

**Building Democracy in Cambodia through Legal Education
Witnessing Justice 30 Years Later**

Villagers Anticipate Verdict on Case 002/01

July 8-10, 2014

Introduction

Most of the people of Dang Kambet commune, Kampong Thom province, are eagerly awaiting the pronouncement of the verdict in Case 002/01, against former Democratic Kampuchea (DK) head of state, Khieu Samphan, and former ideologue, Nuon Chea, forthcoming on August 7, 2014. Many said as lay persons they were much more excited to hear the result of the Case, including the level of sentencing, than they were to follow the often complex legal proceedings of the rest of the Case. They took the liberty of discussing notions of legal justice that can accompany a guilty verdict, but had no idea about the extent to which each other would be satisfied with it. Accordingly, many also speculated



DC-Cam's Public Village Forum (PVF) held in Dang Kambet commune, Sandan district, Kampong Thom province. (July 9, 2014)

whether forgiveness would be plausible. To this end, the Public Village Forum (PVF) team found that opinions varied; but, each individual shared in common an expressed need for the memorialization of the bitter past. The July 9th forum included eighty villagers, students, teachers and local authorities in the almost two-hour discussion. This report covers the public discussion on both the history of DK and the forthcoming pronouncement of the verdict in Case 002/01, followed by suggestions and opinions from the villagers and students in attendance.

The Forum: Forthcoming Verdict in Case 002/01 Debate

On July 9th, 2014, the Dang Kambet community, which is encircled by Prey Long forest, a controversial spot for deforestation, hosted a public village forum on the proceedings at the Extraordinary Chambers in the Courts of Cambodia (ECCC) and the DK history. Both topics generated a heated debate among participants. The senior members of the community began the forum emitting a sense of dismay toward the younger generations, challenging their narratives about the DK history. Mr. Mai Kay said it appeared that many youths underestimated the circumstances that comprised a social turning point and caused people to be terrorized, traumatized and killed. However, Mr. Mai believed that the only way to instill this memory in younger generations was to constantly remind them. Mr. Hun Sok recounted his personal experience of his family members being executed. He said that as he witnessed the killings, he was most afraid that he would be killed himself. Mr. Hun Sok's younger brother was a former KR soldier who returned home only to be incarcerated, where he later died. He was an outspoken person who criticized the KR for the extreme hardship of the population. Mr. Hun even recalled how the extreme hunger forced the prisoners, including his brother, to eat a living cat.



Villagers, students, and teachers engage in group discussion
(July 9, 2014)

The participants spoke about the tribunal and its ability to help reveal a certain degree of truth to further verify the KR atrocities. Nevertheless, they expressed mixed reactions as to what level of sentencing would be appropriate. The ECCC will issue a verdict in Case 002/01 against Nuon Chea and Khieu Samphan on August 7th, 2014. In

anticipation of the upcoming verdict, the participants took the forum as an opportunity to debate the sentencing issue. Mr. Kung Luon, 75, Mr. Srei So, 63, Ms. Pov Kheang, 65, and Mr. So Phat, 74, among others, said the criminal acts that the KR leaders committed deserved life imprisonment. Despite their speculative satisfaction with this type of sentence, they said the entire legal process has uncovered other causes for concern: (1) the slow progress of the ECCC, and (2) the trial of just a few individuals with huge spending.

The sentencing discussion led the participants to consider whether they should stop holding grudges against those former KR leaders. Mr. Srei, Mr. So, and Mr. Kung reiterated that they would not forgive them. Mr. So Phat said the sentencing would never let him forgive those KR leaders. He said they caused our population suffered enormously. The trial of the two KR leaders would never be enough if we thought about the losses of our people and the destruction of our country." But Mr. So was unsure what mechanisms should be initiated after the trial to ensure justice. He simply said that these measures depended on the government and other institutions that could help the people heal past wounds. Mr. Srei merely pointed out that the former KR leaders's flagrant denial of any wrongdoings during

their rule caused him to remain tied with anger. However, Mr. Kung differed from the two speakers above. He said the trial made him relieved and he wished for no further trial, but that forgiveness would never be possible, even if the two KR leaders confessed their wrongdoing and died of natural causes.

