

Ethnic Minority Khmer Krom Get Day in Court

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They were described as having “Khmer bodies but Vietnamese heads”, plucked – village by village, wife from husband, child from parent – and singled out for extermination by the Khmer Rouge, and today, the first of the Khmer Kampuchea Krom will have their day in court.

This small victory is the bittersweet result of a lengthy battle to have the crimes perpetrated against the “lower Khmer” brought before the UN-backed Khmer Rouge tribunal, which is now trying three surviving leaders of the regime that decimated more than 1.7 million of the population.

“The original indictments [in Case 002] charge the former senior Khmer Rouge leaders for genocide against Cambodia’s Cham Muslims and ethnic Vietnamese, but did not include the Khmer Krom,” Access to Justice Asia co-founder Vinita Ramani told the Post this week.

Despite what civil party lawyers call compelling evidence of both mass killings and forced displacement, Khmer Krom are not recognised as victims of genocide in the criminal charges. Genocide crimes against the Krom were not included in the original Case 002 investigations and later appeals to have the indictment amended have failed on legal technicalities.

Khmer Krom people have their roots in the lower Mekong Delta area, which was ceded to Vietnam during the French protectorate era. Because of this association with Vietnam, they were targeted as spies or CIA agents in the paranoid purges of the Pol Pot regime.

S-21, the ultra-Maoist regime’s notorious detention and interrogation centre, singles out the Khmer Krom in its 10 “commandments”. Krom were destined for execution upon entering the prison.

Among intermarried couples, Khmer Krom spouses were taken away to be executed, as were children who chose to stay with their Khmer Krom parents, Ramani said, describing evidence legal teams have gathered.

While having the first Khmer Krom civil party offer testimony before the tribunal is an important achievement, participation of the ethnic group in Case 002 has been restricted by the judges’ ruling to sever the trial into a series of mini-trials.

“Because this mini trial is so limited, it will be a bit difficult to [hear the extent of atrocities],” said civil party lawyer Mahdev Mohan who, along with professor Kong Phallack, represents the civil party who will take the stand today.

Having worked with the Khmer Krom through NGOs for the past four years, Mohan said the community was determined to have their story heard. “They are quite galvanised. They have already built their own pagodas and are seeking reparations in the form of a victim trust fund and scholarships for their children.”

About eight years ago, the community banded together to build a pagoda and memorial to Khmer Krom victims in Takeo province. A primary school also on the grounds of the Wat hides the dark history of the site – to the rear are Khmer Rouge detention cells where Khmer Krom were imprisoned.

“There is a nationalist love for the Khmer Krom generally. There are a lot of Cambodians who believe Kampuchea Krom is really part of Cambodia, not Vietnam. But there is stigma as well,” Mohan said.

As reported in the Post, Human Rights Watch’s recent report Tell Them That I Want to Kill Them highlights extrajudicial killings of Khmer Krom monks protesting prejudicial treatment of the “lower Khmer” in Vietnam.

International co-prosecutor Andrew Cayley has also submitted extensive evidence of genocide committed against the Khmer Krom as part of the briefs for government-opposed Cases 003 and 004.

In a June 2011 press release, Cayley stated he had filed an additional tranche of evidence focusing on crimes committed against the Khmer Krom population in Takeo and Pursat provinces as part of Case 004.

“I spent time with the Krom. I listened to the accounts of their suffering. They were a group singled out for particularly brutal treatment because of their unique heritage,” Cayley told the Post. “I was often very moved by accounts from adults who were young children at the time of these appalling events.”

The two pending cases, in particular Case 004, focus on armed conflict along the Vietnam border in the late 1970s and accelerated ethnic cleansing and genocide toward the last years of the regime. No civil parties have yet been admitted to either of the cases, nor have any suspects been indicted.

“I gave a [commitment] to the Krom that they would not be forgotten. That they would be part of the legal process of the court,” Cayley said by email. “The witness on Thursday is a partial fulfillment of the promise I gave.”