

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

The Genocide against Cham People

February 17-19, 2014

Introduction

Svay Khleang commune, one of the rebellious areas during the Khmer Rouge regime (1975-1979), hosted a Public Village Forum (PVF) to give the public an update and discussion about the trial proceedings at the Extraordinary Chambers in the Courts of Cambodia (ECCC) on February 18, 2014. Approximately four hundred people, especially *Khmer-Islam* or Cham people participated and listened to the presentation by senior assistant prosecutor Mr. Dale Lysak of the ECCC. The selection of this area stemmed from its historical and legal significance. First, it is related to the Cham rebellion in 1975 that led to the execution of hundreds of Cham people and their culture was also completely banned. Second, there was a forthcoming genocide charges against the surviving KR leaders, former Head of State Khieu Samphan and ideologue Nuon Chea. As the wheel of justice has descended to a genocide charge, PVF was specifically organized to allow the court officials to inform the public about the judicial developments and elicit the Cham people's perspectives on the



The Public Village Forum is held in Svay Khleang commune, Kroch Chma district, Kampong Cham province, on February 18, 2014.

nature of genocide against their ethnic group. There was a brief examination into the history of the rebellion and its consequence. Then, Mr. Dale Lysak's presentation was highlighted and the people's reactions would be elicited to reflect their comments and feedbacks to both the ECCC and DC-Cam's Public Village Forum.

The Cham Rebellion and Its Consequence

Many Cham people eerily reminisced about the rebellious events that the KR forces were sent to crackdown on that was in a harsh and disproportionate manner. The rebellion started from a request for a religious activity. Mr. Ly Toman, 62 years old, Ms. Se Sa-Y, 56

years old, and Mr. Man Sleh, 60 years old, said that the Svay Khleang commune was memorialized through its history for forcefully challenging the KR's dictatorial rule, which was intended to prohibit any religious practice. Against this backdrop, in 1975 the Cham people requested that the commune's mosque be open on the day of Ramadan. The KR's village chief approved but registered those attending the congregation. Names of approximately 100 people were recorded and, accidentally, the news of the arrest spread and thus terrified the people. Their responses were to resist any KR members who were sent inside the community. As a consequence, Chet, a KR's commune deputy chief, was killed by the commune people. This brought about a disproportionate response from the KR's higher echelons. A contingent of commune, district, and region military unit were dispatched and opened fire from the river into the Svay Khleang commune while other KR's military units moved in from various directions. The spree of fire took place between early morning and mid afternoon. The army then moved in and chased the people of the entire village out. Men were separated from women and children.

Mr. Man Sleh further pointed out that the post-rebellion circumstance was even worst. Those survived the live ammunition were rounded up and locked inside tobacco kilns. The purges commenced every night, thus led to the death of many educated people. A week later, they were evacuated to Stung Trang district and Chhlong district of Kratie province. They were required to settle in with base people, who would keep a close watch on the Cham people. Men and women were placed separately. They were further executed as a result of more purges. The killing took place in Rorkar Khno. The base people had a pre-judgment and considered the Cham people as enemy. Ms. Hak Sary, 57 years old, said Ta Long, the KR's commune chief, order soldiers to arrest her family members and other Cham people. As a result, many Cham people died and their culture were completely banned.

The Destruction of Cham Culture



Seun is a brick structure representing Cham culture. It was built to mobilize the Cham followers to pray at a nearby mosque.

The destruction of Cham people's culture and religion was indicative of the KR's real intent to wipe out Cham identity. This prompted them to resist the KR. As a result, Mr. Man Sleh said the KR razed Svay Khleang commune's mosque to the ground. The purpose was to get rid of a physical building that they could pray in. In other words, other cultural and traditional practice was strongly prohibited. Mr. Toman, Ms. Sa-Y and Ms. Hak Sary, 57 years old, said Cham's traditional clothes was not allowed and the Qurans were confiscated. Women were required to cut their hair short as well. Mr. Toman remembered the KR's slogan: "Long hair serves as a sexual arousal for your husband; short hair was a sacrifice for nation." Cham language was not permitted for any sort of communication. Additionally, there were numerous reported cases of Cham people being forced to eat pork, which is a taboo to Islam.

