

CONFERENCE WITH MINORITY GROUPS

Understanding Genocide: Truth, Memory, and Justice

Conference Hall, Institute of Technology of Cambodia

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I. INTRODUCTION

In September 2010, four senior Khmer Rouge leaders were formally indicted by the Extraordinary Chambers of the Court of Cambodia (ECCC) for genocide, crimes against humanity, international war crimes, and violations of domestic law (comprising Case 002). The charge of genocide in particular has garnered much attention. Though Cambodians have long used the term (*ampeu pralai pouch sas* in Khmer) to describe the killings by the Khmer Rouge, they are not necessarily in consensus about what the term means, nor do they possess a clear understanding of the term's legal and historical definitions.

Recognizing the potential for confusion about the ECCC's genocide charges, Documentation Center of Cambodia (DC-Cam) is hosting two informational conferences for minority groups. The first held on 25 October 2010 at the Institute of Technology, introduced participants to the term's use and history in international and domestic legal settings, as well as in Cambodian literature and social science. The informational segments of the conference were interspersed with activities intended to honor participant victims and foster dialogue around the issues.

In addition to clarifying the term and engaging minority groups in the work of the tribunal, the conference was intended to build a more complete history of Democratic Kampuchea by collecting participants' oral histories and to promote

further discussion on Democratic Kampuchea and participation in the truth-seeking process.

II. THE PARTICIPANTS



In attendance at the 25 October 2010 conference were approximately 200 members of various minority groups affected by the Khmer Rouge regime. These included: groups of Cham Muslim men, women and religious leaders; members of the Khmer Kampuchea Krom minority, members of the Vietnamese minority, Buddhist Monks, priests, and hill tribe community members.

These minority groups suffered greatly under the regime. Between 100,000-400,000 Cham Muslims and approximately 300,000 Vietnamese died as a result of Khmer Rouge policies. Many Khmer Kampuchea Krom people were accused of having “Vietnamese brains” and were relocated, tortured or killed as a result. Buddhist monks were defrocked and forced to work in the agriculture fields.

Because there were also regional aspects to the way in which groups were treated under the regime, DC-Cam sought to bring together minority group representatives from widespread locales. It required substantial preplanning and coordination, but DC-Cam managed to transport, house and feed individuals from the following provinces: Pursat, Kampot, Kampong Cham, Kep, Ratanakkiri, Pre Veng, Mondulkiri, Battambang, Preah Sihanouk and the municipality of Phnom Penh.



III. MORNING SESSION: GENOCIDE IN LEGAL AND CULTURAL CONTEXTS

Once the participants, speakers, journalists and observers had gathered in the large conference hall at 8:00 on the morning of the 25th, Ms. Farina So of DC-Cam opened the conference with welcoming remarks and an overview of the day’s activities.

She then requested that the participants complete a survey probing their understanding of and perspective on genocide to date. The forms asked questions including how many family members the participants lost during the regime; when participants first heard the word "genocide;" and what they believe to be the reason for the ECCC not charging the accused with genocide of the Khmer Kampuchea Krom, Buddhist monks, or other minorities.

Once the forms were distributed, a quiet settled over the room as participants carefully considered their answers. The only audible sound was the murmuring of DC-Cam employees assisting participants who do not know how to write. After some time, Ms. So interrupted the audience to tell people that there would be opportunities throughout the day to share their personal narratives with DC-Cam staff in order to include it in the larger history. She then asked the audience to submit their evaluation forms and turn their attention to the first speaker, Mr. Andrew Cayley, International Co-Prosecutor at the ECCC.

A. Legal Definition by International Co-Prosecutor, Andrew Cayley, and Representative from the Office of the National Co-Prosecutor

Mr. Cayley commenced his speech by acknowledging that genocide is a very difficult word to define, and that lawyers regularly struggle to find an appropriate understanding of the concept under law. Before delving into the evolution of the definition, however, he took time to discuss the charges against the four senior leaders. He essentially advised the crowd to not overemphasize the genocide charges when considering the overall charges against the four senior Khmer Rouge leaders. While genocide is a very serious crime in international law, there are many other very serious crimes under international and Cambodian law with which the four were also charged.

