

មជ្ឈមណ្ឌលឯកសារកម្ពុជា
Documentation Center of Cambodia

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

ECCC: A Model to Help Ensure that the Rule of Law Prevails

April 28-30, 2013

Introduction

In order to build a stronger foundation for the rule of law in Cambodia, people must remain engaged in the trial proceedings against former Khmer Rouge (KR) leaders. This is the way we can be certain citizens know that justice is being properly delivered to them and their countrymen. On April 28-30, 2013, twenty five villagers and local leaders (five of them women) embarked upon a day-long journey to view the practice of rule of law at the



All participants and DC-Cam team take photo in front of Building C of Tuol Sleng Genocide Museum

Extraordinary Chambers in the Courts of Cambodia (ECCC). These proceedings are providing a good legacy for Cambodia's judicial system. Although the villagers, all from Oddar Meanchey, a province bordering Thailand, were busy earning their living, they were eager to travel to observe the court in action. They believed they should take advantage of the opportunity to visit the Court for two reasons.

First, Cambodian citizens over 35 years old have experienced and remember the KR authoritarian rule that left them, their families, and their neighbors traumatized. Almost every single Cambodian family lost at least one family member to the regime officially called Democratic Kampuchea (DK). Prior to this visit the majority of the villagers interviewed

talked about the death and disappearance of their parents, their siblings, and other close relatives. For example, Mr. Sie Ton, 51 years old, said the most tragic moment for him was the time when his mother was detained, tortured, and then executed because she stole food for him. Although he did not witness the execution, he saw her body in a grave along with others. Similarly, Mr. Phuon Poeun, 58 years old, still thinks of his mother who died of an unsuccessful child delivery provided by the improper health care system. Additional details from the memories of the villagers appear in the Appendix below.

Second, they expressed their faith that the ongoing judicial process will do justice for them although they remained cautious about the extent to which the ECCC would succeed in its mission. Ms. Kao Meu, 42 years old, stated that she wanted to see with her own eyes how the tribunal proceeds and whether justice can be achieved or not.

The participants began their observation of the court proceeding on April 29, 2013 by hearing a testimony of Mr. Sa Sarin, a civil party.

Observation and Reflection on the April 29, 2013 Court Hearing

On April 29, 2013, ECCC's Trial Chambers held a proceeding to hear Mr. Sa Sarin's testimony. Mr. Sa Sarin talked at length in the morning, but refused to cooperate with the court in the afternoon until the court promised to provide life-long security for him and his family.



Mr. Sam Phin sits in front of ECCC's court room

The participants stated that they learned new information from Mr. Sarin's morning testimony as he talked about the KR leaders. He started with the description of his involvement in the revolution at age 13. His full-blown participation commenced in August 1973 when approximately 130 youths were mobilized from his commune. His work included conducting revolutionary campaigns through the work of a team of artists and collecting

foodstuffs for the military. During the KR period (1975-1979), he was a driver of K-12. Specifically, he was assigned to drive foreign guests from three main countries—Burma, Laos and China. Mr. Sarin mentioned many senior KR leaders, notably Khieu Samphan and Nuon Chea, recounting how they were present to welcome delegations from Burma and Laos. He added that Pol Pot was only present to welcome the visit of the Chinese delegations. As Mr. Sarin remembered, Ieng Sary was concerned about the security of those visits. He provided special training and education to K-12, bodyguards, and reception units about how to prepare for the foreign guests.

Mr. Sarin did not go deeper into the details of the trainings. He however did remember Ieng Sary talking about April 17 as a victorious day, mentioning the shortage of food, the people's plight, improper shelter, and no medication. Afterward, Mr. Sarin recounted what Nuon Chea said to the trainees. Nuon Chea spoke about three successes by

the Party: first, the victorious day of April 17; second, the triumph of building dams and other constructions; and third, the victory of purging enemies.