However, Mr. Man Sleh said he had no idea of why the KR did not demolish the commune's Seun, a tall brick structure where Islam followers used it to mobilize all the Cham men to gather for prayer at a nearby mosque every Friday. In the meantime, DC-

Cam's Cham Oral History and Identity Project have made every effort to elicit funds for renovation and preservation.

The Genocide Charge



A participant stands up and poses a question to Mr. Dale Lysak, senior assistant prosecutor of the ECCC.

Having involved in the investigation into the notorious policy and heavy-handed crackdown on the abovementioned rebellion, Mr. Dale Lysak, senior assistant prosecutor of the Office of Co-Prosecutors has thus touched upon this important topic. He started his presentation by highlighting the specific case in Kroch Chma district of Kampong Cham

province. He said he was in Kang Meas district in 2008 when he heard about the Cham people in that district. On his return, he carried out an investigation into what happened to the Cham people during that period. A possibility came to his mind if genocide was committed against the Cham people.

Mr. Dale further said that his investigation confirmed that there was a rebellion in this commune in 1975. Part of Nuon Chea and Khieu Samphan being charged with was the death of Cham and Khmer people in this district, particularly in 1978. Many people were rounded up and killed along the Mekong River. The crimes that took place here was part of the court to include in the next trial. It hopes to start as soon as possible this year. However, Mr. Dale added that the court would decide exactly which charge would be included in the next trial. Mr. Dale stressed that the office of the co-prosecutors very much expects and hopes to see the inclusion of mass executions that took place in this district in 1978. This area was one of the very worst ones. The experiences of Cham people and all the people in this district should be part of the next trial.

Mr. Dale emphasized that while the judgment on Case 002/01 is still pending, the prosecution office was to push the court for a second trial of Nuon Chea and Khieu Samphan. The second charges would cover the killing sites at Tuol Sleng, genocide against the Cham people and the Vietnamese and few more serious crimes. The prosecution office is also working on Case 003 and Case 004. Mr. Dale Lysak could not go into great details as it is still at an investigating stage.

Mr. Dale's brief presentation was followed by chains of questions from the participants. While some pose the questions through a microphone publically, others wrote down and passed the questions to the court official. The questions were as follow: (1) why did the court take so long? (2) who will be tried in Case 003 and Case 004? (3) How many people died in this area and who were the leaders? (4) Why did the KR divide its

administration into regions and why were they coded? (5) What were their mobile units? (6) Why did genocide happen at the time? (7) Who gave the KR its name? (8) Why did the KR abolish religion? (9) What was the real intent of the KR? How many regions were divided? How many sites did the KR kill the people and why were there so many killings in this district? And (10) were there any collective reparation after the Case 002 completed? Mr. Dale Lysak sought to answer one by one.

Reactions to the Forum

After the long discussion, both villagers and students took the opportunity to voice their reactions to the forum and to provide some feedbacks and suggestions to both the ECCC and DC-Cam's Public Village Forum.

Mr. Man Sleh, 67 years old, of Kroch Chhma district, Kampong Cham province, said the forum was good to provide a platform for free speech to all of the people. People were able to seek clarifications from the court officials and DC-Cam team. While the forum is a good model for passing on the KR history to the younger generation the role of teachers should be even more important to teach the students about this history.



A student asks questions to Mr. Dale Lysak

Mr. Sleh said the ECCC operated well and the people were satisfied with the verdict against Kaing Guek Eav alias Duch, who faced life imprisonment. What he is worried about is the possibility of having no further trials against the surviving KR leaders.

Min Y-San, 17 years old and eleventh grader of Kroch Chhma High School said the trial proceeding at the ECCC was extremely important as millions of Cambodian people could get some justice. The people could feel a sense of relief, the KR leaders would end up with no freedom of movement once convicted. Y-San found that the court made a good achievement as many legal experts worked to punish the KR leaders. The sentencing should be made in accordance with the crimes had committed. Also, the ECCC should speed up its work because the accused are old and frail. Y-San suggested that DC-Cam continue, even if the ECCC completed its work, to compile and document this history for every generation of Cambodian people.

