តោះអាសន្ន)នោះ ហេតុនេះ ខុច
ត្រូវជាប់ពន្ធនាគារតែ២៨ឆ្នាំ១៩ឆ្នាំទៀត
ប៉ុណ្ណោះ ។

ខាងក្រោមនេះជាប្រតិកម្មចម្រុះ
ដោយឡែក សម្រាប់តែលោកគ្រូ អ្នកគ្រូ
បង្រៀនប្រវត្តិសាស្ត្រកម្ពុជាប្រជាធិប-
តេយ្យមួយចំនួនពីគ្រប់ខេត្តរាជធានីនៃ
ប្រទេសកម្ពុជា តែមួយកន្លែងមានត្រឹម១
ប្លង់នាក់ប៉ុណ្ណោះ តាមរយៈកិច្ចសម្ភាសន៍
ខ្លី របស់ពួកគាត់ជាមួយលោកអោម-
ឡាយ អ្នកនិពន្ធនៃកាសែតរស្មីកម្ពុជា ។

លោកប៊ិយ សារឿន សាស្ត្រា
ចារ្យប្រវត្តិវិទ្យានៅវិទ្យាល័យពោធិ៍សាត់
ខេត្តពោធិ៍សាត់ប្រាប់រស្មីកម្ពុជាថ្ងៃទី២៨

កក្កដាថា "ការកាត់ទោសនិងដាក់ទោស
ខុចប៉ុណ្ណោះ(១៩ឆ្នាំ) គឺសមល្មមហើយ
ព្រោះគាត់ចាស់ និងបានសហការស្មោះ
ត្រង់នឹងអ.វ.ត.ក ពេលដំណើរការកាត់
ទោសតែគ្រួសារជនរងគ្រោះពិតជាទទួល
មិនបានទេ ព្រោះពួកគេឈឺចាប់ពេក" ។

លោកប៊ិយ សារឿន និយាយថា
"ខុចធ្វើក្រោមបញ្ជាគេមួយចំនួន តែដល់
កាត់ទោសមេដឹកនាំជាខ្ពស់ខ្មែរក្រហម
៤នាក់ខាងមុខត្រូវតែធ្ងន់ធ្ងរជាងគេទើប
បានព្រះពួកគេជាមេបន្ទាប់ពីប៉ុលពត"។

លោកក៏សរសើរយ៉ាងខ្លាំងដល់
អ.វ.ត.ក និងជាពិសេសដល់លោក-
អាំង យូ នាយកមជ្ឈមណ្ឌលឯកសារ
កម្ពុជា និងសហការីគាត់ដែលឈ្លាស
វៃខិតខំ ក្លាហានស្រាវជ្រាវស្វែងរកការ

ពិតនិងជំរុញការកាត់ទោសខ្មែរក្រហម
កាំងពីទំនាមកម្មធ្វើក្នុងប្រទេសកម្ពុជា
បាន ។ លោកអាំង យូ ពិតជាគួរឱ្យ-
មួយរូបដែលស្រឡាញ់ការពិតយុត្តិធម៌
មិនលម្អៀង និងខិតខំដើម្បីជនរងគ្រោះ
និងប្រជាជនកម្ពុជាដោយស្មើភាព ។

អ្នកគ្រូឡុង វណ្ណៈ ពីវិទ្យាល័យ
ទេពនិម្មិតប៉ៃលិន ក្រុង-ខេត្តប៉ៃលិនប្រាប់
រស្មីកម្ពុជាថា "ការកាត់ទោសរក្សាត្រឹម
ធម៌ពុំមែនធ្វើឱ្យណាម្នាក់ហឹងទេ ។
វាត្រូវផ្សារភ្ជាប់ការផ្សះផ្សាជាតិ បង្រួប
បង្រួមជាតិ និងរក្សាសន្តិភាពស្ថិរភាព។
កាត់ទោសនេះជនរងគ្រោះខ្លះថា ស្រាល
តែខ្ញុំយល់ថាសំខាន់ គឺបានរក យុត្តិធម៌
ហើយបង្ហាញជនជំនាន់ក្រោយ-
ក្រោយ ។

តមកពីទីពីរ **ក3**

ប្រតិកម្មចម្រុះ...

