



Khmer Rouge genocide charge marks milestone for minorities May 24, 2010

As judges at Cambodia's Khmer Rouge tribunal decide whether to include genocide as a charge in the closing order, advocates say prosecuting the crime would represent a milestone for official recognition of the rights of the country's Vietnamese and Muslim minorities.

"There is still discrimination against the Cham, so this sends an important message that Muslims in Cambodia are part of the country," Lor Chuntay, a lawyer representing more than 200 Cham Muslim civil parties in the Extraordinary Chambers in the Courts of Cambodia (ECCC), told IRIN.

Estimates suggest there are more than 300,000 Cham Muslims living in Cambodia and put the number of ethnic Vietnamese much higher than the government estimate of 100,000 – although the vast majority of Cambodia's 14.7 million people are Buddhist ethnic Khmers.

Most of the 1.7 million Cambodians who died from overwork, starvation and murder during the ultra-Maoist regime's 1975-1979 reign of terror were Khmers.

However, in 1999, UN experts concluded that Khmer Rouge leaders should face charges for genocide, crimes against humanity and war crimes on strong evidence – including Khmer Rouge statements, eyewitness accounts and the nature and number of victims of each group – pointing to genocide against the Cham and Vietnamese as ethnic groups and against the Buddhist monkhood as a religious group.

The ECCC has been trying five former top officials of the regime for war crimes and crimes against humanity. In December, the tribunal added genocide as a charge against the four remaining defendants for their alleged role in the slaughter of ethnic Vietnamese and Cham Muslims living in Cambodia.

The charge still needs to be finalized in the court's closing order, but it is expected to be sustained.

Members of the Vietnamese and Muslim minorities who are participating in the court say it is necessary if the court's justice is to be thorough and help ensure they stand beside Khmers as first-class citizens in today's Cambodia.

The tribunal, said Deputy Prosecutor Anees Ahmed, “has to provide, to the extent possible, a true and complete historical account of the [the] crimes in all their manifestations, egregiousness and breadth”.

Respecting rights

Lyma Nguyen, a lawyer representing ethnic Vietnamese who lived through the Khmer Rouge era, who have applied to be civil parties, said ethnic Vietnamese are still struggling to consolidate their place in Cambodian society.

“Even though most of the victims I represent have been living in Cambodia for many generations, many face discrimination to this day,” she said.

Nguyen said the genocide charge would allow her clients to formally pursue the truth about why they were targeted and, in the process, “reconstitute their identity” as a distinct group in Cambodia whose rights need to be respected.

Antagonism towards ethnic Vietnamese living in Cambodia is compounded by centuries of conflict between Cambodia and its more powerful neighbour.

Vietnamese communities say they receive less government funding for schools and hospitals than Khmer communities.

They also point to the common use by Cambodians of the pejorative term *yuon* – which roughly translates as “barbarian” – to refer to Vietnamese, even those who are Cambodian citizens.

Muslim communities, too, complain of being overlooked.

“I’m a survivor and I want the court to know our suffering and our history,” said one ethnic Vietnamese man who cannot be named for safety reasons. “We suffered and lost our relatives, so we want to see a fair trial for our ethnicity because we are human beings too.”

Though he was born and lived his entire life in Cambodia, local authorities refuse to give him a citizen ID card, he claimed.

Focusing on the plight of Cambodia’s ethnic groups under the Khmer Rouge, he believed, could translate into greater attention for the prejudices they face today.

“The genocide charge makes us feel that our particular issues are being given attention,” he said.

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