

# The Mercury News

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## Bay Area Cambodians seek justice in homeland

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By John Boudreau

Sophany Bay's three young children died in her arms, one after the other, during Cambodia's genocide. Sarem Neou lost her two daughters to starvation and disease; her mother was dragged to death by a horse after she was suspected of stealing food for one of the girls; and her husband died after learning of the horrific deaths of his children. Kelvin So's brother, a surgeon, was one of thousands of professionals executed by Khmer Rouge soldiers.

Collectively, the three survivors lost hundreds of relatives – aunts, uncles, cousins, nieces, nephews – during the reign of terror from 1975 to 1979 in Cambodia when an estimated 1.7 million people died, about a quarter of the small Southeast Asian country's population.

Now Bay, So and Neou are among 45 Cambodian-Americans -- including six from the Bay Area -- who will get the opportunity to see justice done. When opening arguments start Monday in Phnom Penh in a trial of former Khmer Rouge leaders charged with crimes against humanity, Bay and Neou will be sitting in the gallery alongside other witnesses to genocide. They and the other Cambodian-Americans are being legally

represented in the trial and might provide testimony.

"I want to see justice before I die," said Bay, 66, a San Jose mental health counselor. "I want to see those killers and ask them, 'Why? Why did they kill so many people? Who stood behind the killing fields?' Before I die, I want justice."

### Leaders' second trial

The United Nations-backed tribunal, the second prosecution of Khmer Rouge leaders, is simultaneously a criminal and civil proceeding that could last more than two years. Its mandate is to try leaders responsible for the killing of hundreds of thousands of Cambodians. Civil claimants seek reparations, perhaps a permanent memorial in Cambodia, and the chance to face those who unleashed ineffable brutality on their lives.

The defendants in what the tribunal calls Case 002 are Ieng Sary, who was foreign minister; Khieu Samphan, a former head of state; and Nuon Chea, known as Brother Number Two. A fourth defendant, Ieng Thirith, 79, the former minister of social welfare and wife of Ieng Sary, suffers from dementia and last week was declared unfit to be tried and ordered freed from detention by the Extraordinary

Chambers in the Courts of Cambodia. The regime's top leader, Pol Pot, died in 1998. In the first trial, Kaing Guek Eav, known as Duch, was sentenced to 19 years in prison for the torture and death of at least 14,000 people in Tuol Sleng prison.

"I am very glad the international court is bringing those people to justice," said So, a 63-year-old Milpitas resident. "But it's late. They are old. Why should these people have had a better life?"

Some survivors are ignoring the tribunal, said Leakhena Nou, a medical sociologist at Cal State Long Beach who led an effort to document the stories of those in the United States. "It's a way of coping. It's also a very Buddhist, almost fatalistic response to something that is almost incomprehensible."

### Mass executions

The Khmer Rouge took control in 1975 after the war in next-door Vietnam spread to Cambodia. Khmer Rouge leaders evacuated cities and banned modern technology to create an agrarian culture to purify the nation as a foundation for a new Communist society. This included killing countless

Cambodians, particularly the educated.

When Khmer Rouge soldiers committed mass executions, they would play loud music to cover the screams of those being beaten to death, recalled Neou, a schoolteacher who was in Paris on a scholarship when Pol Pot took over the country April 17, 1975. Unable to bear the thought of her children and husband facing these horrors while she remained safe in France, Neou returned to her homeland in January 1976 and was placed in a work camp.

Those who survived did so because of luck, cunning, faith and a fierce drive to live, the survivors say.

"I don't know if I am strong or weak," said Neou, 71. "But I have a willpower."

### **The police inspector**

So, whose position as a national police inspector should have led to his quick execution, was beaten with an ax handle during an interrogation by two soldiers who did not believe his claims of being a law student, which he had been. He finally confessed to being a police inspector, but used a formal term not understood by the soldiers, who most likely were illiterate. It saved his life.

Bay's husband, Sarit Bay, a military officer, was being trained in the United States when the Khmer Rouge charged through Phnom Penh, shooting off guns and ordering everyone out of the city and into the countryside. Sophany Bay, who had close ties to the deposed Lon Nol government, left with her

three young children and few supplies. She spotted her sister-in-law, whose husband was a provincial governor, and other relatives but could not reach them because of the crush of people. She learned later they were all killed. Some were beaten to death and some, even small children, had their throats cut with palm tree branches.

With little food and no shelter from the rain, her infant daughter, nicknamed Pomme, fell severely ill. One day Bay carried her five miles to an infirmary, where a soldier injected a lethal substance into the baby's head.

"Instead of saving her, he killed her," she recalled, her body shaking at the memory.

