

VICTIM PARTICIPATION PROJECT

DILIVERY OF NOTIFICATION LETTERS IN KAMPOT AND KEB

17 – 26 SEPTEMBER 2010



"Duch should be kept in the pagoda and read Buddhist teachings until he realizes his guilt and change himself from within."

-- a survivor from Kampot

A Report Prepared by Terith Chy

PURPOSE

With the aims of promoting justice, contributing to national reconciliation, and creating a comprehensive historical record, the Victim Participation (VPA) Project of the Documentation Center of Cambodia (DC-Cam) seeks to inform survivors of Democratic Kampuchea of their rights to participate in the now-functioning Khmer Rouge Tribunal and to help them register with the Tribunal's Victims Unit.

ACTIVITIES



Survivors working on their rice paddy on which they were forced to work during the Khmer Rouge.

As of now, the ECCC has received some four thousands of complaints from survivors, in addition to another four thousands of civil party applications, with the assistance of DC-Cam's VPA and other intermediary organizations. According to the Internal Rules of the ECCC, as far as the complaints are concerned, Office of the Co-Prosecutors (OCP) will have to respond to those survivors who had

submitted their complaints within 60 days after receiving the complaints. In reality, OCP has failed to communicate with complainants within the period as prescribed in the Rules. It was approximately two years later that OCP began to issue notification to complainants. OCP has been struggling in terms of communicating with complainants and has since sought assistance of the Project. Realizing the importance of complainants knowing what happened to their complaints submitted earlier, the Project has decided to provide its assistance to OCP while at the same time revisit complainants it has assisted for the past years. The Project has continued to provide this kind of assistance to OCP since early 2010.

Between 17 and 26 September 2010, VPA team went on a field trip to deliver notification letters from OCP to complainants residing in Kampot and Keb provinces. During this period, VPA met with and delivered notification to 176 complainants in the two provinces. These complainants had filed their stories with OCP approximately two years ago when the ECCC was investigating crimes committed against the Cambodian people by the Khmer Rouge leaders. With the delivery of notification letters, VPA was able to revisit survivors the Project had assisted before and, by taking this opportunity, the Project was trying to grasp the level of knowledge about as well as of their satisfaction with the works of the

tribunal. Reactions were generally positive of the works of the tribunal, although many had expressed their unsatisfactory result with the judgment against Duch, which they see as far too lenient vis-à-vis crimes committed in S-21. Many survivors told the Project they would like to see Duch being incarcerated for his entire remaining time. Some of the survivors the Project had met in these two provinces were Cham Muslims, many of them religious teachers and leaders, who had filed their complaints approximately two years ago.

OUTCOME

During this ten day period, VPA delivered 176 letters of notification to complainants residing in nine districts of the two provinces. Many find this notification an acknowledgement of their sufferings. And for some of the complainants, they have been waiting for this sort of official response from the ECCC to their complaints for a long time. Receiving the letter has brought joys and, to a certain extent, closure for many survivors. While deliver notification, VPA



Villagers read DC-Cam booklet on Case 002 and summary of Duch verdict.

The Cambodia Daily NATIONAL More Than Words Owed Victims, Plaintiff Says

By PHORN BOPHA
THE CAMBODIA DAILY

In convicting the former leader of the secret police in July, the Khmer Rouge tribunal offered the former regime's victims a list of intangibles: a place in history, official recognition of their suffering and the apologies of the accused.

But for Prak Sinann of Kampong province, who lost five members of her family and as a teenage girl in 1978 was assigned to a husband in a mass ceremony with 37 others, the victims of Democratic Kampuchea deserve something that will help them cope with their trauma and live their lives today.

"I have heard that we'll get compensation, but it is kind of tough. I got the feeling that the court is tough with the plaintiffs," she said in an interview conducted last week by the Documentation Center of Cambodia.

"People in the whole country were victimized. I want something for the people, not empty hands, since the people who have filed complaints are those who struggle," she said.

