

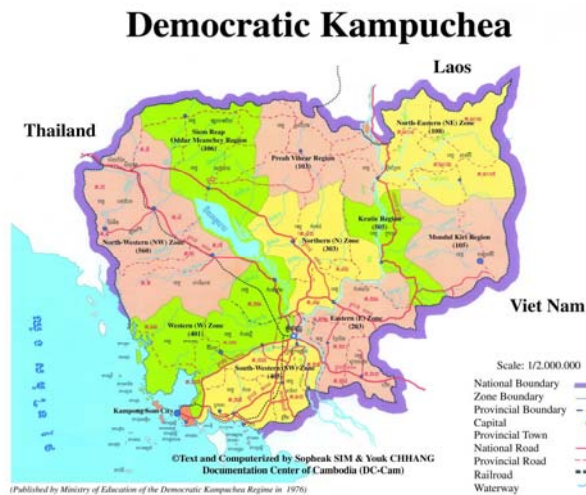
Victim Participation (VPA) Project
PROVINCIAL REPORT – KAMPONG THOM PROVINCE

April 2008

1. BACKGROUND TO THE VPA PROJECT'S WORK IN KAMPONG THOM PROVINCE

Background to Kampong Thom Province

Kampong Thom Province is located in the center of Cambodia and is bordered by the provinces of Preah Vihear to the north, Kampong Cham and Kampong Chhnang to the south, Kratie to the east, and Siem Reap to the west. It has a total land area of 15,061 km². The province has eight districts; namely, Baray, Kampong Svay, Stung Saen, Prasat Balangk, Prasat Sambau, Santuk, Staung, and Sandan. Kampong Thom Provincial Town is located 162 kilometers north of Phnom Penh. The province has a population of around 570,000 people, most of whom are engaged in farming and the timber industry.



(containing over 1600 pits holding around 180,000 corpses), ten prisons and six memorials in the province.

In 1976, Kampong Thom Province was located entirely in the Northern Zone, though parts of the province subsequently became part of the Eastern Zone. According to reports based upon the Renakse Petitions, the total death toll in Kampong Thom Province was 324,547 people. The vast majority—273,342—of the victims were peasants. In addition, 5,092 individuals were left disabled by the regime. During the regime, many people were killed during the construction of large dykes. As of February 2008, the Center's Mapping Project has found seventeen burial sites

Kampong Thom Province proves important to the work of the VPA Project because its inhabitants in 1982-83 account for a large number of the Renakse Petitions held in the Center's archives.

The History of the Renakse Petitions in Kampong Thom 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 87 Petitions from Kampong Thom Province. Unlike those from other provinces, those Petitions collected in Kampong Thom Province were collective. Usually, one or two representatives wrote and signed/thumb-printed a Petition on behalf of a large group, representing around 200 to 1000 individuals. Thus, unlike in other provinces, the Petitions from this province do not contain the names and signatures/thumbprints of all individuals represented. Groups represented in the Petitions include individuals from all walks of life, including: teachers, intellectuals, and villages.

2. VPA PROJECT'S FIELD TRIP OF MARCH 10TH-28TH

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 into practice and to provide valuable field experience to its staff members.

Preparation for the Field Trip

The Project provides extensive training to its staff on an ongoing basis.



Training Session with Harvard Associates

In January 2008, three Legal Associates from Harvard Law School – Paddy Glaspy, Neil Pai and Andrew Steinman – visited the Center and, with the assistance of John Ciorciari (Legal Advisor), provided training to the Project's staff and other DC-Cam staff members. The Legal Associates prepared a 16-page Interview Manual designed to introduce staff members to the various modes of participation, to instruct them in

completion of the Victim Information Form, to provide them with a background to the Renakse Petitions, and to inform them of the crimes within the Court's subject matter jurisdiction. On January 21st, the Legal Associates ran a training session for staff members, working through the Form step-by-step, focusing on interview techniques, conducting role plays and introducing the elements of crimes. Mr. Ciorciari visited the Center from January 15th to 23rd and supervised the Legal Associates' training program and met with Court officials to discuss matters relating to victim participation. In addition, Norman Pentelovitch authored an evaluation of the VPA Project and its goals.

Immediately prior to the field trip, on March 6th and 7th, Terith Chy (Team Leader) and Sarah Thomas (Legal Fellow) led two brief training sessions. They explained the Victim

Information Form to the team question-by-question, instructed them to focus on asking certain questions when completing the Form's Description of Crimes question in Part B, and explained the crimes within the Court's subject matter jurisdiction.

Details of Arrangements and Personnel

The VPA Project team used a house in Kampong Thom Provincial Town as its base during the field trip. The trip lasted for three weeks, beginning on March 10th and ending on March 28th. Ten staff members participated in the field trip.

Achievements of the Field Trip

Achievements of Team in Numerical Terms

During the field trip, the team succeeded in visiting five of the eight districts in Kampong Thom Province. Specifically, the team held meetings in thirty villages in twelve different communes. Team members informed hundreds of survivors of the Democratic Kampuchea regime of their participation rights and assisted 317 survivors in completing the Victim Information Form. On April 2nd, Ms. Bophal Keat, Head of the Victims Unit, collected the 317 Forms from the Center. The team hopes that the information contained in these Forms will prove helpful to the important work of the Court.