Sun Vatei, eleventh grader of Kroch Chhma High School, said she was enthusiastic about attending the forum. Previously, she said she felt bored when hearing any legal discussions. Now she took keen interest in hearing about it and also the KR history. Since the ECCC started its work, she followed it because it related to her study. If time was

allowed, more questions such as why did the KR created cooperative and why the people required to wear black clothes would be the questions that she would like the know the answers of.

Heng Mengtry, eleventh grader of Kroch Chma High School, said he rarely hears his parents talk about the KR history, but knew about it through readings and studies. When his school informed him about the forum, he had prepared for it. However, he said he did not understand about why there were Case 001 and 002. After being updated, he said the ECCC only made half of its achievement as it has yet to complete its job as Case 003 and 004 is under investigation. The ECCC should also clarify why the KR killed its own people and banned education.

Conclusion

The forum provided a good space for the villagers, especially the Cham people, to engage in a dialogue about the KR's accountability process. Although Case 002/01 was completed and pending verdict, Case 002/02 stood out to be a very significant case that directly relate to the genocidal crimes against the Cham people and also the Vietnamese. They were targeted and executed as ethnic groups. The people of Svay Khleang commune deserved the information about this, as this area was part of crime sites that the genocide charges against the surviving KR leaders would commence in the not too distant future.

The forum in Svay Khleang lasted almost the entire day, involving over two hundred people in the morning and over one hundred in the afternoon on February 18, 2014. Their eagerness to know and commitment to participate yielded a good result that the participants carefully followed the discussion and asked many good questions to senior assistant prosecutor Mr. Dale Lysak. The people acknowledged the hard work of the ECCC and benefited from its process, but they still encourage the ECCC to speed up. It is in the court's discretion to go further in the Case 003 and 004.

APPENDIX I: Photos of the Forum

By: Sanas Min, Bonavy Sok and Sok-Kheang Ly

http://www.d.dccam.org/Projects/Living_Doc/Photos/2014/Public_Village_Forum_in_Kampong_Cham_Province_on_February_17-19_2014/index.html

APPENDIX II: Chams' Long Wait Nearly Over

The Phnom Penh Post *By: Kevin Ponniah and Koam Chanrasmey*

The Phnom Penh Post

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Chams' long wait nearly over

Kevin Ponniah and Koam Chanrasmy

MORE than 100 ethnic Cham villagers sit around the grounds of a local pagoda, chatting languidly, the women dressed in colourful patterned blouses and headscarves. They have already prayed once today, and will do so four more times before the day is over.

The simple freedoms they are enjoying – the ability to speak the Cham language, wear traditional clothing and practice their Sunni Muslim faith – are not taken for granted by these mostly middle-aged and elderly people. Targeted for their ethnicity and religion under the Khmer Rouge, many lost their entire families in coordinated killings.

They have gathered for a village forum organised by the Documentation Center of Cambodia (DC-Cam), to inform them that charges related to genocide against the Cham are expected to finally be heard at the Khmer Rouge Tribunal when Case 002/02 gets under way in the next few months.

"Before the Khmer Rouge came, we used to study with Khmer people. There was no conflict. We could speak Cham and follow Cham culture and religion. But after the Khmer Rouge came, everything was forbidden," says Hak Sary, a gregarious 57-year-old, who lost 30 members of her extended family and her mother, under Democratic Kampuchea.

"If we still tried to follow our religion, they would kill us... We had to cut our hair and we couldn't wear our headscarves... They forced me to eat pork at gunpoint. I vomited afterwards because I felt so disgusted.

"But I knew Allah would not punish us, because he would understand that we were forced."