"The wounds that Cambodians have until now, no one could heal. I want the court to open a hospital or find a way to give psychological therapy to people," she said.

Just over 2,000 people have been admitted as civil parties to next year's trials of senior regime leaders in a case with the largest number of potential victims of any in 55 years.

The 66 recognized civil parties in the trial of former S-21 Chair-



Prak Sinann, 45, right, is interviewed in Kampong province last week, along with Phor Panhavuth, 66, left.

man Kaing Guek Eav were not offered material assistance. Trial judges rejected as vague or impermissible all civil party claims for damages, including the construction of memorials, education and outreach programs and providing medical care.

The accused was found in any event to be too poor to pay any damages.

But a concision of the tribunal's judges this month altered the court's procedural rules, creating the possibility that, as civil party lawyers have long asked, a fund may be established to pay reparations.

The new rules have yet to be published and civil party lawyers, including the recently appointed lead civil party lawyer Phn Ang, were reluctant to discuss the matter.

In telephone interviews, Ms Sinann said that, while she did not mind being identified in the news media, she planned to ask her lawyer to have her name stricken from court records. Victims in the tribunal's previous trial were listed in the court's final judgment.

"I don't want the court to display my name since I am in the light while they are in the darkness," she said, describing Khmer Rouge partisans she said might wish to harm her.

She did not know the date in 1978 when she was forced to wed, but recalled that she told her new husband that the killing left her no hope for a marriage.

"I told him to leave, that there was no future for us. I knew this because my family members had died," she said.

continued to conduct interviews with survivors and capture their story, emotion and reactions in audio and visual format. We believe these stories will stand to tell younger generations for hundreds of years to come about what happened during the Khmer Rouge period. Throughout the field trip, VPA has captured 18 individual survivor stories and a number of question-and-answer group discussions.

Through the Project, complainants Prak Sinann and Phor Panhavuth were able to express their concerns and thoughts on the Cambodia Daily and Khmer language daily, *Rasmey Kampuchea*. They express their dissatisfaction

with the sentence against Duch and the reparation awarded against the accused. The Project has continued to perform these activities since the beginning of the Project

and, in fact, such debates and discussion have helped maintain the momentum of interest and support for the Khmer Rouge tribunal.

CHALLENGE

The delivery of notification was not without any challenges. Aside from the heavy rains and cars broken and stuck in the mud, VPA has found that, despite continued follow-up callings to village chiefs, there remained places where village chiefs failed to gather villagers necessary for the meetings. This was overcome by VPA staff member going door-to-door to hand letters of notification to complainants. In addition, this was rice planting seasons and, therefore, gathering complainants for the meetings are not as easy. In such cases, VPA leaves letter of notifications with family members of the complainants and this only happened to a small number of complainants, nonetheless.

Due to procedure issued by OCP, the person who receives notification letter, either for him/herself or somebody's behalf, shall sign or thumbprint on a receipt form. At least in two occasions, two survivors refused to accept the notification letters fearing that their signature shall be used for other inappropriate reasons despite repeated attempt by VPA staff members to explain and reassure them. Such fear is understandable given the level of education and information these survivors in such remote areas possess. In fact, these two complainants cannot even read and write. They had filed their complaints more than two years ago and already forgot about their filings. This is a legacy from the Khmer Rouge period. Trust within the society has never been fully restored due to what happened; one had to keep everything to themselves or risked fatal consequences. The Khmer Rouge did not tolerate any criticism or anything critical of their ideal communist ideology.

During the field trip, the Project unfortunately found that 7 complainants have passed away due to their sickness and old age. Almost every field trip, the Project has observed similar incidents. This shows that survivors have died, for various reasons, on a continued basis while waiting for justice they so deserve. Vast majority of the survivors the Project has met have complained that the tribunal is moving too slowly. In fact, it is not entirely true that the tribunal is moving too slow, but it is due to the compelling desire for justice they have longed for. Despite attempts to explain the complexity of the legal procedures the ECCC has to follow, survivors generally are worried that the ailing and aging accused may die before their prosecution.

