

Victim Participation (VPA) Project
PROVINCIAL REPORT – SIEM REAP PROVINCE

June 2008

1. BACKGROUND TO THE VPA PROJECT'S WORK IN SIEM REAP PROVINCE

Background to Siem Reap Province

Siem Reap Province is located on the shores of the Tonle Sap Lake in north-west Cambodia and is bordered by the provinces of Preah Vihear and Kampong Thom to the east, Banteay Meanchey and Battambang to the west, Oddar Meanchey to the north, and the Tonle Sap to the south. It has a total land area of 10,299 km². The province has twelve districts; namely, Angkor Chum, Angkor Thom, Banteay Srei, Chi Kraeng, Kralanh, Puok, Prasat Bakong, Siem Reap, Sout Nikom, Srei Snam, Svay Leu, and Variin. The province has a population of around 696,164 people.

From 1975-77, Siem Reap Province was an independent Zone in Democratic Kampuchea; then, in 1977, it joined the Northern Zone. According to the most recent figures compiled by the Center's Mapping Project, there are twenty-four burial sites (containing over 240 pits holding around 42,000 corpses), thirteen prisons and four memorials in the province.

Siem Reap Province proves important to the work of the VPA Project. Its inhabitants in 1982-83 account for a large number of the Renakse Petitions held in the Center's archives and, thus, may be able to provide useful information about the process surrounding the signing of the Petitions. In contrast to those collected in Kampong Thom Province, the Petitions from Siem Reap Province have individual signatories allowing us to concentrate our efforts on Petitioners and, thereby, to contact a far larger number of Petitioners during the field trip.

The History of the Renakse Petitions in Siem Reap Province

The Center holds in its archives the so-called "Renakse Petitions." In 1982-83, the successor government to the Khmer Rouge collected 1,250 petitions detailing the crimes of Democratic Kampuchea from over 1.1 million Cambodians. The Project plans to use these Petitions to locate potential complainants and civil parties. In so doing, the Project will reactivate the informal truth commission begun by the People's Republic of Kampuchea government. By showing Petitioners that their prior testimonies have not been forgotten, the Project will contribute to the process of reconciliation. While the Project's primary focus is upon locating and assisting Renakse Petitioners, the team wishes to help any survivors interested in completing the Court's Victim Information Form.

The Center holds 287 Petitions from Siem Reap Province. Usually, one or two representatives wrote a Petition on behalf of a large group, normally representing around 20-300 individuals, and each individual signed or thumb-printed the Petition with his or her name (and, in some cases, sex and age). Thus, unlike in Kampong Thom Province, the majority of Petitions from this province do contain the names and signatures/thumbprints of all individuals represented.

2. VPA PROJECT'S FIELD TRIP OF JUNE 16TH – 30TH

Overview of Field Trip Details

Statement of Purpose

The purpose of the field trip was to inform survivors of the Democratic Kampuchea regime of their participation rights in the upcoming trials before the Extraordinary Chambers in the Courts of Cambodia (ECCC) and, should they wish to participate, to assist them in the completion of the Form. The Project sought to locate and reach out, in particular, to those individuals in the province who completed Renakse Petitions in 1982-83. As an ancillary purpose, the Project sought to put its recent training (particularly related to the expected amendment of the Form) into practice.



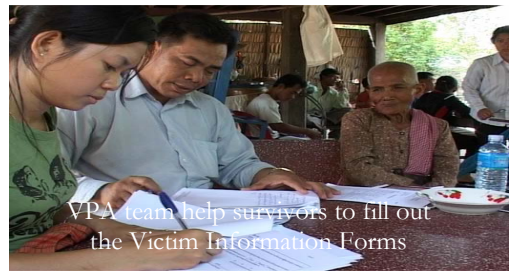
Recent Developments

On June 20th, the team brought one of the civil parties assisted by the Project to Phnom Penh to meet with the Victims Unit to discuss legal representation. Terith Chy (Team Leader) and Sarah Thomas (Legal Fellow), along with the civil party in question, met with Keat Bophal and Balazs Maar of the Victims Unit. They advised the civil party to choose a legal representative and provided her with a list of lawyers prepared to work on a pro bono basis. At the civil party's request, it was decided that the Project would research these lawyers and assist the civil party in selecting an appropriate legal representative. The Project is currently communicating with a number of lawyers to find appropriate representation for DC-Cam-assisted civil parties. The Project will not fund legal representation.

On June 24th, Sarah Thomas and Dara P. Vanthan (Deputy Director) met with the Victims Unit to receive acknowledgment letters for distribution to 395 complainants and civil party applicants who completed Forms on or before December 14th, 2007. Keat Bophal (Unit Head) requested that the Project assist the Unit by distributing the letters and by obtaining further information from complainants and civil party applicants whose Forms were considered to be incomplete. The Project has already returned acknowledgment letters to five complainants and has collected further information from one complainant in Kampong Thom Province.