ថាសង្គមពិតជាផ្តល់យុត្តិធម៌ តែមិនកាត់
ទោសដើម្បីអ្នកកំហឹងពុករលួយទេ"។

លោកសេង រតនៈ សាស្ត្រាចារ្យ
ប្រវត្តិវិទ្យាពីវិទ្យាល័យកំពង់សែន ខេត្ត
កំពង់ឆ្នាំង ប្រាប់រស្មីកម្ពុជាថា "ខ្ញុំអស់
ចិត្តដែលតុលាការអន្តរជាតិមួយបាន
កាត់ទោសខុច ជាសមាជិកម្នាក់នៃរបប
កម្ពុជាប្រជាធិបតេយ្យដែលបានសម្លាប់
និងបង្កើតបទល្មើសច្រើនទៀត" ។

លោកបន្តថា "ខ្ញុំបានទៅមើល

ការរៀបចំបញ្ជីឈ្មោះសាលក្រមខុច ដោយ
មជ្ឈមណ្ឌលឯកសារកម្ពុជាកាលខ្ញុំទៅ
ធ្វើមេប្រយោគប្រឡងចាកខុចនៅស្វាយ-
រៀង ។ ខ្ញុំយល់ថាដាក់ទោសខុច១៩ឆ្នាំ
គឺសមរម្យហើយ សុំចិត្តជនរងគ្រោះ
ដែលមិនអស់ចិត្ត" ។

អ្នកគ្រូថាង សឿន បង្រៀន
ប្រវត្តិវិទ្យានៅវិទ្យាល័យកំពង់ក្តី ស្រុក
ជីកែង ខេត្តសៀមរាប ប្រាប់រស្មីកម្ពុជា
ថា "យុត្តិធម៌ទោះក្នុងកម្រិតណាក៏ប្រជា-
ជនកម្ពុជារកឃើញហើយពីលើពួកខ្មែរ
ក្រហមមានខុចជាដើម ។ មានន័យថា
អ្នកធ្វើខុស ធ្វើទារុណកម្ម យាតកម្ម ធ្វើ

ទុក្ខបុកម្នេញប្រជាជនត្រូវកាត់ទោស" ។

លោកសាស្ត្រាចារ្យឆាយ សុងហិ
ពីវិទ្យាល័យអន្លង់វែង ស្រុកអន្លង់វែង
ខេត្តឧត្តុង្គមានជ័យប្រាប់រស្មីកម្ពុជាថា
"រឿងក្តីគុកទួលស្វែង បើខុចមិនសហ-
ការ ក៏មិនងាយស្រួលក្នុងការកាត់ទោស
គាត់ដែរ ហេតុនេះទោស១៩ឆ្នាំរបស់
ខុចវាសមស្របហើយ ។ កាត់ទោសគឺ
មិនប្រើកំហឹងសងសឹក" ។

លោកបន្តថា "កិច្ចការសហការ
ល្អរបស់ជនត្រូវចោទនេះគឺជាផ្លូវមួយ
សម្រាប់រឿងក្តីរបស់ជនត្រូវចោទជាមេ
ដឹកនាំជាខ្ពស់ខ្មែរក្រហមឱ្យបញ្ចប់" ។

"បើដាក់គុកច្រើនជាងនោះក៏គង់ខុច
ស្លាប់មុនគាត់នៅជាប់គុកតែឈ្មោះ" ។

លោកគ្រូស៊ុយ សុភាព ពីវិទ្យា-
ល័យសំរោលស្វន ស្រុកសំរោលស្វន ខេត្ត
បាត់ដំបង ប្រាប់រស្មីកម្ពុជា "បើសិនជា
កាត់ទោសឱ្យខុចជាប់គុកតែម្នាក់ឯង
ព្រោះគាត់ជាជនដែលបំប្លែងសមត្ថិភាព
(បញ្ជា) ក៏វាសមស្រប ព្រោះរឿងមហា
ឧក្រិដ្ឋកម្មនៅទួលស្វែងនៅស-២១ គឺ
មានអ្នកពាក់ព័ន្ធច្រើនទៀត" ។ "ខុចពុំ
គួរជាប់គុកក្នុងរឿងគាត់ឆ្លើយសារភាព
តែម្នាក់ឯងទេ" ។