The overall arc of Mr. Cayley's speech went from describing the events that gave birth to genocide legislation and jurisprudence, to discussing the current legal framework, to applying the law to the facts in Case 002 to again advising the crowd to not focus more heavily than is appropriate on the genocide charges against the leaders.



The crowd was largely attentive throughout and especially when Mr. Cayley addressed Case 002. He essentially previewed the case that his office would be

putting forth, from showing that the Khmer Rouge defrocked and murdered Buddhist monks, a clear crime against humanity, to proving they dispersed and murdered Cham Muslims, a crime against humanity and genocide. In respect to the Khmer Kampuchea Krom, Mr. Cayley stated that evidence of their deportations from the Eastern, Central and Southwestern zones would be used to prove the charges of genocide against the Vietnamese. The audience remained rapt and calm, seemingly accepting how the evidence was characterized by the prosecution.

Mr. Cayley ended his speech and turned over the floor to the National deputy Co-Prosecutor Chan Dara Raksmeay. Cayley's counterpart thanked him for his clear definition the term and then proceeded to ground it more deeply into Cambodian history. He noted that the Khmer Rouge "destroyed" populations in many ways and for years after the regime collapsed by disabling the country's infrastructure and immeasurably delaying development. There were several murmurs of assent from the crowd and robust applause at the conclusion of his speech.

Ms. So announced that there would be an opportunity to ask questions of the prosecutors, but first acknowledged that the legal concepts were quite complex and that participants should use the opportunity to ask about whatever they did not understand. Several people asked questions, including a gentleman wanting to know about the maximum possible sentence for those convicted and another man asking why nations that contributed to the conflict were not tried. To the last questions, Mr. Cayley responded that the ECCC had jurisdiction only to try individuals, not nations, an answer that seemed to disappoint several in the crowd.

B. Memorializing the Minority Groups

Taking a break from the more academic side of the program, DC-Cam Director Youk Chhang and Andrew Cayley presented memorials to representatives of the five minority groups in attendance. It was a solemn and meaningful affair that was well received by the audience.

Messages inscribed in the plaques for the five groups:

- ◆ For the Cham: "This commemorates the suffering and death of the Cham people of Cambodia from 1975 to 1979. It also expresses the solemn hope and resolve that justice will



be done and that these events will never happen again - anywhere. To the young who read this in future years, whoever you are, never forget what happened to the Cham people. Do your utmost every single day of your lives to respect and love one another. "

Genocide, Truth, Memory and Justice. Phnom Penh, 25 October 2010.

Andrew T. Cayley, ECCC International Co-Prosecutor

◆ For the Hill Tribes:



"This plate recalls with love and compassion those members of the Highland people of Cambodia who suffered torment and death between 1975 and 1979. And remember that whatever the

differences are between us humanity's most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal."

Genocide, Truth, Memory and Justice. Phnom Penh, 25 October 2010.

Andrew T. Cayley, ECCC International Co-Prosecutor

◆ For the Priests:

"Recalling the lives and faith of those priests who perished and endured hardship from 1975 to 1979. Love and compassion are necessities, not luxuries. Without them humanity cannot survive. "

Genocide, Truth, Memory and Justice.

Phnom Penh, 25 October 2010.

Andrew T. Cayley, ECCC International Co-Prosecutor



◆ For Buddhist monks:

"In loving memory of those Buddhist monks who died and suffered for their beliefs in Cambodia from 1975 to 1979. Overcome anger by love; overcome



wrong by good; overcome the mean hearted by a generous spirit and the liar by truth."

Genocide, Truth, Memory and Justice. Phnom Penh, 25 October 2010.