However, the speakers in the forum such as Mr. Kung and Mr. So agreed in principle that remembering past human rights abuses should be a significant task for all the people, and that survivors should narrate their stories to their children. The participants said it should never be forgotten as so many people were taken away to be executed or died of other unnatural causes. Mr. So's suggestion to the court was to completely end the trial process to avoid the KR leaders's premature death. He thinks it is important to prevent further recurrence of such a crime.

Reactions to the Forum

Various opinions from the participants were expressed in line with the discussion topic and the history of the KR and the ECCC.

Ms. Van Net, 16, a seventh grader at Sre Veal Khang Kaet Secondary School, said that she found it useful and important to see a complete trial of those ageing KR leaders. She hoped that the verdict would be appropriate and acceptable for those who suffered the KR regime. Ms. Van said she would use her available time to follow the trial. She believes that if those KR leaders decided to confess or reveal the whole truth, it would be a valuable source for the people of this and next generation to understand. Ms. Van said that some people might consider forgiveness in an effort to be rid of ties to anger. It is crucial for the younger generations to make a conscious effort to remember that past to prevent any such a regime from recurring in the future.



Students attend PVF (July 9, 2014)

Ms. Kun Sarim, 15, a seventh grader of Sre Veal Khang Kaet Secondary School, said she was happy to have followed the trial proceedings at ECCC. Her parents' narratives were greatly supplemented by the tribunal. She thought, however, that the trial of only two former KR leaders was too few to provide satisfaction for many people. Ms. Kun believed that the effort to preserve the memory of the KR regime should be made to prevent any future human rights violations.

Ms. Chhuon Savy, 15, a seventh grader of Sre Veal Khang Kaet secondary school, said her expectations from the trial were to hear the accused persons' confessions of the crimes they committed and to accept their guilt in accordance with the law. Ms. Chhuon wished to see the verdict that would clarify the length of the KR leaders' prison terms. Ms. Chhuon

said that nevertheless, the prison terms would never bring back the losses that each survivor has suffered. Ms. Chhuon starkly remembered her mother's narratives that depicted how miserable their lives were. Regarding the possibility of forgiveness, Ms. Chhuon suggested that it should be possible for each survivor to forgive in order to stop the anger and allow everyone move forward constructively.

Conclusion

The participants discussed the forthcoming pronouncement of Case 002/01 against Nuon Chea and Khieu Samphan. They expressed their potential satisfaction with the verdict, as it would verify the crimes committed during the period of the KR regime. However, when asked if they would forgive them or stop their long-held anger after the trial, the people



PVF Team interviews a student (July 9, 2014)

differed in their views. Some said the KR leaders should be tried and imprisoned for life allowing them the space to re-think their past conduct and to teach them a lesson. But other will never forgive the KR leaders, as their crimes were so horrible. Some even threw their abusive words at them. However, most of the participants wondered why the verdict has taken so long to issue and costed so much money. The forum ended after nearly two-hour discussion.

APPENDIX I: Photos of the Forum

http://d.dccam.org/Projects/Living_Doc/Photos/2014/Public_Village_Forum_in_Kampong_Thom_Province_on_July_08-10_2014/index.html

APPENDIX II: The Story of Mr. So Phat

By: Min Sanas

Mr. So Phat is 75 years old, and he was born in Dorng Totoeng Village, Ngorn Commune, Sandan District, Kampong Thom Province. Because there were only few schools available in the past, Mr. So had to serve the monk at Kraing Ngorn Pagoda in order to be educated. He had two wives. In 1963, Phatt married his first wife whose name is Nhean Sobon. And five years later, they were divorced. In 1968, he married his new wife whose name is Mok Roeun, and has since moved to live with his new wife. She was born Sre Veal Village, Dang Kambet Commune, Sandan District, Kampong Thom Province. After getting married, Mr. So and his wife did the farming like other villagers, with average living conditions.