ព្យាប័ន
(តេឡេវីសិនទីយ៉ូន)

All the News Without Fear or Favor

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Sentence for Duch Not What Some Had Hoped For

BY CLANCY MCGILLIGAN
AND CHENG SOKHORNG
THE CAMBODIA DAILY

The prison sentence given yesterday to former S-21 Chairman Kaing Guek Eav, better known as Duch, met with scant approval among some Cambodians.

Duch was convicted yesterday by the Khmer Rouge tribunal of overseeing the deaths of more than 12,000 people. The court handed him a 35-year prison sen-

tence, which was then reduced to 19 years after taking into account his unlawful 11-year pre-trial detention and subtracting time served.

"For the Duch case, his sentence is equal to only one crime of someone who kills one person," Meanchey district police-woman Soth Sitha, 44, said yesterday. "But for Duch, he killed many, many people, and he has the same sentence as a person

who killed one."

The displeasure of Ms Sitha, who said she was too busy to watch yesterday's TV broadcast of the verdict, was echoed by other Cambodians in interviews on the streets of the capital.

"I want the court to decide to kill him," motorcycle taxi driver Khem Sinath, 32, said when asked about the verdict. "I feel 35 years is not enough for what he

Continued on page 26

Sentence...

CONTINUED FROM PAGE 1

has done to Cambodia."

Mr Sinath, whose parents told him stories about the Khmer Rouge, watched the court's delivery of the sentence at a restaurant.

Other city residents also said they felt the sentence was insufficient.

"It's not enough. I want him to spend his whole life in prison," said a 58-year-old woman who began weeping after the first question from a reporter. She declined to give her name, saying her husband doesn't want her to talk about the country's communist past.

"My husband doesn't want me to get involved," she said as she wiped her eyes at the clothes shop she runs. "He doesn't want me to keep getting emotional about the Khmer Rouge. He wants me to forget it."

Another woman who also asked not to be named said that Duch's trial was "like the theater. It has no meaning to me."

"I think it's not important, the Duch trial," the 30-year-old camera shop owner explained. "They judge for what? It's just far in the past. There are many cases now

in the present that they should take more seriously."

The woman pointed in particular to the case of opposition lawmaker Mu Sochua, who was convicted of defaming Prime Minister Hun Sen after suing him for defaming her.

"She did many right things but she still lost," the woman said. "This case expresses the truth about Cambodia."

Yesterday's sentencing led to confusion at a screening organized by the Documentation Center of Cambodia in Kompong Thom province's Stun Sen city, DC-Cam Legal Adviser Anne Heindel said.

"The majority of the people seemed to be saying, OK, he's 67, that's a life sentence in fact. They were satisfied, and then we had to turn around and tell them, actually it's 19 years," she explained. "I can only imagine that this is extremely frustrating to people. We had one woman whose uncle had died at Tuol Sleng, and she was completely distressed by it."

DC-Cam Director Youk Chhng said the 19-year sentence means Duch will most likely die in prison.

"No amount of years [in prison] would satisfy all of us, because the loss is so huge, and

because it's so personal at the individual level," he added.

Mr Chhang said that the judicial process itself was beneficial to victims.

"To them, a crime that was committed against them 30 years ago was finally recognized by a court of law," he said.

Duch's reduced prison term is shorter than the sentences handed out in Cambodia's courts for murder, or even heroin possession.

On June 30, the Phnom Penh Municipal Court sentenced four family members to 20 years each after convicting the quartet of conspiracy and premeditated murder.