Andrew T. Cayley, ECCC International Co-Prosecutor

◆ For the Vietnamese:

"For the Vietnamese who were murdered and persecuted by the Khmer Rouge. May justice be done for those who suffered and died and may the souls of those departed rest in perfect peace."

Genocide, Truth, Memory and Justice.

Phnom Penh, 25 October 2010.

Andrew T. Cayley, ECCC International Co-Prosecutor



Once the last plaque, both in Khmer and English scripts, had been distributed, Mr. Chhang held a photograph of Ms. Khon Savin, a member of the Khmer Kampuchea Krom minority from Pursat province. Mr. Cayley addressed Ms. Khon, asking if she recalled meeting him at the Rumlech Forum earlier in the summer. He said that she had told him a story of her father sacrificing his life to save hers that had so moved Cayley he remembers it clearly to this day. When he saw a photograph of the moment captured by photographer, Rothany Srun, of Access to Justice Asia, he knew that he wanted to inscribe it and present it to her. While Ms. Khon stood by, Mr. Cayley read the inscription, taken from the Quran and Old Testament: "Whoever saves a life, it is considered as though you saved the whole

world.” Mr. Cayley then presented the large framed photograph to Ms. Khon, who was clearly touched by the gesture.

C. Genocide in a Cultural Context



The conference continued with a panel of three gentlemen speaking about genocide’s definition in non-legal contexts. First, Professor Chuor Keary, head of department of Khmerization, Lexicography and Translation at the Royal Academy of Cambodia, discussed

the definition of genocide in the context of Khmer literature and culture. He explained that the Khmer word from genocide actually has three distinct components which translate roughly into “destruction,” “basis of life” or “life itself,” and “culture of humans.” He summarized the terms by saying that genocide is the act of destroying any particular group whether they have the same or different culture

The second panelist, Siv Thuon, national teacher of DC-Cam’s Genocide Education, discussed two terms commonly used by the Khmer Rouge: “extermination,” and “root.” He stated that the Khmer Rouge believed that they had to destroy particular groups or organisms at the root. He stated that the Khmer Rouge was not highly selective in terms of what they considered a group that needed to be destroyed; they sought to destroy entire families, races and also groups that had made themselves easily identifiable by how they live and the culture they embrace.

The third to speak was Deputy Director of DC-Cam, Eng Khok-Thay. He stated that he agreed with the definition of genocide found in Khmer literature and wanted to link that definition to social science. Using as a base an article by famed human rights professor, William Schabas, Mr. Eng gave an excellent overview of the links between the conceptualization of genocide in philosophy, law and sociology.

When the three panelists had finished speaking, Ms. So again opened up the floor for questions. A woman from Mondul kiri inquired about the process of reparations set forth by the court. Her questions prompted another from a Cham Muslim man from Preah Sihanouk province. The participants were curious about the funding of

reparations and the relationship between reparations and the sentences meted out by the court.

IV: PARTICIPANT LUNCH

The conference was then suspended so that the participants could have lunch and the Cham Muslims could take afternoon prayer.



Again requiring substantial preplanning by DC-Cam, the participants had the opportunity to sit and eat a traditional meal together. There was a fair amount of mixing, with international guests of DC-Cam dining with Cham Muslim women from Pursat Province and Khmer Kampuchea Krom individuals dining with individuals from hill tribes.

V: AFTERNOON SESSION: LOST LOVES, ORAL HISTORY, DC-CAM DIRECTOR'S SPEECH

A. Film Conversation and Oral History Dialogue

Upon reconvening, the participants were treated to a film by Chhay Bora entitled, "Lost Loves," introduced by the filmmaker himself. Having his own harrowing tale of surviving the regime but losing family, Mr. Chhay's film chronicles his mother-in-law's terrible experience under the Khmer Rouge.

From the first moment, the film captured the complete attention of the audience. Men and women alike leaned forward in their chairs, careful not to miss a single word or action. They responded audibly and visibly to every development, some things resonating on a profound level. Especially in scenes involving the death or separation of children from parents, many in the audience wept openly as DC-Cam members circled the room to provide needed support.