In late 1969, the situation in the village became chaotic because the Khmer Rouge took control over the entire commune, which happened before the coup against Prince Sihanouk in March 18, 1970. At that time, villagers were afraid of bombardment and the

activities of the Khmer Rouge soldiers who came to the village and sought to collect provisions. The provisions were needed to supply to the Khmer Rouge soldiers who were staying in the forest around the commune. Men and Women were forced to join the Khmer Rouge soldiers and were trained to fight against Lon Nol soldiers. Their lives were under the control of the Khmer Rouge soldiers, but they ate personally. The food ration was organized and distributed by Angkar depending on the family members.

In mid-1973, the Khmer Rouge cadres started dividing people into different groups by the status of people's living condition during the Sangkum Reastr Niyum regime. There were middle class farmers, high class or good people, bad people, and people who had political tendency in favor of former government. Angkar classified Mr. So as middle class farmer after he was investigated by the Khmer Rouge soldiers and spies.

The Khmer Rouge gained victory over the Khmer Republic regime, Lon Nol, on April 17, 1975. About one week later, Mr. So saw the newcomers evacuated from Phnom Penh to Dang Kambet Commune. The Khmer Rouge cadres called them the "17 April People" or "New People." The commune and village spies compelled those new people to write their personal background for Angkar to prove their honesty. People in the village whispered to each other about thirty families who were evacuated from Phnom Penh that were former government officials or soldiers of the Lon Nol regime. The Khmer Rouge cadres assigned some families to live with resident families or in the pagodas, and other families were assigned to set up their own cottage for living. The food ration was rice soup mixed with banana tree. Angkar treated new people badly by overworking them with heavy workload. As Mr. So was classified as middle class farmer, Angkar assigned him to work far from his house where it was considered it was a hot zone. A hot zone was a dangerous zone where some people suffered fever and died. Mr. So tried hard to work because he was afraid of dying since he knew that Angkar executed people every day. Mr. So also thought that he was an honest person, so Angkar would not kill him.

During 1977, Angkar treated new people and based people stricter. New people were assigned to return to their hometown. Two or three families left at a time out of the commune. Mr. So said that those new people were very happy at that time, and they said goodbye to people who they used to work with. They thought that they would be able to return home, but in fact the Khmer Rouge tortured them, executed them, or put them in a security office in the forest which was located in Sandan District. Mr. So tried very hard to work for Angkar until the victory day, January 7, 1979.

After such a cruel regime was over, Vietnamese soldiers appointed Mr. So as Dang Kambet Commune chief. Though this village was liberated, the Khmer Rouge soldiers were still remained in the forest around the commune and came to collect provisions from people in the village, so it was hard for Mr. So to put the commune under the control. People were harmed by landmines of the Khmer Rouge soldiers. Villagers were living with fear due to the attack of the Khmer Rouge in the village. Mr. So wanted all people in the village to prevent the Khmer Rouge soldiers from coming in the village and give no more food to soldiers in the forest, but also to avoid internal warfare. Mr. So believed that "we should follow the superior's saying "clean the blood with water" and "avoid using blood to clean the blood".

Today Mr. So reiterated that the Khmer Rouge Tribunal is a way to "clean the blood with water" because the punishment allows those leaders to learn their mistakes, which they committed during their ruling. Mr. So was very satisfied with the court except that the court kept delaying the trials because if the accused died, the court would become useless. As one of the victims, Mr. So expected that the court would punish the accused with a life

sentence, which Mr. So believed to be sufficient for the suffering and sadness of the victims during that regime. Because millions of people died during that regime, but only two or three accused were prosecuted, Mr. So thought it was not reasonable and unjust for those victims who were dead. To avoid such cruel regime to be repeated, as an elder in this commune, I suggest that young children should be told about the stories that was happened during the Khmer Rouge regime and taught about the History of Democratic of Kampuchea. We should not forget that history.

Rapporteur: Ly Sok-Kheang

Team Members: Sanas Min, Sreineath Mut and Yin Saom

Funded by Office of Global Programs, Bureau of Democracy, Human Rights, and Labor (DRL), U.S. Department of State.