EU Announces Agreement To Allow Funding of Tribunal

In a statement released to coincide with yesterday's guilty verdict in the trial of former S-21 Chairman Kaing Guek Eav, the European Union announced yesterday that it had contributed 2 million euros, or about \$2.6 million, to support the Cambodian side of the Khmer Rouge tribunal. The funding had been pledged last year but was held up due to negotiations with the UN Office of Project Services, which is to manage the funds for the court. Due to the exhaustion of funding, the Cambodian side's employees went unpaid for nearly three months earlier this year. In a separate statement, the Japanese and French embassies, which host periodic meetings of the court's financial backers, welcomed yesterday's verdict. "The donors reaffirm their confidence in and support for the ECCC in delivering justice," said the statement, which announced no new pledges. At a pledging conference in May, donors announced contributions of just under \$17 million, leaving the court \$4 million shy of this year's budget requirements. (Douglas Gillison)

APPENDIX 1

Questions asked for villagers' reactions to Duch Verdict

Set A

1. Personal information of the interviewees: name, age, gender, job, address.
2. Briefing personal experiences of the interviewees during the DK period.

Set B

3. Did you follow the trials at the ECCC? How?
4. Have you ever heard of Duch and Duch's trial before this screening?
5. What did you learn about Duch? How?
6. What did you expect Duch to be sentenced before watching the screening?
7. After the Verdict screening, did the judgment meet your expectation?
8. If you were the Court, what would you judge Duch?
9. Some people say that Duch's trial will bring justice. Do you think a court can deliver justice according to Duch's verdict?
10. Do you think that Cambodian survivors are satisfied with the sentences?
11. Do you think that Duch will accept the sentence?
12. If he does not accept the sentence, what is your reaction?
13. Do you think that Duch's trial and verdict help promote reconciliation among former perpetrators and victims in the communities? and reconciliation in Cambodian society?
14. Through the Duch's verdict, do you believe that the court will be able to bring wrongdoer to take accountable for the crimes they committed under the DK period?
15. Do you think Duch's verdict will help to educate young generation about history? In what way?
16. Do you think that Duch's trial and the court as a whole will help explain Cambodian survivors why the KR committed the crimes and kill so many people?

Questions to get their assessment of the program

1. What do you think the screening benefit you?
2. Do you want to share this historic moment with your community members or those who have not attended the screening?
3. Do you want to recall your experiences with this screening to your children or younger generation? why?

APPENDIX 2

A Tribunal for the Victims

By The Documentation Center of Cambodia's Outreach Team:
Keo Dacil, Kim Sovannpany, Sirik Savina, Ser Sayana, Sa Fatily

The Extraordinary Chambers' (Khmer Rouge Tribunal) goal is to deliver justice to victims of the Khmer Rouge regime; as such this tribunal should be sensitive to the perspectives and the emotions of those it is suppose to serve. The tribunal should keep in mind that amidst all the legal, bureaucratic, procedural, and investigative details that it attends to, its ultimate purpose is to deliver justice to victims of one of the most horrific periods of the twentieth century.

During the trial hearings of Case 001 involving former S-21 leader Duch at the Extraordinary Chambers, an underlying but critical injustice persists noticeable to the observant eye. It is not an injustice of a legal or procedural nature as might be expected in a courtroom; rather, it an injustice of status and dignity. The tribunal, in its mission to deliver justice to victims of the Khmer Rouge regime, has sometimes forgotten to treat victims with dignity and respect.

A front profile inside the courtroom provides a simple illustration: a tall glass wall separates well-paid and well-dressed lawyers and judges, who sit above a raised platform, from victims of the Khmer Rouge regime, who predominantly are poor and dressed in simple clothing. In Cambodian culture, relative status and honor between individuals can be inferred simply by who sits higher than whom. This imposing glass wall extends the width and height of the wooden platform where tribunal officials sit, creating an absolute barrier between these stately officials and the thousands of ordinary Cambodian villagers that have attended Duch's trial hearings from March 2009 to November 2009. The wall's purpose, one guesses, is safety and organization. However, it can have the implied meaning that victims have the potential for violence and are likely to physically disrupt the trial proceedings. Villagers, whose horrific experiences defy human morality and conscience, are the real victims that need protection and respect, not court officials.