HIGHLIGHT OF SURVIVOR STORIES/REACTIONS

Saret (សារ៉េត), an elementary teacher, and **Horn (ហ័ន)**, a former chief of Khmer Rouge's Fifty-member Unit, who defected to the Government on May 1979 shared their stories as regards to the Khmer Rouge period.

Saret and his wife were forced to marry with another four couples in January 1977. They met each other once before the marriage, a day after which the two were separated. Ten days later, he learnt that, while they were away working, his father and his other two aunts were arrested and put to work in Mount Mlou before being transferred to La-ang. They were all arrested for simply belonging to a class of higher status before the Khmer Rouge period. His two aunts were released a month later, while his father was executed. Saret honestly told VPA that he felt his wife ignored him after his father's execution. Nonetheless, the two are still together today. After bearing the hardship for years, a glimpse of hope for survival hazily appeared. Approximately in March 1979, the Vietnamese troops arrived in Kampot province, but the tragedy continued.

At the arrival of the stronger foreign troops, the Khmer Rouge spread rumor that "Vietnamese troop shall cut open anyone they find" and forced people to go along with their running. A lot of people in Kampot went along with the Khmer Rouge, crossing Phnom Leah Bang (literally means abandon mountain range). The range consists of many mountains stretching one after another until the Thai border. The lack of food in particular and too many dangerous crossings had forced many people to abandon their loved ones. According to Saret, it was not abandoning as referred to by many. Those who still managed to move continued their journey with the hope that they would be able to find food and return to their loved ones left behind. However, Saret claimed that dozens of thousands were left to die without food.

Saret told VPA that he met a man who told him before committing suicide that "Please do me a favor if you survive. Tell my relatives in Kampong Trach that all of my 12 member family died here." Saret was able to survive the journey and had spent approximately three months with Ta Mok before returning to his village. According to Saret, Ta Mok was a "paranoid person" who switched his mind at any moment. On his way to his village, Saret was committed to killing 15 Khmer Rouge cadres in order for his anger to subside. His revenge was washed away with the words of his mother, "Only water, not blood, can remove the stain of blood."

Horn, a former Khmer Rouge soldier, told VPA that in early 1970s he was a monk and then a teacher. However, because of the war, he joined the Khmer Rouge army in circa 1972. In 1979, when the Vietnamese troops liberated Kampot, he and his

subordinates, for a certain period of time, hid themselves during day time and traveled at nights through the jungles. To survive, he and others had to beg for food from villagers. Due to such unbearable condition, he and his subordinates decided to turn themselves in on 2nd May 1979 in Kampot. After returning to his home village, Horn was arrested by the authority for his involvement in the past. He was later released after exposing a letter stating he was a Khmer Rouge defector. Shortly, he was re-arrested and had been incarcerated for 28 days in Chhouk and Kampot district detention centers. He was interrogated and put to work in the detention compounds before his release, after which he returned to his village. "People discriminated against me [for they still saw me as a Khmer Rouge cadre]," Horn said of life immediately in the village after his defection.

Hong Khna (ហុង ខ្មែរ), 51, farmer, Kampot province: Born to a business family in Phnom Penh, Khna has six siblings. His father owned a garage and his mother sold rice and noodle at home. Being the first son of the family, he received education better than the rest of his family. Prior to the fall of the Lon Nol regime in 1975, he finished grade 6 (six years of education). He stated that a few days before taking control of Phnom Penh, the Khmer Rouge soldiers shelled the city with their artillery and most of the time his family took shelter to escape danger. After the Khmer Rouge took over Phnom Penh, they stripped people of their belongings and shot those who refused to let go. The Khmer Rouge told the city dwellers to get out of the city and should not bring things along as they would return in just three days. During the evacuation, the family decided that they return to their home village in Takeo province. However, they could not make it because the Khmer Rouge did not allow them to move on that direction. Then they decided to go to his mother home village – Chhouk district, Kampot province. Upon their arrival, he was made to work in a mobile work brigade. From that moment on, he never lived with his family again. His unit was ordered to build paddy dykes, dig canals, and transplant rice seedlings in the commune and other tasks.