When the last scenes faded off the screen, Ms. So addressed the crowd. Acknowledging that the film had portrayed many difficult experiences, she suggested that the audience take a much-needed break.

Though clearly difficult and emotional, the film served several important purposes. First, it brought the academic conversations of the morning back into the context of individual narratives, making the ideas of genocide and crimes against humanity less abstract and more grounded in people's experiences. It also provided an obvious catharsis for many of the participants. Finally, it created opportunities for the participants to connect, with many patting the hands of those next to them when they cried or sharing sympathetic or knowing looks.



Reactions and Comments from people about the film and overall conference are as follow:

1) Lach Kry:

I am Lach Kry, Lach Ny's brother, living in Po Chin Dam village, Po Chin Dam commune, Svay Antor district, Prey Veng province.

I agree with the documentary film because it resonates with my experience under the Khmer Rouge. In the film, the main actress lost almost all of her family members. Only she and her two children could return to Phnom Penh. But for me, I lost 17 family members and relatives to the KR. Thank you.

2) Math Ly:

I'd like to pay my respect to all the attendees and Mr. Chhay Bora. My deep thanks to all respective donors who support this event. I am Math Him from Trapeang Ropov village, Trapeang Ropov commune, Kampong Bay district, Kampot province. I appreciate the film very much because it reminds us of the KR regime, which seems current. It is also away to prevent the crimes from happening. As Bora reiterates, he cannot include everything in this film because of limited budget and time.

I'd like to raise two questions. First, where is the water fall location in the film located? Second, although I have learnt from Mr. Co-Prosecutors and Khmer experts in the morning session about genocide, I am still wondering. Actually, genocide occurred between 1933-1945, and the genocide convention was adopted in 1948. I

was wondering if Cambodia became a signatory of the convention at that time. And if yes, why the UN could not prevent genocide in Cambodia?

Bora:

Thank you for your questions. I'd like to address your first question. The water fall location in the film is in Thmar ROUNG, Koh Kong province. We had a difficulty filming the site because it was sold out to a private company. However, we tried our best to have a best shot out of it.

3) Rim Mousa:

My name is Rim Mousa from Prek Sangke village, Prek Tuol commune, Prey Nup district, Preah Sihanouk province. I came to the conference with my mother [who was weeping during the film screening]. Let me call you *bang* (brother) to make it more friendly. Once you made the film, it seems that you had cooperated with me



[laugh]. The most closely resemblance is when my mother beat me with seven yam branches while *mekang* (chief of my children's unit) called me back to work. I acknowledge that the film is not completely the same as our own story, owing to the edits. But it triggered our memory. It is about the truth.

My appreciation goes to *bang* Bora for your effort in producing this film. If you, Bora, happen to produce another film, I volunteer to play a character in the film in order to show different kinds of emotions (hand claps) and how Cham Muslim family struggled to survive, with regard to religion, culture, food, and so forth. May brother, DC-Cam director, and colleagues have good health, succeed in your work at all wishes.

Bora:

Thank you, Mousa. I wish to inform you all right now that I have planned to make another film about Cambodian refugees along Cambodia-Thai border during and after the regime to capture one killing field to another. As I have watched a film made by a New Zealander about a Cambodian family along the border, it struck me. The family wished to seek help from the UN, but instead they experienced a harsh condition. The gentleman, head of the family, was told that he was sent to the third

country, but when he reached the border, he only was in dark scenery. The fate of the family ended with bitter experience.

This film is not to encourage revenge on or impose negative perception on other neighboring country, because there are many good people out there.

Like my case, when the journalists asked me if I got angry with Ieng Sary. I replied "Yes" but I did not want to take revenge as the episode occurred 30 years ago. I think it is enough for Khmers to break the cycle of revenge/killings.