The Cham ethnic group are descendants of the kingdom of Champa, which ruled over parts of central and southern



Shelling out

Opposition fighters prepare to fire a mortar as they hold a position during clashes with government forces in the Sheikh Najjar district on the outskirts of the northern Syrian city of Aleppo on Wednesday. AFP

Poverty gains 'precarious'

Stuart White

CAMBODIA'S poverty rate fell dramatically between 2004 and 2011 – from more than 50 per cent to roughly 20 – but those gains are so precarious that a slight economic shock could send millions plunging back below the poverty line, according to a World Bank study released yesterday.

Though the number of people liv-

ing in poverty – which the World Bank defined in its study as not being able to afford a basic basket of goods costing 5,326 riel per day – went from 6.8 million in 2004 to just three million in 2011, the loss of even a couple thousand riel per day would threaten the financial stability of most Cambodians.

"The average household in 2004 is comparable to the poorest household in 2011," notes the World Bank study, which a spokesman for the interna-

tional development institution said was based on the most recent accurate data available.

"But the majority of households that escaped poverty did so only by a small margin – they are highly vulnerable to falling back into poverty," it adds. "For example, in 2011, a small shock of CR 1,200 per day (US\$0.30 or the cost of two small water bottles from a street vendor in Phnom Penh) would cause Cambodia's poverty rate to double."

The report credits a number of factors with the drastic reduction in poverty, including improved infrastructure and minimum wages for garment workers, though Deputy Prime Minister Keat Chhon, speaking at the report's release, credited "the strong and firm commitment of the Royal Government of Cambodia".

"The stable macroeconomic . . .

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National

Chams' long wait for justice nearly over

Continued from page 1

Vietnam from the 7th to 19th centuries. About 350,000 Muslims remain in Cambodia today, according to DC-Cam, most of whom are Chams.

This area, the Svay Khleang village and commune of Kampong Cham's Kroch Chmar district, a picturesque spot on the banks of the Mekong, was a vibrant centre of Cham life before the communists decided to break up the community in 1975, according to Ysa Osman's *The Cham Rebellion: Survivors' Stories from the Villages*.

In that year, villagers here got wind of a plan to arrest a group of people who had held a dawn prayer at the local mosque to celebrate the end of the Ramadan fasting month. Wielding swords, they rose up in rebellion, killing a Khmer Rouge cadre.

A brutal assault by the Khmer Rouge followed. Hundreds were killed and the villagers were forcibly evacuated to a number of different locations. Most would never see home again.

More than 6,200 people lived here in 1970s, Osman writes, when the communists first took hold of the area, which then held a prestigious Islamic school, a village mosque and a beautiful three-tiered minaret that, though dilapidated, still stands today.

But by the time the Vietnamese invaded in 1979, only 600 Cham, mostly women and children, were still alive to return to Svay Khleang, finding buried Koreans and human remains around their homes.

Court prosecutors have officially asked the Trial Chamber to include the "1975 dispersal or 'break-up' of the Cham population" in the next trial, as this forced movement "is essential in proving a policy to persecute the Chams existed, they say.

Historians including David Chandler, however, have said they do not believe conclusive evidence exists proving

that genocide was committed against the Cham.

But according to Dale Lysak, a senior assistant prosecutor at the tribunal who travelled to Svay Khleang to brief villagers, the Chams were clearly targeted as an ethnic and religious group by the Khmer Rouge.

"The stories of the mass execution of the Cham are some of the most horrific stories of the period, because it was done a little differently than a lot of other executions.

"The way the execution happened, is that at some point, it was determined it was time to get rid of the Cham people."

To Lysak, the fact that Chams were gathered and brought en masse to killing sites, without political interrogations, "tells you they were being targeted purely because [they] were Cham... they [Khmer Rouge] didn't decide who were the good Cham and who were the bad Cham. If you were Cham, you were killed."

The number of Cham who died under the Khmer Rouge is unclear. Historian Ben Kiernan estimates that 87,000 Cham perished, while Osman has concluded that between 400,000 and 500,000 Cham died.