Team's Success in Reaching Out to Renakse Petitioners

Prior to the field trip, the Project's staff members selected many of the villages to be visited based upon the existence of Renakse Petitions from those villages. The team identified Petitions containing the names of eighteen individuals who had resided in the villages in 1982-83. Of these eighteen individuals, the team successfully located eight Petitioners. The other ten Petitioners had either died, moved away or were too unwell to complete the Form. Of the eight Petitioners contacted, only one chose not to complete the Form due to his belief that the Court cannot offer justice due to political influence.



VPA Meeting in Kampong Thom Province

The team found that all the 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. The team found that the Petitioners did not remember the circumstances surrounding the meetings or the effect of political influence on their Petitions.

Meetings With a Potential Civil Party at Request of Victims Unit

On two occasions, staff members met with a potential civil party selected by the Victims Unit who had filed a Victim Information Form with the assistance of the Project. At the request of the Victims Unit, the staff members sought additional supporting materials and provided the

potential civil party with information on protective measures. In the near future, the Victims Unit will submit the potential civil party's information to the Co-Investigating Judges for consideration.

Provision of Documentation to the Relative of Tuol Sleng Prisoner

Staff members assisted a woman in Baray District to complete the Form. She completed a complaint informing the Co-Prosecutors of her grandfather's death while imprisoned at Tuol Sleng. She told the staff members that she knew of his death at Tuol Sleng through a family friend who had seen his photograph on display there. She had visited the Genocide Museum herself and was prevented by a guard from taking a photograph of her grandfather's mug shot. Upset at not having his photograph, she asked the staff members to search for documentation relating to her grandfather and his photograph.

Upon the team's return to the Center, staff members found his prison biography with photograph. The Center will deliver the biography to her along with a framed reproduction of his photograph at Tuol Sleng.

Improved Public Awareness of Project

On March 17th, the Cambodia Daily published an article by Erika Kinetz and Yun Samean on the team's outreach efforts in Kampong Thom Province. Entitled "DC-Cam Team Searching for KR Complainants," the article provided an introduction to the work of the Project and featured quotes from Terith Chy and Nuon Dork, 61, a villager from Baray District. Nuon had filed a Petition in the early 1980s and appreciated the opportunity to file a second complaint today. Kinetz quoted Dork as saying, "I want the history to be written about the brutality of the Khmer Rouge regime so the younger generation can understand it."

Speaking of the Renakse Petitions, Kinetz praised the Center's desire to "cultivate" the voices of survivors resonating in the Petitions free, for the first time, from political influence. While their language may be politicized, the authors of the Petitions document undeniably the suffering of the people.

Positive Impacts of 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.

Example: Srey Soth, 76, Staung District, stated: "It's a relief to have someone to talk to."

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.

Example: A man told our staff members that, when telling his children of how that the young Khmer Rouge soldiers took people to be killed, his children could not understand why the people did not fight back and did not believe his explanation that they were too hungry to resist.

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 team's presence in Kampong Thom Province allowed staff members to assist the Victims Unit by meeting on two occasions with a potential civil party assisted by the Center.
5. The field trip provided useful experience to our staff in assisting survivors in the completion of the Form, building upon prior experience and recent training sessions.

Difficulties Experienced and Proposed Solutions

1. Lack of Readiness on Part of Village Chiefs

On a number of occasions, the team experienced difficulties because the village chief had inadequately prepared for the visit (for example, by failing to tell villagers, by giving them an incorrect start time for the meeting or by failing to tell them to bring identification). In many cases, lack of readiness resulted from poor communication with the village chief. In sixteen of the thirty villages visited, the village chief did not own a telephone and arrangements had to be made using the commune chief as an intermediary. This likely resulted in erroneous information being conveyed. In those villages in which the village chief owned a telephone, the team called him ten days, three days and one day prior to visit.

Recommendation: If the village chief does not have a telephone, contact the commune chief ten days, three days and one day before the visit to ensure that he has conveyed the message to the village chief and to check that the village chief has made appropriate arrangements.

2. Confusion Over the Purpose of Meetings and the Provision of Gifts

As the field trip coincided with the election campaign, many villagers attended our meetings in the mistaken belief that they would receive gifts in return for their attendance and, in particular, for completing the Form. At the outset of every meeting, in order to prevent confusion, our staff members clearly stated that DC-Cam is not a political party and that the team was there only to assist them in exercising their participation rights.

Recommendation: Continue to highlight at the outset that DC-Cam is not a political party.

3. Effect of Presence of Perpetrators and Relatives at Meetings

The presence of former members of the Khmer Rouge and/or their relatives at meetings had a very negative effect upon the number and completeness of Forms collected. Due to their presence, many villagers expressed unwillingness to complete the Form or refused to provide all necessary information (in particular, the names of perpetrators) because they feared retaliation from low-level perpetrators in their villages.

Example: In Kampong Svay District, a woman whose husband had disappeared initially refused to name the man who had taken him away because the perpetrator's son was present at the meeting.