In addition, the Project assisted a further seven relatives of prisoners at Tuol Sleng to file Forms with the Victims Unit, including one American. Three relatives chose to file complaints informing the Co-Prosecutors of the crimes perpetrated against their relatives, while four other relatives chose to file civil party applications so that they may participate as parties to the proceedings. The Victims Unit is currently processing the Forms of the civil party applicants on a priority basis so that they may forward them to the Co-Investigating Judges as soon as possible.

From June 30th to July 3rd, many members of the Project attended the hearing on Ieng Sary's appeal against provisional detention before the Pre-Trial Chamber. On July 1st and 2nd, the Judges issued two shocking oral decisions prohibiting civil parties – whether represented or unrepresented by counsel – from speaking in person during pre-trial appeals. Albeit limited to pre-trial appeals, these decisions leave unrepresented civil parties without a voice and impinge upon the rights of DC-Cam-assisted civil parties. While the Chamber had previously supported victim participation, these decisions mark a significantly more restrictive approach.



On July 3rd, Sarah Thomas wrote an article opining that this abrupt change in the Chamber's attitude can be attributed to multiple attempts by one civil party, Ms. Theary Seng, to speak during the proceedings and the Chamber's own poor management of the proceedings. On July 4th, the Cambodia Daily printed a shortened version of her article as a Letter to the Editor. She has since been invited to post on this topic on IntLawGirls, a blog for female academics and practitioners in international law.

On July 4th, the Project submitted a letter to the Victims Unit and Pre-Trial Chamber requesting that DC-Cam-assisted civil parties joined to Case No. 1 be allowed to respond to Ms. Seng's "Application for Reconsideration" of the Chamber's decision.

Details of Arrangements and Personnel

The VPA Project team rented a house in Siem Reap for the duration of the field trip. The field trip last for 15 days, from June 16th – 30th. Although expected to last for 20 days, the Team Leader decided to shorten its trip duration due to poor cooperation on the part of village chiefs caused by the upcoming election. Nineteen staff members, including four members of the Film Team, participated in the field trip. Several summer legal associates and one external researcher, Peggy Wong from Berkeley, joined the team in the field. Legal Associate Annie Gell is currently writing an article about her experiences for *Searching for the Truth*.

Prior to the field trip, the Project's staff members selected the villages based on the existence of Renakse Petitions from those villages.

Achievements of the Field Trip

Achievements of Team in Numerical Terms

During the field trip, the team succeeded in visiting three of the twelve districts in Siem Reap Province; namely, Siem Reap, Kralanh and Puok Districts. Specifically, the team held meetings in eighteen villages in eleven different communes. Team members informed hundreds of survivors of the Democratic Kampuchea regime of their participation rights and assisted 139 survivors in completing the Victim Information Form.

Terith Chy submitted the 139 Forms from Siem Reap, along with one further Form from the United States, to the Victims Unit at a meeting on July 11th.

Team's Success in Reaching Out to Renakse Petitioners

Less than half of the Forms collected were completed by Renakse Petitioners – 63 of the 139 Forms. While most of the Petitioners contacted chose to complete the Form, the village chiefs in Siem Reap Province were largely uncooperative and routinely failed to contact those on the list of Petitioners provided by the Project's staff. Therefore, in stark contrast to Pursat Province, only a limited number of Petitioners attended the meetings. As such, while priority was accorded to Petitioners, the team helped a considerable number of non-Petitioners.

The team found that the vast majority of Petitioners contacted failed initially to remember signing a Petition. In many cases, after showing them the Petition and their signature, they remembered signing and many had vague memories of the meetings at which they had signed. It appears that the Petitions were either signed following a meeting or in the home during a visit from the village or commune chief. The team found that the Petitioners did not remember the circumstances surrounding the meetings or the effect of political influence on their Petitions.

Efforts to Reach Out to Communities Affected by Atrocities at Phnom Trungbat Prison

During the field trip, twenty-five complainants and one civil party applicant made reference to the atrocities committed at Phnom Trungbat Prison in Kralanh District, Siem Reap Province, providing first- and second-hand accounts of this factual situation. According to their accounts, the Khmer Rouge sent those arrested in the area of Phnom Trungbat Mountain to this prison. Thereafter, the Khmer Rouge proceeded to either execute these prisoners and to cremate their remains for fertilizer or to burn them alive for the same purpose. Testimony in the Renakse Petitions supports the survivors' accounts. According to analysis conducted by Youk Chhang, the Petitions speak of how "the Pol Potists dug ponds and filled them with chaff to be used as ovens to burn people alive for the making of fertilizer for their rice fields" (Youk Chhang, Renakse Report, March 21st, 1999).