Further examples of insensitivity to victims include the busing in of villagers by the tribunal's Public Affairs Office from far away provinces as early as 3 a.m. for a half a day program, the strict interpretation of the tribunal's dress code, and chastising villagers for the way they sit in the courtroom. The middle of the night busing in of villagers fails to consider the mental and physical health and well-being of victims. Moreover, inadequate sleep and vehicle motion sickness makes it even harder for ordinary Cambodians to follow the already complex legal proceedings. In Cambodia, where almost a third of the population live below the national poverty line and nearly 70% earn less than \$2 a day, villagers' best attire might be a new t-shirt. While a dress code prohibiting clothing which shows partiality towards the prosecution or defense is understandable, prohibiting all t-shirts which say only "Case 002" seems unreasonably strict. In addition, after villagers pass through security checks in order to enter the courtroom, they are sometimes reprimanded during the trial hearings for sitting inappropriately.

Such barriers and reactions intimidate victims and further distinguish the backgrounds, knowledge, and privileges of the officials who sit comfortably inside the glass wall from the villagers who watch from the outside. Highly educated, scripted in legal terminology, and articulate in persuasive speech, the officials carry out their work in the language of criminal law that only an elite population of the world can fully comprehend. The villagers, many of whom lack a high school degree, find it difficult sometimes to follow the formal conversations between prosecutors, defense lawyers, and investigative judges.

The verdict of Duch (Kaing Guek Eav) will be delivered on July 26, 2010. This will be the first verdict of the Extraordinary Chambers and will be the first recognized verdict for crimes committed during Democratic Kampuchea. Survivors of the Khmer Rouge regime have waited for more than three decades for this moment. It is a moment that, given the poor health and old age of the defendants along with unyielding budgetary and temporal problems of the tribunal, could be survivors' only chance at seeing a Khmer Rouge leader convicted. Case 002 involving the four highest-level living Khmer Rouge leaders is not expected to start until early 2012 and presumably the verdict for this case will be delivered no earlier than 2013.

Never has there been a more important time for the court to reach out and connect with the very people that it was created for. Therefore, the tribunal should give special attention and preparation to victims who attend the verdict reading. Such attention will demonstrate the tribunal's respect and honor towards victims which has been lacking in the past. Such action will not only leave a good impression among survivors and all Cambodians alike, but it will also show the international community, which no doubt will also be watching the verdict delivery, that the tribunal cares about survivors and their dignity.

To give honor and respect to victims for their past sufferings, the Extraordinary Chambers can do a number of small but meaningful preparations. The tribunal can lay out a red carpet along the isles of the 500-seat courtroom. A red carpet in Cambodian culture represents respect and honor. The tribunal can also decorate the sections of the public seating area and entryways with flower bouquets and cloth ribbons. Special banners that focus on victim's courage and strength can also be created to commemorate the historic moment. These and other preparations would only cost a tiny fraction of the court's overall budget, but would have a tremendous and lasting impact on survivors. In the end, the tribunal will be remembered not only for how it handled the legal, procedural, and criminal aspects of the cases, but also for how it treated victims of the Khmer Rouge regime throughout its existence. After all, the court was created *for* the victims.

Frustration with the sentence was bound to run high, said Youk Chhang, director of the Documentation Center of Cambodia, which has amassed much of the evidence used in the trial. "With whatever amount of years announced by the court, there wasn't going to be satisfaction," he said. "You could sentence him to more than 14,000 years, for each life, and even that wouldn't make it fair. But, finally, there's official accountability."

July 27, 2010 | reported by Brendan Brady, Los Angeles Times



Duch -- two weeks before he was arrested in 1999. (Photo by Stuart Isett)