In a series of interviews about their perceptions of the morning proceeding, participants said they believed that the witness provided important facts about the senior KR leaders' activities with foreign guests and that the witnesses were truthful in their statements about starvation. For example, Chap Bunthoeun, 60 years old, found the news about what happened inside Phnom Penh interesting, especially the delegations that visited Cambodia at that time. It appeared to him that the DK had foreign relations with a number of countries on both diplomatic and commercial levels. He had no knowledge about the state level issue, but did know about the lack of food and improper medicine. Those issues were commonly understood to be true; the KR leaders were believed to be responsible.

Regarding Mr. Sarin's testimony, Sam Phin, 60 years old who lost his left leg to the American aerial bombardment, said Mr. Sarin gave a good history of the activities of the KR leadership. Mr. Phin did not live in a cooperative during the regime but served as a soldier. In response to testimony about food shortages, he said that there was a difference in the way citizens and soldiers were treated. Those who were engaged in the battlefields could be well fed while those who did not fight would be provided inadequate food.

The prosecution took the floor and outlined four main points for discussion: the killing of Lon Nol's soldiers, the value of the Khieu Samphan and Nuon Chea statements, the death at security centers, and the instruction about communicating with foreign guests. Mr. Sarin wanted to end his testimony there, awaiting the promise of protection for him and his family by the government and United Nations. His testimony ended with presiding judge Nil Non approving of the request.

ECCC: A Model of Fighting Impunity



Villagers walk out of Building B of Tuol Sleng Genocide Museum

While observing the trial proceedings at ECCC and visiting Tuol Sleng Genocide Museum, the participants thought about and valued the use of a court of law to tackle the claim of impunity by the former KR leaders. They also contemplated the positive legacy of such an approach.

Like other Cambodian people, the participants had two principle ideas in mind. First they wanted the relief of having a final verdict of guilty, and

second, they wanted the trials to serve as stark warning against any future reoccurrence of such atrocities.

Mr. Thai Sina, former KR soldier, and Mr. Hem Khim from Anlung Veng district said: "Justice in the cases of former KR leaders is important to me and to society. Subsequent leaders must be warned not to follow suit, rather to find ways to develop society properly."

Other participants such as Uk Ra believed that justice would encourage future rulers of the country to protect and respect the people.

All participants were convinced that we must learn from past mistakes and that supporting the rule of law must become a priority if the country is to move forward and develop in all sectors. Mr. Bunthoeun said, "With a society having a robust rule of law in place, the people and state institutions could be much stronger and thus enjoy the fruit of progress." Asked about what he meant by "progress", Bunthoeun said, "If everyone is equal before the law and obeys the law, it will direct the country toward a non-corrupt society with no nepotism, no oppression, and no extrajudicial killings as was the case in the KR regime." In a similar vein, a former KR soldier Mr. Chuon Nat, 51 years old, agreed with Mr. Bunthoeun by saying, "Law governs society. Without law, a society would not develop. However, without proper implementation of the law, it means little or nothing."

Other statements such as those by Mr. Lay Doeun, Mr. Thai Sina and Mr. Sam Phin in favor of the rule of law emphasized a strict implementation in order to combat the lingering bad habit of the powerful oppressing the powerless. Mr. Phin confidently argued that: "The powerless could enjoy that kind of robust protection. It's good for our society to place everyone on an equal status before the law. I want arbitration to strongly take root in the society." It's clear that everyone would prefer a strong rule of law in their society. What the participants looked forward to was the ECCC's continuing important role in setting the precedent for the rule of law in Cambodian society.



Participants light incense sticks to pay homage to the Khmer Rouge victims at Building D of Tuol Sleng Genocide Museum

Conclusion

It has taken Cambodia decades in an effort to overcome the claims of impunity by KR leaders. The Cambodian people are now attuned to these court proceedings. A domestic court sentenced the late Pol Pot and Ieng Sary to death in absentia in August 1979. Case 001 against former Tuol Sleng prison chief, Kaing Guek Eav, alias Duch, was completed successfully more recently. The ongoing proceeding of Case 002 against Khieu Samphan, former DK Head of State, and Nuon Chea, former ideologue, is now in the spotlight and at the center of the fight against post-DK impunity.