According to the Forms, the conditions at the prison were very difficult. Prisoners were given inadequate food rations and were forced to work breaking rocks to build a bridge. According to the Forms, the prison had an area designated – allegedly in 1976 – for the sole purpose of cremating the bodies of prisoners. This area had a huge pit or pits. These pits were filled with rice husks and set alight. Once the number of prisoners had reached one hundred, the prison guards would throw people – both dead and alive – into these fiery pits. In some cases, prisoners were forced to walk along gangplanks over these pits to their deaths. Thereafter, the Khmer Rouge would distribute their remains as fertilizer. In the Forms, some complainants allege that they received fertilizer from Phnom Trungbat containing bone fragments.

The team met with three survivors from the area who had already been asked by investigators from the Court to be witnesses. Two of these witnesses had, in fact, been witnesses before the People's Revolutionary Tribunal in 1979. Due to the horrific nature of the atrocities and the status of the situation as under investigation, the team separated those Forms related to Phnom Trungbat Prison and submitted a letter on this issue to the Victims Unit, urging them to accord priority to these Forms.

Positive Findings During Field Trip

1. The team's meetings provided survivors of the Democratic Kampuchea regime with a much-appreciated opportunity to tell their story to an interested party, thereby providing them with a sense of relief in many cases.
2. The opportunity to complete a Victim Information Form and thereby to assist in the creation of a comprehensive historical record pleased survivors as many expressed concern that the younger generation does not believe in the atrocities of the Khmer Rouge period.
3. The team's meeting provided a useful opportunity to inform low-level perpetrators that the Court will only try senior leaders and those most responsible, thereby providing them with peace of mind and improving the likelihood of their cooperation with the Court.
4. The trip showed the value of the Renakse Petitions in substantiating the testimonies of complainants and civil party applicants. With regard to Phnom Trungbat Prison, the team found that the allegations made in the Forms mirrored those made in the Petitions over 20 years ago.
5. The team found that the vast majority of survivors did not appear to fear for their personal safety, as only a small number chose to request protective measures.
6. The Project had a sufficient number of staff on this field trip to assist almost all survivors wishing to complete a Form.

Difficulties Experienced and Proposed Solutions

1. Limited Confusion Over the Provision of Gifts/Money
A number of survivors attended the Project's meeting in the mistaken belief that they would receive gifts in return for their attendance and, in particular, for completing the Form.
Recommendation: Continue to highlight at the outset that DC-Cam does not provide gifts or money in return for the survivors' participation.
2. Inability of Most Survivors to Suggest Victim-Centered Reparations
As in other provinces, the vast majority of survivors struggled to suggest forms of reparations addressing specifically the needs of the regime's victims. Commonly, their suggestions were limited to addressing needs related to development, e.g. schools, roads and hospitals. Such non-victim-centered reparations benefit victims and perpetrators alike. The inability of survivors to suggest victim-centered reparations can be attributed to their difficult living conditions and to the Project's staff lack of awareness about the importance of victim-centered reparations.
Recommendation: Conduct training for team members on the importance of victim-centered reparations and encourage survivors to think of reparations designed to address the needs of victims only.
3. Lack of Cooperation on Part of Village Chiefs Frustrating Project's Work
In stark contrast to Pursat Province, the team found that village chiefs in Siem Reap Province were extremely uncooperative and poorly prepared for our visits. In one case, the village chief was even drunk! Although the team provided the village chiefs with lists of Petitioners' names in advance, many village chiefs failed to contact the Petitioners or to invite any villagers. As such, the collection of Forms was often suboptimal due to poor attendance. This lack of cooperation can be attributed to three factors: (1) most importantly, the village and commune chiefs' preoccupation with

campaigning for the upcoming election; (2) the likelihood that many chiefs are involved in business due to the affluence of Siem Reap; and (3) the Project's preparation for this trip at short notice.

Recommendation: Avoid conducting field trips in the run up to elections, avoid operating in affluent areas, and ensure that preparation for the trip is thorough.

4. Unwillingness of Survivors to Complete Forms

In contrast to Pursat Province, the team found that survivors in Siem Reap Province were largely unwilling to complete Forms. While most were enthusiastic about the Project's goals, many chose not to complete Forms because they were busy. It appears that they were too busy because they were preoccupied with the election and had businesses to run.

Recommendation: Avoid conducting field trips in the run up to elections and avoid operating in affluent areas.

Conclusion

The field trip to Siem Reap Province certainly proved the least successful of the Project's trips to date as the team collected only 139 Forms in the space of 15 days. This represents a low number of Forms collected per day and a considerably worse collection rate than enjoyed in Pursat Province. This poor collection rate can be attributed primarily to the lack of cooperation from village chiefs, but also to the busier lives of Siem Reap residents and the hurried preparation for this trip.

Despite this poor collection rate, it would appear that many of the Forms collected will prove useful to the important work of the Court. In particular, we expect that the Forms collected relating to atrocities committed at Phnom Trungbat Prison will prove helpful to the Co-Prosecutors and Co-Investigating Judges, as we believe this situation to be under investigation.

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