

## VICTIM PARTICIPATION PROJECT: DELIVERY OF COURT NOTIFICATION LETTERS TO SURVIVORS IN PURSAT

June 2010

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From June 8 – 14, 2010, DC-Cam's Victim Participation Project (VPA) made a field trip to Pursat Province to deliver notification letters to complainants living in the province. The complainants had filed their complaints with ECCC's Office of the Co-Prosecutors (OCP) approximately two years ago. In May 2008, VPA went to Pursat<sup>1</sup> and assisted 158 survivors to file their complaints with the ECCC where they reported crimes they and/or their loved ones had suffered under the Khmer Rouge regime. Aside from these 158 individuals, there were several other survivors from Pursat who had sought VPA's assistance at DC-Cam's office in Phnom Penh to help them file their Victim Information Forms. In June 2010, VPA returned to meet with these survivors and informed them that the OCP had taken measures regarding their reports of the crimes they endured thirty years ago. Many of these survivors were initially identified as possible complainants because they took part in the making of "Renakse Petitions" in the early 1980s. The Renakse Petitions were a collection of individual and collective reports of damages and loss of lives during the Khmer Rouge regime.<sup>2</sup> During this one week period, VPA handed out notifications to 159 complainants in 5 districts of the province.

Similar to previous trips to the field, VPA's team collected reactions of the survivors in the form of interviews both in audio and video format. Forty of the survivor complainants out of 159 individuals participated in the recorded interviews. Of these 159 survivors, one passed away even before receiving the response from ECCC as to the outcome of his complaint. Justice has already been denied for victims who have already died. Most people the VPA team has interviewed told the project that they feel this judicial process appeared to take a



VPA staff holds update meeting with survivors in Pursat.

<sup>1</sup> See Terith Chy and Sarah Thomas, "Victim Participation Project Provincial Report – Pursat Province," May 2008, available online at [http://www.dccam.org/Projects/Tribunal\\_Response\\_Team/Victim\\_Participation/PDF/Provincial\\_Report\\_Pursat.pdf](http://www.dccam.org/Projects/Tribunal_Response_Team/Victim_Participation/PDF/Provincial_Report_Pursat.pdf).

<sup>2</sup> See Amy Gordon, "Renakse Petitions: Background and Suggestions for Future Use," January 2007, available on [http://www.dccam.org/Projects/Tribunal\\_Response\\_Team/Victim\\_Participation/Victim\\_Participation.htm](http://www.dccam.org/Projects/Tribunal_Response_Team/Victim_Participation/Victim_Participation.htm)

long time, and worry that it may not be completed in their lifetime. There remained a few survivors who were yet to receive their responses due to their requests for protective measures, which are being dealt with by the Witness Support Section at the ECCC. Despite the gap period of two years since the time they filed their complaints, the vast majority of survivors receiving the notifications told the project that they feel very happy receiving responses from the ECCC. Most see the letters of notification as an acknowledgement by the ECCC of their suffering and as evidence that the ECCC is advancing the cause of the victims.

Most survivors reported in their interviews that people from the Eastern Zone who were evacuated to Pursat were put under most severe conditions; conditions much worse than both base and new people originally from Pursat suffered under. They gave similar accounts that people from the Eastern Zone were identified by the checked blue scarves wrapped around their necks and were put to live in a separate place from the base people and the new people already in Pursat. These Eastern Zone people, according to interviewees, were singled out for execution especially towards the end of 1978 due to the allegation that they were siding with Vietnam. According to one interviewee, there was a man from Pursat who was married to an evacuee from Svay Rieng. His wife was eventually raped and killed, he has refused to come back to Pursat because of that painful memory.<sup>3</sup>



International Co-Prosecutor Mr. Andrew Cayley meets with a complainant in Pursat.

On June 13, DC-Cam's Living Document Project also held a Village Discussion with Khmer Kraom community on judicial developments at the ECCC. The Discussion was facilitated by DC-Cam deputy director, Mr. Vanthan Peou Dara and attended by ECCC officials including International Co-Prosecutor Mr. Andrew

Cayley, civil party lawyers, media and the Khmer Kraom residing in the community. A number of Khmer Kraom complainants assisted by VPA were also invited to attend this village forum so that they could learn more about the ECCC process. During the event some of the Khmer Kraom had the chance to tell their stories and express their concerns to the Co-Prosecutor and other international guests.

## CHALLENGES

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<sup>3</sup> Author's interview with Chhim Channsy (VPA-PS004) in Pursat.