4) Peou Sinoun:

I come from Pralay Rumdeng village, Rumlech commune, Bakan district, Pursat province. I was excited and emotional to see the film. I, like others, appreciate your effort in making the film. I haven't seen such a complete and long film about daily life under the Khmer Rouge since the fall of the KR, except some clips.

I'd like to request that DC-Cam find way to broadcast it on TV twice a year to remind and educate younger generation about the painful experience in order for them to help develop Cambodian country. Last, I'd like to bless all attendees and organizers for good in all work.

5) Lach Sitha:

I come from Pou Leh village, Dadam commune, Orang district, MondulKiri province. Please apologize to me if I have any mistake. I am interested in the film. It is real. We lacked many basic necessities from slipper to food. When we told next generation about our suffering, they do not believe. They even question that, "if it is such difficult, why did not you run away?" This film is to remind and educate them about our suffering



Bora:

I'll try my best to fill out your requests. [To tell you the truth], I also experienced the same thing. I even more suffered when they [my students and next generation] do not believe our suffering. One unanimous official

raised his concern to me that my film would not attract younger generation because they are more interested in other type of film such as Ghost story or love story. However, if we surrender at this time, we will fail. We should continue to educate them. As brother Youk said forgetting your own history meant that you kill your national identity. Like in Germany, people have been encouraged to talk about the Holocaust to find larger truth of what happened and to raise next generation's awareness of genocide, in order not to repeat. Nobody knows if next generation, when they take power, will repeat the same mistakes as they do not know the consequences.

Like Youk Chhang said, we have to overcome any challenges. Telling about the past experience is not only to serve history of genocide but also to help future generations have empathy for their parents, family, and old generation as a whole. I am sorry I have talked a lot. If you have more questions or comments, please ask.

6) Ly Sary:

I come from Prey Khmum commune, Kampot district, Kampot province. There have been a lot of questions about the film; it is about the truth. This is enough. If the film is more painful than this, I might not be able to stand with the film. It will definitely trouble those who have heart problems.

I'd like to engage in the discussion. [As I know] the United Nations signed genocide convention since 1948, but UN did not believe or wasn't interested in the issue, so how can we expect next generation to believe? It is hard to believe [the KR regime]. I have observed that, however, after the UN knew the UN is more interested in the issue than us and moving further.

Speaking of genocide definition, we have been learning the explanation of the term from Co-prosecutors and Khmer experts this morning. The term, as I understand, is a combination of "*Parlai+Pouch+Sas*", meaning to eliminate all races (*pouch*) without any consideration. Please continue your effort to make people believe, Bora. I do appreciate it.

Bora: I'd like to thank you very much for your presence and comments on my film. I never think that all people are not different or different from me, Muslims, Khmers, and other races. I am very happy. This is the first time to stand in front of you all, Muslims. The past made us suffer indeed. Everybody has your own business to make your living, but do not feel depressed. Continue our effort.

Upon reconvening, Ms. So gave an overview of her Cham Oral History Project, encouraging attendees to get involved and share their experiences. She then opened the floor for questions about the oral history project, the film, or to allow people to share their stories. Two Cham Muslims questioned the role of UN in preventing, or

failing to prevent, the Cambodian genocide in 1978-79. DC-Cam Director Youk Chhang fielded their questions, but encouraged them to ask Secretary General of the UN, Ban Kim-Moon, who was due to visit Cambodia on 28 October 2010.

B. DC-Cam Director Youk Chhang's Speech

DC-Cam director Youk Chhang briefed his meaningful talk on the root of genocide and ways to prevent genocide.



He warned that all of these violations affect democracy. He said, although you have the same faith but you are not the same, but you are not different. You all contribute to building democracy in Cambodia and the world.

"This is our history. Please continue our collaboration to achieve our goal."