Adjudicating the KR atrocity has offered the Cambodian people a great sense of relief and provided future leaders a lesson not to embark upon a murderous path on their own population. The KR leaders in custody are being finally brought to trial even though the criminal acts took place decades ago. Fighting their claims of impunity is highly valued by these visitors and viewed as a good model for a just and fair society. All twenty five participants believe that, if a full endorsement of the rule of law takes root in Cambodia,

there will be a fair and just society. They agreed with Mr. Bunthoeun, who stated: “If everyone is equal before the law and obeys the law, it will direct the country toward a non-corrupt society with no nepotism, no oppression, and no extrajudicial killings as was the case in the KR regime.” The hybrid court of ECCC will help lay a stronger foundation for human rights and democracy in Cambodian society.

APPENDIX

Documentation Center of Cambodia

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

... A RECONCILIATION TRIP, IF POSSIBLE...

List of People Invited for the ECCC Hearing on April 28-30, 2013

No	Name	Sex	Story
1	Lay Doeun	M	Doeun, 53 year-old, was born at Kong Heng village, Pneay commune, Samrong Tong district, Kampong Speu province. Currently, he is living at Cheung Tien village, Cheung Tien commune, Chong Kal district, Oddar Meanchey province. He has 4 siblings. In 1973 the Khmer Rouge invaded his hometown to evacuate local people out of the village. He and his family fled to Kampong Speu province. During his escape, his mother was arrested and killed. Later on, he was evacuated to Banteay Meanchey province to do heavy work without having enough food. Witnessing the bloody execution by the Khmer Rouge was his most memorable and frightening moment during the Khmer Rouge time. After the Khmer Rouge regime, Doeun returned to his hometown and struggled to survive at an orphanage. Despite the KR's bad acts, Doen does not seek vengeance toward them. He just wants all people to live with one another. However, if it is possible, he would like to witness the proceeding to see if real justice is delivered to those leaders.
2	Sie Ton	M	Ton, 51 year-old, lives at Cheung Tien village, Cheung Tien commune, Chong Kal district, Oddar Meanchey province. He has 5 siblings. Before the Khmer Rouge era he was a farmer. Ton remembered seeing the Khmer Rouge invaded his birthplace while he was 12 years old. At that time, he was appointed to do heavy work in a young mobile unit without enough food supplies. The most tragic moment for him was the time when his

mother was detained, tortured, and then executed because she stole food for him. He did not witness the execution but he saw her body in a grave along with other bodies. During the Khmer Rouge regime, he lost his mother and one of his sisters. Even now, he always shed tears when thinking of his mother's sacrifice. He always tells this piece of his story to the youngsters because it gives them a good lesson, and teaches them to love and respect each other. In regard to the trial, Ton only heard it on the radio; he is hoping that these proceedings will find justice for his mother and other people.

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| 3 | Thai Sina | M | Sina, 53 years old, was born in Sambour village, Sambour commune, Mongkul Borei district, Banteay Meanchey province. Nowadays, he lives in Sre Prang village, Cheung Tien commune, Chong Kall district, Otdar Meanchey province. Sina has 4 siblings. On the first day that the Khmer Rouge took over his village, they mobilized students to work in a mobile unit to demolish Preah Vihear and Statue of Buddha. One day, a Khmer Rouge cadre was about to kill him because he did not follow the order, but he fled to Pailin and hid his past. In August 1978, he was detained and accused of being regional army. He was beaten up during the interrogation, and finally he was released after they had realized that he was not regional army. He used to think about these past events but now his anger toward Khmer Rouge is fading from his mind. Retaliation and rancor bring nothing, so just let them to live with their own sins for the rest of their lives. He often talks to young people about these events because he does not want those children to follow the same route of Khmer Rouge. Sina is really interested in attending the legal proceeding of ECCC because he wants to know how the tribunal proceeds and whether or not it is a real court. More importantly, he wants to spread information he gets from ECCC to other people who live in the same village. |
| 4 | Chuon Nat | M | No contact |
| 5 | Rum Veang | F | No contact |
| 6 | Kit Veak | M | No contact |
| 7 | Srei Le | M | Le, 51 year-old, was born and lives at Cheung Tien village, Cheung Tien commune, Chong Kal district, Oddar Meanchey province. In 1962, the Khmer Rouge arrived at his village and evacuated the villagers out of the village. Le and his family were evacuated to Siem Reap province and asked to do heavy work without having |

