



Cambodian immigrants seek healing in Khmer Rouge genocide trial

Liz Gonzalez

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Survivors of Cambodia's genocidal Khmer Rouge regime are finally hopeful about getting answers to the question they have carried for 30 years: Why?

An estimated 2.7 million people died in Cambodia during the murderous reign of Pol Pot's Khmer Rouge from 1975 to 1979.

This summer, four Khmer Rouge leaders will go on trial in the Extraordinary Chambers in the Courts of Cambodia, created by the Cambodian government and the United Nations. This court only has jurisdiction to prosecute the most senior leaders of the "Killing Fields" regime.

This extraordinary court is the first international court to allow survivors to participate directly in the proceedings.

After the Khmer Rouge fell from power, Cambodia's civil war continued until 1999. Many Khmer Rouge leaders continued to live in the country they devastated.

Nuon Chea, known as Brother Number Two, the second most powerful member of the Khmer Rouge, is among the top four surviving officials facing trial. The others are Ieng Sary, who was Minister of Foreign Affairs; his wife, Ieng Thirith, who was Minister of Social Affairs and Action; and Khieu Samphan, former Head of State. They have all been awaiting trial since their arrests in 2007.

More than 247,000 Cambodians now live in the United States. Survivors here learned about the trial through the efforts of Leakhena Nou, a medical sociologist and founder of the Applied Social Research Institute of Cambodia (ASRIC), which is committed to justice, healing and helping survivors write their history.

Nou embarked on an extensive outreach effort across the United States in 2009 to ask whether the Cambodian community was interested in participating in the historic trial. "Although we are not in Cambodia, we can have our voices be heard from here and very loud," said Leakhena in San Jose, Calif., last week. The gathering was one of several she organized to update the Cambodian community here on the tribunal and urge their participation in it as civil parties.

ASRIC began collecting survivors' testimony and recruited legal experts to help people complete their applications to participate. To ensure the survivors in the United States were represented in court, Nou turned to the Center for Justice and Accountability (CJA) for assistance based on its extensive experience in similar cases.

CJA focuses on deterring severe human rights abuses through litigation. It files cases on behalf of survivors all over the world in such disparate locations as Haiti, Somalia, El Salvador--and the United States.

The organization regards Cambodian genocide as an issue of "transitional justice," where crimes may have happened a generation ago, but the court process brings everything to light with the aim of moving the country beyond its tragic past.

In its effort to develop the Cambodian legal system, CJA, in addition to filing cases, also trains and advises prosecutors. "We use the litigation as a vehicle to say we can't have these kinds of things happening in this country; there need to be more legal safeguards to make sure that arbitrary detention doesn't happen here," said CJA Legal Director Andrea Evans.

She stressed that holding leaders accountable, even after decades, can help move Cambodia toward a law-based—and more just—system.

One task of CJA is to recommend reparations the court should order. To do so, they interview survivors about what they would find most meaningful.

The extraordinary court will designate an award to survivors if it finds one of the defendants guilty.

Although the court cannot award money because the high number of civil parties exceeds available funds, it can order collective and moral reparations. Intended to benefit a large group of people or Cambodian society as a whole, such reparations may include a monument to honor the people who died or a day of remembrance.

CJA plans to begin advocating for specific kinds of compensation in June, when the trial is expected to start. Doing so will increase the likelihood that the court will grant victims an acceptable remedy.

Sophy Saing, a mother of four living in San Jose, took extensive notes during the meeting. "I left Cambodia because I had no food to eat," she said during the meeting. "People want answers," she said. "They want to know what happened and why they killed so many." She was able to get out of the country with her entire family, unlike most at the meeting. Some brought photographs of those killed, all they had left of their loved ones besides memories.

"Your weapon is the pen," Leakhena Nou told the survivors. "Now is your chance to

break the silence; silence is hurting you and hurting the community and Cambodia. We don't want to repeat violence; we want to educate these people that we can find justice in a just way.”

In the coming months, ASRIC and CJA will continue their dialogue with the Cambodian community across the United States about how to make this trial meaningful for them, determine what reparations they want from the court and continue with a process of healing.