In 1976, Khna along with his unit was ordered to construct Ramlech dyke. The working condition was such extreme that everyone was supposed to work from 4am until night. He managed to cope with the working condition, however miserable, but food ration was rather terrible. Most 17-April people¹ were put to carry dirt, while

¹ The 17-April people were those who evacuated from cities and towns. These people were most of the time treated worse than the rest due to their connection to city lives. The Khmer Rouge viewed them as members of the oppressing class. Many of them were killed or died as a result of discriminate treatment.

the base people² were put to dig the earth for the new people to carry. He worked hard every day because he did not want other to criticize him during the criticism meeting held at the nights. People were given a day off every ten days. On that very special day, he always walked a long distance home to visit his family. However, he never spent the night with the family fearing that he could be mistreated for that so-called subversive act.

In 1976, he learned that his father was taken away under the accusation of being a colonel during the Lon Nol regime. Everyone could do nothing, but crying. He later learnt that the commune security police captured and later executed his father, who as simply a mechanic, innocent of the accusation. Then in 1977, his unit was relocated to construct dyke at Koh Sla. Not only had he worked from dawn to dusk but also night time. He was put in a special unit whose job was to do any assigned task at any moment. The working condition and food ration at Koh Sla worksite were so bad that he fell sick. In late 1978, his unit was relocated to work near Mount La-ang, a place where his mother was taken for re-education. Accused of malingering, his mother was taken for re-education at a camp near Mount La-ang. Truth was that his mother fell sick due to overwork and malnutrition. Khna tried to find his mother at the camp, but could not find her. Later, he was told that his mother was executed.

When the Vietnamese troops invaded Kampot 1979, he ran along with the Khmer Rouge to the border. However, he was stopped by Vietnamese troops in the way, and they told him to return to his village and reunited with surviving family members. After the collapse of the regime, he volunteered to fight against the Khmer Rouge. The situation in Chhouk remained in turmoil for a long time after the end of the Khmer Rouge regime because the Khmer Rouge remnants still terrorized the area and was only stable in 1993. Khna was eager to file his complaint application as he really wants to see justice done for him, his family and other victims. When asked about the ECCC trials, he does not follow the trials regularly because he has to work to feed the family. He has so far been satisfied with the judicial process – in particular, Duch' verdict – because he thinks that is justice he has been waiting for; he hoped Duch will spend all his time in jail.

² Base people were those who resided in the areas controlled by the Khmer Rouge before 17 April 1975. Members of the Khmer Rouge regime were recruited from this class – poor peasant class. Members of this group, often but not always, receive better treatment.

Below are reactions from complainants - Mom (ម៉ម), Len (លេន), Orn (អ័ន) and Ang (អង់) and others, all from Kampot - in regards to the ECCC and the sentence imposed against Duch.

Mom is not satisfied with the judgment sentencing Duch to 19 year imprisonment after reduction as she wants Duch to be sentenced to life. Due to the alleged widespread corruption in the country's judiciary, Mom doesn't convince that ECCC could deliver true and impartial justice. Mom is not alone in holding such view as this is a common allegation leveled against the country's judiciary. In fact, many optimists believe that the ECCC will make a difference and that it will begin to build trust between the population and the judiciary. It remains to be seen if the ECCC is successful in this mission.

Orn believes the current society is far better than the one he experienced during the Khmer Rouge era. He believes the tribunal will be able to deliver some sort of justice for the crimes committed by the Khmer Rouge. However, he and Mom shared the view when it comes to the sentence imposed against Duch. He believes Duch deserves life sentence. On the contrary, Len wants the sentence awarded against Duch to be lighter. She reasoned that Duch was one those who simply followed orders given to them by their superiors. "The top wants you to turn right; you must turn right, not left," said Lorn.