- enough food. In 1979, his parents died of overwork. Later in 1980, he decided to join National Salvation Front. Whenever Le is alone, he thinks about the cruelty of those Khmer Rouges. He would strongly oppose this act if it were to happen again. Le takes keen interest in joining the court to see if justice is delivered. He hopes that the court could accelerate the proceeding so those leaders could face the real justice.
- 8 Khong Bona M Bona, 50 years old, lives in Sre Prang village, Cheung Tien commune, Chong Kall district, Oddar Meanchey province. He has 8 siblings. After Khmer Rouge soldiers invaded his village, all villagers were evacuated from their land. However, Bona got permission from those soldiers to live in the same village with his family. He was put to work on heavy works including carrying earth and farming, but he received little food rations. During the regime, he witnessed atrocious killing and torture by his own eyes. Since this cruel regime was over, he has never thought of this issue anymore, and he used to tell those tragedies to the next generation to raise awareness of Cambodia's darkest history. His purpose in attending the hearing is to follow the proceeding and tell the next generation not to follow the same route as Khmer Rouge did.
- 9 Kao Meu F Meu, 42 years old, lives in Sre Prang village, Cheung Tien commune, Chong Kall district, Oddar Meanchey province. During the Khmer Rouge Regime, she was brought up by a Khmer Rouge chief and she never met her parents because they were assigned to work far from her. Sometimes, Meu was assigned to work in a child unit where food ration was not enough. Sadly, her aunt and her father died from overwork. Personally, she wants to attend hearing because she wants to witness with her own eye how the tribunal proceeds and whether the justice can be achieved or not.
- 10 Rom Veang F Veang, 51 years old, lives in Cheung Teap village, Cheung Tean commune, Chong Kal district, Oddar Meanchey province. During the KR regime, she was assigned to build dams, do summer season rice, dig canals, and produce fertilizers from human feces in Sre Nay district, Siem Reap province. She never had sufficient food to eat. She lost a brother and father. Her brother was accused of committing moral offenses. He was killed in Sre Noy district.
- I felt happy about the invitation to observe the actual court hearing. I have never done that before. I wish the court could move faster for the sake of justice.

- 11 Van Pik M Pik, 48 years old, lives in Aok Khpuos village, Aok Khpuos commune, Banteay Ampil district, Oddar Meanchey province. During the KR regime, he was 13 and appointed as the child chief working and supervising 12 children. He was then promoted to be the chief of a children's unit comprised of 47 children. The children were assigned to collect rice, clear grass in the rice fields and produce fertilizers from dung. His responsibilities were to take care of them and look for medication (if they got ill). He acknowledged the shortage of food. If any children were found committing a mistake, they would be tortured by starving them. He remembered that his chief, Yy Chhlat, was killed in 1977. He was happy about the forthcoming visit to the tribunal.
- 12 Sat Ven M Ven, 62 years old, lives in Prey Torting village, Aok Khpuos commune, Banteay Ampil district, Oddar Meanchey province. During the KR regime, he was 24. He was assigned to do rice transplantation and to grow vegetables. There was an extreme shortage of food. When people got ill, they had only medication produced from rabbit feces. Two of his brothers were killed on charges of being enemies because they complained about an insufficient food. He felt a painful anger as the KR killed them as if they were dogs. He took very keen interest in observing the hearing by his own eyes and believes it will be justice for the Cambodian people.
- 13 Kung Sin M Sin, 53 years old, lives in Chheu Slap village, Aok Khpuos commune, Banteay Ampil district, Oddar Meanchey province. At the age of 20, he was assigned to build dams, dig canals, but provided with inadequate food. There was no proper medication to cure those getting ill. Two of his siblings disappeared and died. His brother was implicated in the traitorous activities linked to Sao Phim, chief of Eastern Zone. His sister disappeared after Vietnam came to Cambodia in January 1979. He had heard about the tribunal and wanted to see the court end its process soon.
- 14 Phuon Phoeun M Phoeun, 58 years old, lives in Aok village, Aok Khpuos commune, Banteay Ampil district, Oddar Meanchey province. During the KR regime, he was assigned a variety of tasks: working in rice fields, logging woods, fishing, building dams, and producing fertilizers. He lost three uncles and three cousins. His mother died of unsuccessful child delivery because there was no medicine. When he transported military logistics, he witnessed killings by using hoes and axes in the west of Oddar Meanchey provincial town. He feared those KR