There have not been any significant challenges in delivering these notifications due to a few favorable circumstances. First, DC-Cam has established good communication and connections with local government officials at village, commune and district levels. Second, the VPA delivers notifications in places where the project had worked over the last few years and, as such, is familiar with the village and commune chiefs. Third, some of the villagers are already familiar with the project's magazine *Searching for the Truth* and some of them had even been interviewed by DC-Cam's other projects over the last 15 years. Finally, the Project has made continuous contact with the village chiefs or commune chiefs before the VPA held meetings in those places. The VPA staff also contributed to making the notifications happen even under difficult circumstances. One staff member had to work late into dusk one of the days and at dawn of another when a civil party applicant did not have free time during the day to give an interview to complete his civil party application. Sometimes the VPA team had to split to work in two different locations for time efficiency. For instance, for one day, the Project team leader could not be with the team because he had to act as an interpreter for international guests, ECCC officials and the International Co-Prosecutor, who were attending the village forum with Khmer Kraom community in Pursat Province.

## HIGHLIGHT OF STORIES FROM PURSAT

**Nuon Seun, 51, Pursat:** Seun and his entire family were evacuated from Pursat to Kampong Chhnang in 1974 when the Khmer Rouge took control of the province. He and approximately 300 other people, including defrocked monks, were assigned to construct water canals in Kampong Chhnang. There, one of his colleagues was killed



A complainant looks at a notification letter he received from the ECCC.

at the spot when he fainted due to insufficient eating and exhaustion; the killers told the rest of the group members to work harder or they would suffer the same fate. Later in 1977, Seun witnessed another execution of some 20 people, including three of his cousins. These victims were ordered to dig graves for themselves before being killed. Fortunately, two of his three cousins escaped while the ill-fated one was stabbed to death.

According to Seun, the rest of the group was not so lucky. Even now, Seun has never found an answer as to why his cousins were taken away. In late 1978, Seun was caught picking potato leaves without permission and tortured and starved. A few months later, he fell seriously ill and was ordered to be buried, although he was only unconscious. Luckily, he gained his consciousness along the way and was spared.

Seun believes that the five suspects being prosecuted by the ECCC are currently ill and fragile and that he would agree to the ECCC's decision if the court decides to release them.

**Men Bos, 66, Pursat:** Bos witnessed in late 1978 an execution of about 20 people evacuated from Svay Rieng. Bos was assigned to cook for those people, but unfortunately they were killed even before having their last meal. According to her, the ill-fated victims, including young children, were ordered to kneel by the edge of an already dug grave. They were clubbed to death one after another with a bamboo stick. Bos was so terrified of the scene that she requested her unit chief to assign her to perform other work. In the evening of the same day, a man from Svay Rieng begged her for a meal, which she gave him. He told her that he was one of those 20 people and that he survived because he pretended to be dead. In addition to this incident, Bos also witnessed the killings of two nephews who were six and eight years of age, who were bayoneted by the Khmer Rouge security forces. Soon after, Vietnamese troops came to liberate the province. Bos told the VPA that, by the end of the Khmer Rouge regime, she lost 11 siblings, both parents and some 20 nieces and nephews. Today, Bos is living alone as an orphan. Bos endured so much pain throughout the regime and is waiting to feel some sense of justice by hearing a ruling from the ECCC.

**Chaun Phan, 57, from Pursat:** The Khmer Rouge took control of his village in 1975, a little before they controlled Phnom Penh. As soon as the Khmer Rouge arrived, they began to evacuate all villagers and ordered them to clear bushes and trees for farming purposes in a mountainous area, where he lived until the end of the regime in 1979. In 1976, Phan's younger brothers, Chann Ra and Pech, were killed because they visited his mother twice without authorization. Later on, his mother was arrested and killed by a security cadre named Koeun, under the accusation of not giving up possessions. Also in late 1976, Phan's father, Na Bun, was arrested and killed by the Khmer Rouge security forces for simply visiting his wife without authorization. One of Phan's cousins was among the security forces who killed his mother and father. After the collapse of the Khmer Rouge regime, Phan confirmed with his cousin whether he actually had killed his father. Phan got no response. Phan told the VPA that, in his dream, his mother told him not to seek revenge. As for Phan, he was arrested twice and, at one point, almost killed for stealing a potato. He once sought help from his other cousin and it turned out that it was that cousin who caused Phan's second arrest. Phan's wife also died in a nearby cooperative due to starvation. Phan now shares the village with Koeun, who killed his mother. Phan has given up revenge and regularly follows ECCC developments via TV. Phan said that, for him, justice means all the suspects in custody are found guilty and convicted. He strongly believes that the ECCC will be able to bring him and every Cambodian victim justice.

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