VI. EVALUATION AND OUTCOMES

Prior to departing, the participants were asked to complete an evaluation of the program. A remarkable 97% stated that they were very satisfied with and 3% were fairly satisfied with the conference and DC-Cam's organization and hospitality. Many suggested that DC-Cam repeat the conference, even potentially making it an annual educational program. Some Cham Muslim representatives handed us photos of their respective mosques and village statistics for the DC-Cam Cham website.

DC-Cam consulted the evaluations, in addition to notes from interviews and discussions held throughout the program, to determine how well the conference met the organization's goals. Based on the evidence, the conference successfully enhanced people's understanding of genocide in a legal sense, as well as its place in Cambodian literature and culture. This conference also benefited all DC-Cam staff. DC-Cam was also successful in recording participants' personal narratives and anecdotes, shared in response to what they heard and learned in the formal conference sessions. Finally, in terms of its goal of reaching an audience wider than just those attending, DC-Cam was pleased to note that the following media outlets were represented. Phnom Penh Post, Cambodia Daily, Raksmei Kampuchea, the Catholic New-Agency, the online magazine and the daily newspaper Neues

Deutschland, among others. DC-Cam contributed a hundred and fifty dollars to the Al-Mukhalifah mosque construction in O-Samath village, Sangkat 3, Preah Sihanouk province, upon Imam Khet's request.

Despite a few challenges, based on the above outcomes, DC-Cam considers the first of two conferences for minority groups on genocide in context a success. Accordingly, the organization will move forward as planned with the second conference on November 24, 2010.

The Story of Khon Savin

At a meeting of Khmer Kampuchea Krom survivors in Pursat province, Svay Daun Keo commune primary school teacher Khon Savin recalls the painful memory of living in Rumlech commune during the Khmer Rouge regime. Despite the event taking place over two decades ago, Khon, now in her early 40s, solemnly recalled the event when she met Andrew Cayley, ECCC International Co-Prosecutor, at the meeting.

The most salient memory for Savin is the death of her father, Suy Hong. Savin and her family were evacuated to Rumlech commune when the Khmer Rouge came to power in mid-1975. Less than one year after the evacuation, her mother, who was Khmer Krom, became pregnant and increasingly weak. The Khmer Rouge viewed her mother as sickly and thus a target for execution. Savin was about six years old at the time and remembers that the Khmer Rouge wanted to get rid of all the Khmer Krom because they were alleged to have "Vietnamese brains." One day her mother was very ill and hospitalized. Savin was told that her mother was injected with water and died immediately in the hospital.

Savin's father, Hong, was accused of eating human flesh and was sent to be killed in 1977. Prior to the regime, Hong was a tailor by trade. He was full Khmer with no Khmer Krom blood ties, but his wife's parents were Khmer Krom and she was later killed because of this. Under the regime, Hong was tasked to dig graves, among other duties. One day he was ordered to bury the dead with several other men. More exhausted than usual that day, Hong was unable to dig the pits deep enough to bury the corpses completely. Later wolves and other animals came to eat the dead flesh. The Khmer Rouge however accused Hong of eating the corpses. He was escorted by two Khmer Rouge cadres with machetes at day time to be killed. Seeing her father escorted away, Khon walked behind her father. Savin's uncle, Khon, who was a Khmer Rouge, was also there at the time. Hong pleaded with his brother to let his daughter survive. His brother promised to do his utmost to keep his niece safe.

Savin remembers that one day she wanted to go along with a group of people called to grow corn. Khon knew that the group of people were sent to be killed and did not

let his niece go. During the regime, an order from above to relocate to another location or grow crops in another location usually meant the person would be killed.

Her family name comes from her uncle's name, Khon, because of his role in keeping her alive. Savin even calls her uncle "father" because she feels he saved her life and raised her.

As painful this memory is, Savin had never forgotten this experience. It remains fresh in her mind. In particular, she recalls with clarity the death of her father. "Although I was young at that time, I feel that I can remember most of what happened, including the suffering."

Farina So, Team Leader, Cham Oral History Project of the Documentation Center of Cambodia

End.