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Cham Muslim Leaders Meet ECCC Co-Prosecutors

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On Tuesday, January 16th Cham Muslim community leaders toured the Khmer Rouge tribunal courtroom, spoke to co-prosecutors, and met with the Documentation Center of Cambodia's (DC-Cam) director, Mr. Youk Chhang. The activity-packed morning was informative and productive. The 33 Cham Muslims leaders had the opportunity to express their concerns and inquiries to ECCC co-prosecutors and to DC-Cam's director. In the end, hands were shook in traditional fashion, smiles abounded, and promises of information dissemination were made by the Cham leaders. This was the first group of solely Cham Muslim community leaders brought to the Extraordinary Chambers in the Courts of Cambodia (ECCC). DC-Cam's Cham Muslim Oral History project team leader Farina So led the group to three important destinations from early morning to noon. The group consisted of provincial *imams*, *hakems*, and *tuans*, all leaders of varying levels within Cham Muslim community in Cambodia. The leaders were from the 12 provinces and cities of: Kampong Cham, Kampong Chhang, Takeo, Kampot, Koh Kong, Stung Treng, Kratie, Phnom Penh, Kandal, Prey Veng, Sihanoukville, and Battambang. Some had participated in one of DC-Cam's large-scale ECCC tours (500 people) before while others had not. This mixed group of predominantly male leaders shared similar concerns about the tribunal. They were also common in their hope that the ECCC will deliver justice to the two million Cambodians who died under Democratic Kampuchea regime from 1975-1979.

Herself a minority Cham Muslim, project leader Ms. So understands the importance of including Cham Muslims in the ECCC dialogue with victims of the genocide. It is critical that all survivors of the genocide have a role in the Khmer Rouge (KR) tribunal and in particular Cham Muslims leaders because they serve as the herald of tribunal related news and genocide related information for members of their community. In addition, the Cham Muslim ethnic minority are of potential usefulness to prosecutors if a case of genocide is to be made. Conviction for the crime of genocide has been few, but where they have occurred in Rwanda in 1998 and the Hague in 2001, they provide some precedence and great hope for the tribunal in Cambodia. Two recent books published by the DC-Cam focus specifically on the Cham Muslim minority during the Khmer Rouge era. Both written by Mr. Osman Ysa, these books provide great detail about the treatment of Cham Muslims during Democratic Kampuchea and should be a valuable resource for the tribunal's investigation and prosecution teams.

Legal issues aside, the Cham Muslim tour reinforced the belief that national reconciliation in a country rebuilding itself after genocide and internal war will need to go beyond the ECCC. DC-Cam Director Youk Chhang firmly believes that the tribunal is only a part of the process to achieving national reconciliation in Cambodia. The thirty-

three Cham Muslim leaders sat front center in the 600-seat courtroom. They asked about which categories of people the tribunal will prosecute, several times over. The answer given to them by ECCC Press Officer Reach Sambath was the same answer that some of the leaders had heard before on one of DC-Cam's past ECCC tours. The answer is also featured in the ECCC's booklet which DC-Cam has passed out to over 5,500 villagers. Mr. Reach's answer was that the tribunal will prosecute only "senior Khmer Rouge" officials and those "most responsible." The tribunal will not prosecute all levels of the Khmer Rouge political hierarchy including those who directly carried out the killings. This understandably was not a satisfactory answer for the crowd. Mr. Reach even used imagery to illustrate this point. He lifted his arms in the shape of an upside-down "V" and explained that only those at the top of peak would be tried. While Mr. Reach is skilled at talking to the Cambodian public and putting complex issues into understandable terms, his response left the Cham leaders still unsure on how mid-level and low-level cadres who had committed or ordered the killings would be brought to justice. This category includes thousands of former Khmer Rouge cadres who presently work in the Cambodian government and live side by side with their victims. This category will not be tried by the Extraordinary Chambers.