Recommendation: Continue to encourage the participation of former members of the Khmer Rouge as important potential complainants and witnesses because

their presence allows the team: (a) to inform them of the limited personal jurisdiction of the Court; and (b) to obtain from them useful insider information about the Khmer Rouge regime.

4. Fear of Retaliation from Low-Level Perpetrators

A number of survivors refused to complete the Form because they feared retaliation from former members of the Khmer Rouge in their villages.

Recommendation: Continue to explain at meetings that the Court will only try senior leaders and those most responsible and will not target low-level perpetrators and, therefore, low-level perpetrators should not fear prosecution and do not have cause to retaliate if named.

5. Unwillingness on Part of Former Khmer Rouge Members to Complete the Form and Incomplete Disclosure of Events

Despite the team's explanation that the Court will only try senior leaders and those most responsible, many former members of the Khmer Rouge either refused to complete the Form or, in completing the Form, provided incomplete and possibly inaccurate information. Staff members found that former members routinely tried to cover up their crimes by blaming their superiors and highlighting their own good deeds.

Example: Former Khmer Rouge Member, 64, Santuk District: "I didn't know much and I don't remember much. I don't want to complete the Form. I'm afraid that I'll be exposed to the Court and be brought somewhere. I don't know how to describe things. I don't want to have any problems. I fear being prosecuted. But I don't fear the law. I fear retaliation from individuals (particularly in my village). I fear revenge."

Recommendation: Continue to explain at meetings that the Court will only try senior leaders and those most responsible and will not target low-level perpetrators and, therefore, low-level perpetrators should not fear prosecution and encourage their participation as important potential complainants and witnesses.

6. Difficulty Remembering Dates and the Order of Events and Remembering Dates Using the Chinese Calendar Only

As noted during other outreach events, survivors experienced considerable difficulties in recalling dates and the order of events during the regime. In addition, staff members found that villagers in Kampong Thom Province could often only remember dates using the Chinese calendar. Staff members could not readily convert these dates to the Gregorian calendar.

Recommendation: Continue to provide assistance to survivors in recalling dates by questioning them and assisting them in ordering events and provide staff members with materials to assist them in converting dates in the Chinese calendar to the Gregorian calendar.

7. Difficulties Experienced in Forming Questions

Members of the team experienced difficulties in forming appropriate questions to elicit all the necessary information when answering Part B's question relating to the Description of Crimes.

Recommendation: Hold further training sessions on a regular basis and conduct a one-on-one review of the Forms with staff members.

8. **Inability of Most Survivors to Suggest Victim-Centered Reparations**

The vast majority of survivors struggle to suggest forms of reparations which address specifically the needs of the regime's victims. Commonly, their suggestions are limited to addressing needs related to development, e.g. schools, roads and hospitals. Non-victim-centered reparations benefit victims and perpetrators alike. Promisingly, a small number of survivors requested the reconstruction of pagodas destroyed during the regime and genocide education to prevent a repetition of the atrocities.

Recommendation: Encourage survivors to think of reparations designed to address the needs of victims only.

9. **Limited Personnel Contributing to Collection of Suboptimal Number of Forms**

At almost all meetings, the team did not have a sufficient number of members to assist all villagers wishing to complete the Form at once, requiring many villagers to wait for a staff member to finish helping another before they had the opportunity to complete a Form. As it took around 60-90 minutes to assist in the completion of a Form, many villagers left before they could complete a Form due to the long wait. The limited number of staff members meant that the team could only collect around ten to fifteen Forms in one session. At this rate, the Project will not meet its target of collecting 10,000 Forms within one year.

Recommendation: Recruit additional staff members for the Project.

10. **Difficult Working Conditions**

Staff members found the working conditions in Kampong Thom Province to be difficult as it was very hot and access to villages was often by difficult roads. In addition, staff members found the working conditions in villages to be problematic as they did not have suitable work space as village chiefs usually did not provide tables and chairs and staff members were forced to work on the floor or ground. In addition, the small number of staff members meant that the existing staff members had to work very hard without taking suitable breaks to ensure that all villagers at meetings could complete Forms.

Recommendation: Request commune and village chiefs to provide tables and chairs for our meetings and recruit additional staff members.

Conclusion

The field trip to Kampong Thom Province proved very successful as the team collected over 300 Victim Information Forms for submission to the Victims Unit. The team hopes that the information contained in these Forms will prove helpful to the important work of the Court. Pleasingly, the Forms collected were far more complete than those collected previously due to improved training, supervision and checks for errors and omissions. In general, the



Staff Assist Survivors in Completing Form

Forms contained far more detailed responses to Part B's question on Description of Crimes with at least two pages of descriptive material in most cases.

The field trip provided an important opportunity to inform survivors of the regime of their participation rights and to reassure low-level perpetrators that the Court will try senior leaders and those most responsible only and not target them. Furthermore, the completion of a large number of Forms under supervision provided the team with a valuable training experience. As expected due to the collective nature of the Petitions from this province, the team could only meet with a small number of Petitioners and, thus, did not gain a comprehensive impression as to the veracity of and effect of political influence on the Petitions.

Prepared by: Sarah Thomas and Terith Chy