			cadres would target him as well. Luckily, he was traveling with other KR soldiers. He was happy about being able to witness the hearings and believes it is important to punish the wrongdoers to the extent which they inflicted harm upon the people. He felt happy to be coming to the tribunal to see the KR leaders being tried.
15	Khiem Vanna	M	No contact
16	Chap Bunthoeun	M	Bunthouen, male, 60 years old, born at Snuol village, Snuol commune, Snuol district, Kratie province. He is currently living at Cheung Phnom village, Trapaing Prey commune, Anlung Veng district, Otdar Meanchey province. He volunteered to serve Khmer Rouge revolution during the Lon Nol coup because he thought that he fought for Samdech Preah Norodom Sihanouk. He first came to live in Cheung Rrey village by risking himself clearing the forest full of land mines. There was no water supply there. As for now, he does not want to think about the Khmer Rouge time because it is very depressing. He only told this story to the youngsters so that they could learn how to struggle in their lives. He hopes to join the court to seek more understanding of the proceeding so he could tell the next generation.
17	Saom Chan	M	Chan, 61 years old, lives in Tumrup Leu village, Trapeang Prey commune, Anlung Veng district, Oddar Meanchey province. He joined the revolution in 1970 and played a part in conquering Phnom Penh on April 17, 1975. Between 1975 and 1979, he was the chief of the battalion stationed along the Vietnam-Cambodia border. Soldiers could consume rice with pork. It was different from the people. After getting ill or injured, they were sent to a hospital in Veun Sai district, Ratanak Kiri province. He lost three siblings out of nine. Two were charged with being "April 17" people, another one was shot to death. He did not know about the killing of people during the KR regime until 1999 when the KR defected to the government. He lost a leg because he stepped on mine in 1993. I did not know about the work of tribunal at all because I am busy with my work. I wanted the court to try the KR leaders.
18	Hem Khin	M	Khin, 65 years old, lives in Tuol Sala village, Trapeang Prey commune, Anlung Veng district, Oddar Meanchey province. During the KR regime, he lived in Ratanak Kiri province. He lost his father to the regime when the KR sent him for reeducation. I heard about the trial at ECCC through TV. I want the court to find justice for those who died, including my father.

19	Siek Hit	F	No contact
20	Ban Luok	F	No contact
21	Tap Cheum	M	No contact
22	Uk Ra	M	Ra, 59 years old, lives in Cheung Phnom village, Trapeang Prey commune, Anlung Veng district, Oddar Meanchey province. During the revolution, he was served as a medical practitioner. Ra was assigned to work, eat, and live collectively. Then, he was re-assigned to work at a region-level hospital where he treated injured soldiers. His medical team had to produce their own medicines in addition to using those imported from France and China. He thought that the trial was indispensable for the people because the offenders need to be tried.
23	Sam Phin	M	Phin, 60 years old, lives in Cheung Phnom village, Trapeang Prey commune, Anlung Veng district, Oddar Meanchey province. He is a native of Tralach village, Tralach commune, Treang district, Takeo province. In 1970, the KR conscripted him into the revolutionary forces. He was dispatched to attack Lon Nol's regime. In the military the food ration was sufficient. During the KR regime, all people complained about the inadequate food, but the soldiers were different. He was happy about the chance to observe the court hearing personally. Previously, he learned about it through only TV and radio.
24	Kuy Vanna	M	No contact
25	Ngay Rin	F	No contact

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