The issue of who will be tried was raised once again in Meeting Room 323 at the ECCC Office building (located right of the ECCC courtroom) when Cham Muslim leaders met with international Co-Prosecutor Mr. Robert Petit and Cambodian Co-Prosecutor Ms. Chea Leang. Once again, the answer given was that only senior leaders and those most responsible would be brought to trial. One elderly Cham Muslim leader wondered if substitution was possible, that is whether senior Khmer Rouge leaders and those most responsible could be substituted with those next down the KR leadership ladder such as regional and zonal secretaries. He asked whether if the number of those at the top of the Khmer Rouge chain of command become fewer and fewer due to death or other reasons, those lower on the chain of command will be prosecuted. The answer by co-prosecutor Robert Petit, as that of Mr. Reach Sambath earlier, was that only the category of leaders as stated in the Khmer Rouge tribunal law will be tried, in short "no." What this question really seeks to inquire however, is how perpetrators who carried out the executions and oversaw the killings of hundreds, but are not considered senior leaders or those most responsible, will be dealt with. It is evident from this tour, and from other DC-Cam tours in which villagers ask similar questions, that even a successful ECCC will not provide villagers with a complete feeling of justice if nothing is done to reconcile the issue of killings and torture committed by mid-level and low-level former Khmer Rouge cadres.

Other questions asked during the tour include what safety measures will be given witnesses, who will be indicted, what was the purpose of the Pol Pot regime that led them to kill so many of their fellow Cambodians, will former Khmer Rouge leaders who defected into the government be brought to trial, and when will the trials begin. During the meeting session, Co-Prosecutor Chea Leang stated that she must work according to the rules of tribunal law and Cambodian law while Co-Prosecutor Robert emphasized the need for clear and solid internal rules. Cham leader, Kan Imam Sann, made a request at the meeting for the ECCC to conduct an efficient and speedy trial because he felt that legal justice is long overdue. A second request was made by Sin Dullah-Kok Kong. He

hoped that the ECCC will bring to trial all former Khmer Rouge cadres who committed the worst crimes regardless of how powerful they may be in the present government.

Several of the Cham leaders who had attended a prior ECCC tour commented that listening to top ECCC officials for a second time really helped to clear up certain issues. After attending one of 2006's large scale tours, Ouknha Khnuor Kaitoam was still unsure about a few things; but a second meeting with Press Officer Reach Sambath gave him a greater understanding of ECCC related issues. After the ECCC portion of the tour, the leaders headed to the Documentation Center of Cambodia.

At DC-Cam, Cham Muslim leaders discussed the issue of Cham Muslim deaths during the KR regime with Farina So and talked about future DC-Cam and Cham Muslim leaders collaborative projects. In a spacious wooden room on the Center's roof top, the leaders sat comfortably, legs folded around a large wooden dinning table. There, Ms. So explained to them her project of obtaining an accurate count of the number of Cham Muslims who had lost their lives. She handed each leader 100 surveys to pass out to village members. The survey seeks to figure out how many family members were lost during that time and the cause of their death or disappearance. The Cham leaders also met with DC-Cam's director whom many of them had met before. The Director discussed ECCC related issues, the plan of inviting Mosque representatives to attend the trial hearings when they begin, and the importance of conducting surveys on the number of Chams who died during Democratic Kampuchea.

The Cham Muslim Community Leaders tour is the first conducted by DC-Cam and the first of a series of tours with solely the Cham community that the Center is planning on doing. In this tour and on future tours, t-shirts and magazines are distributed. A total of 33 t-shirts and 33 magazines were given to the Cham leaders on Tuesday. In future tours, discussions will be held and surveys will be handed out as well. Follow-ups are to be conducted after the tours, supplemented with interviews and discussions in Cham villages. This information will be essential to documenting the Cham Muslim experience under the Khmer Rouge as well as documenting Cham history and culture. The destruction of the written and visual materials relating to Cham history and culture during Democratic Kampuchea is gradually being reversed. Therefore, the Cham Muslim tours are important for two purposes. The first is to bring the voice of and encourage the participation of Cham Muslims into the tribunal process. This is essential for national reconciliation and reconstruction. The second is to establish good relations in order to conduct further research for documentation and publication. Given DC-Cam's past and future collaborative work with the Cham Muslim community, we are confident that both goals are achievable.

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