Like many Cambodians, the Cham in Svay Khleang feel that the court has taken too long to convict senior Khmer Rouge leaders. But those who have been following proceedings are grateful that crimes committed against their communities will even be given a public hearing, even if many of those who suffered haven't lived to see it.

"I am very happy that the court will start finding out what happened to the Cham people... it is a little too late for us, but I'm still positive it is good and will find justice for the Cham when the court finishes the case," Man Auseit, 49, said.

In 1978, as the Khmer Rouge conducted its bloody purge of the Eastern Zone, Auseit, then a teenager, huddled at a pagoda for two nights with



Members of the Cham community sit with text books on Khmer Rouge history during a public forum organised by the Documentation Center of Cambodia in Kampong Cham on Tuesday. VIREAK MAI



Cham community leaders pose in front of a mosque in pre-Khmer Rouge times. DC-CAM

thousands of other Chams who had also been ordered to gather there, waiting for what he knew was certain death.

But an idea born out of desperation saved him.

"It was so lucky. I was saved because I pretended to be a Khmer. I said I was a Khmer who lived with my uncle."

When that "uncle", a friend of his late father, was summoned by the cadres to prove Auseit's story, he lied and corroborated the story. "He said I was his nephew... he saved my life."

According to Lysak, having genocide against the Cham heard at the court would fulfil an important part of its mandate, namely not excluding any victims' groups. "Having some Cham witnesses coming to court and telling their stories of what happened to [their] people, would be a very key and historic part of the trial."

But despite the prosecutor's efforts to reassure villagers that the court is being pushed to work as quickly as possible, some feel they have waited

long enough. "Why is the trial taking so long to reach a verdict?" Man Sleh, a frail and weathered man of 67 who filed as a Cham civil party for both Case 001 and 002, asked at the forum.

After his question was answered, a few minutes later, he was back up again.

"But we have so much evidence... we have all the documents. Why does it still take so long? I am old and I am going to die soon. And I am very worried that I might not see justice." ■

POLICE BLOTTER

Lesson No 1: Do not trust people in masks

A KANDAL woman thought nothing of two strangers lurking on her Sa'ang district property until they proved to be plotting against her. The 27-year-old woman stayed home to sell her four buffalo while her husband and three children went to a party. After she had made a profit from the sale but was still home alone, the woman was approached by the two gun-bearing suspects in masks. The intruders stole 8 million riel and took off. Police are looking to arrest them. KAMPUCHEA THMEY

Lesson No 2: Breaking glass makes noise

A KRATIE town man desperate to make a buck broke into a phone shop on Tuesday without much of a strategy in mind. The 29-year-old saw no one at the closed shop, and so broke in and smashed the glass counter to grab the phones. Police heard the noise and caught the burglar before he could even phone home. KAMPUCHEA THMEY

Stealing a bike is easy, filling up, not so much

A MOTO thief proved to be a better rat than robber after he failed to evade police but did lead them to his accomplice. Two moto-riding men ganged up on a victim driving home in Kampong Speu's Odong district on Monday. The duo pushed the victim off his moto and one of the thieves raced off on the stolen bike. Police caught the robber when he soon ran out of gas and he quickly coughed up the information about his pal. KOH SANTIHEAP

Ex-con's violent attack likely no axe-incident

A KAMPONG Cham farmer paid a high price for a missed-steak when his cow went wandering and grazed in the wrong pasture on Friday. The farmer went to claim his cow and found an angry, axe-bearing neighbour just out of jail not willing to forgive the trespass. The ex-convict was taken back to detention while the farmer was taken to a hospital. KAMPUCHEA THMEY

Bar brawlers swap fists for bullets after chase

A 33-YEAR-OLD man couldn't outrun a gun on Wednesday. The man got into an argument with two barflies in Banteay Meanchey's Poipet town, but when he decided to take the high road home, the angry quibblers pursued on a moto. The gun-toting suspects caught up with the man and shot him in the shoulder. He was left unconscious in the middle of the street, and when he awoke in the hospital, he described the suspects' faces for police. DEUM AMPIL

Translated by Sen David



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