DC-Cam researcher Nhean Socheat talks to survivors about their experience under the Khmer Rouge era.

Ang, a petitioner who participated in the creation of the Renakse Petition in the early 1980s,³ also feels that the sentence was too lenient for a person who had committed such atrocity. He is concerned that Duch might walk free should he survive his incarceration. "I am Khmer

and hold Cambodian nationality and, as such, the trial is my concern," said Ang, although Duch did not personally involve in the killings of his relatives. Also during

³ 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 petitions were intended to be forwarded to the United Nations, but, for some reasons, never reached the UN.

this discussion with Ang, one of the participants gave his views on *karma*. According to the person, in religious terms, vindictiveness does not end if ones continue to be vindictive. The person does not want to make judgment on the Duch judgment and would rather accept as it is. "Duch should be kept in the pagoda and read Buddhist teachings until he realizes his guilt and change himself from within," suggested a person also attending the discussion. Another person jumped in and argued, "stopping people from avenging is extremely difficult." He suggested that one way to remember the sufferings of the Cambodian people and prevent it from happening again is to publish documentaries and any documentation to allow for younger generation to understand and learn from these mistakes.

IMPACT

During VPA's field trip to Kampot and Keb, VPA has found that a survivor, who joined the VPA outreach meeting back in 2008 and announced the search for missing family members in DC-Cam's Searching for the Truth, has found her missing brother after being separated for more than 30 years since when they were very young. Neak Haon (នាក់ ហែន), elder sister, and Neak Thy (នាក់ ធី), younger brother, were orphaned during the war between 1970 and 1975. Their mother died since when they were very young and after the death of their father due to the war, the two siblings had separated since the brother was taken away to join the battle field with the Khmer Rouge force perhaps in 1973. For more than 30 years, the two had never seen



Left: Neak Haon, Right: Neak Thy

The two siblings had been separated for more than 30 years and were only reunited in 2009. They found each other on DC-Cam's Searching for the truth.

each other again.

In late 2008, VPA visited Haon's village in Kampot and

suggested that she announce the search for her brother in DC-Cam's Searching for the Truth. According to her, about 6 months later, her younger brother started to contact her as he surprisingly saw the announcement. With the assistance of Haon's village chief, the two siblings reunited and were extremely joyful. Such reunion is extremely rare. Often, survivors found information about their deceased relatives with the assistance of DC-Cam. Nonetheless, Haon's case is extraordinary as the two are alive. VPA believes there are more such separation in Cambodia after decades of wars, genocide and turmoil.

On a separate matter, VPA team has revisited many villages in the two provinces and held meetings as they handed the letters to complainants. While doing this activity, VPA also encourages people share their experiences during the Khmer Rouge regime with their fellow villagers as well as their perception of the trials currently seeking justice for them and the millions perished to the regime. For many, this has been their only chance of sharing their terrible memory and, thus, brought them emotional relief to some degree. VPA sees this process as bringing about self-relief and, to a large extent, reconciliation with the past. Survivors were encouraged to share their views as to the process of the trials and to the verdict recently awarded against Duch. Through this process, people have been motivated to express what they think both positive and negative and, as such, empowered to take part in any social activities and exercise their freedom of expression. Due to the fact that survivors were mainly women, those participating in the Project activities have been predominantly women and, as such, they were empowered to participate and express their views and thoughts as to the prosecution of those bringing pains upon them three decades ago as well as the impacts upon their daily lives.

Survivors interviewed by the Project have significantly contributed to the debate on what happened during the Khmer Rouge regime as well as on the significance and impacts of the Khmer Rouge tribunal. Stories and views of these survivors have been published on many print media both in English and Khmer, namely Searching for the Truth, The Cambodia Daily, Phnom Penh Post and Rasmei Kampuchea. These articles and debates have sustained the momentum for the Khmer Rouge tribunal.

END.