Bay, also a schoolteacher, was forced to do hard labor for up to 13 hours a day. Her other two children were constantly interrogated and beaten by soldiers in futile attempts to get them to reveal the identity of their father. The boy, 6, died silently in her arms late one night, while her 5-year-old daughter "talked until the last minute," Bay said. "She asked me to go and look for my husband."

"They killed my whole family," she said. "Nobody is alive, only me and my husband."

### **Family wiped out**

Neou, who now lives in Silver Spring, Md., didn't learn about the death of her family until after Vietnamese soldiers invaded Cambodia, ending the reign of the Khmer Rouge. She had emigrated to the United States, joining her brother in San Jose. One day a letter from a relative arrived, telling her that

just about everyone in her family was dead.

"I jump up and down," she recalled of that fall day in 1980. "It seemed like my head was hitting the ceiling. I jumped and ran around the apartment. I scream and run around."

Even though they were deposed by Vietnamese forces in 1979, Khmer Rouge leaders remained free from prosecution for decades. Wrangling between the tribunal and the Cambodian government, which includes former members of the Khmer Rouge, has dampened enthusiasm for the trial among many Cambodians in the United States and Cambodia. Those with Khmer Rouge ties include Prime Minister Hun Sen, who was a low-ranking Khmer Rouge member decades ago before joining the government created by Vietnam while Cambodia was under Vietnamese military occupation.

### **More trials in doubt**

The international prosecutor for the tribunal wants to bring at least two more cases against former leaders of the regime, but the Cambodian government, which has been accused of tampering with the process, has resisted. Observers say the government fears current political leaders could be affected.

"They see these four defendants as the ultimate defendants," said Nushin Sarkarati, an attorney with the San Francisco-based Center for Justice and Accountability, a nonprofit organization representing Cambodian-

Americans before the tribunal. "Their argument is anyone else is not really a senior leader for the Khmer Rouge. This is an absurd notion."

Neou, undeterred, is ready to do what she can to implicate the former Khmer Rouge leaders. She said she was an eyewitness to the power once wielded by some of those now on trial. After she had returned to Phnom Penh from France, Neou saw Ieng and Khieu up close. Ieng showed up in a black car. "He came in a car like Al Capone's," she said. "He was happy."

Khieu was "dressed like Viet Cong" in the black pajama-like pants worn by Vietnamese Communist guerrillas as he addressed the new arrivals: "We wish for you to find happiness in this new society."



Pol Pot's rule left a legacy of death and ruin in Cambodia. Above, a man strolls past a "killing field" near Phnom Penh. [980417 FR 22A 3] A Cambodian man walks past one of the many killing fields sites at a school on the outskirts of Phnom Penh in this July 27, 1997, file photo. The notorious Khmer Rouge leader, accused of causing the deaths of as many as 2 million people through forced labor, disease and systematic executions, has died, Thai military sources said Thursday, April 16, 1998. (AP Photo/Richard Vogel)

## GENOCIDE'S SURVIVORS

**In America:**  
Approximately 157,500 Cambodians resettled in the United States from 1975 to 1994, the vast majority as refugees. An estimated 12,000 live in the Bay Area. Many still suffer serious mental health problems from being tortured and witnessing killings of their family members.

**Legal rights:** In 2009, researcher Leakhena Nou, a medical sociologist at Cal State Long Beach, began documenting the stories of genocide survivors in the United States and founded the Applied Social Research Institute of Cambodia ([www.asricjustice.org](http://www.asricjustice.org)). She discovered that Cambodian-Americans had legal rights to offer testimony and have legal representation at the tribunal proceedings.

**The lawyers:** The San Francisco-based Center for Justice and Accountability, a nonprofit that specializes in seeking reparations from perpetrators of war crimes and human rights violations, is representing 45 Cambodian-Americans, including six from the Bay Area, in the second United Nations-backed Khmer Rouge genocide trial in Phnom Penh.

**Mixed reaction:** "A good number of Cambodian-Americans choose not to pay attention (to the tribunal)," said Daryn Reicherter, an assistant clinical professor of psychiatry at Stanford University School of Medicine who treats many Cambodian émigrés in San Jose. "It's too upsetting. They don't want to reopen memories. And

there are people who are totally involved and really hang on it and get updates from Cambodian news sources. I rarely get a perspective from someone who is in between."

Source: Staff reporting



Sophany Bay, a survivor of the Khmer Rouge regime, holds a photograph of her daughter Lilavodey "Pomme" Bay, who was killed by the regime when she was six months old, in 1975, by an injection of an unknown substance, at the Wat Khemara Rangsey Temple, in San Jose, Calif. on November 12, 2011. Bay is returning to Cambodia to witness the second trial of Khmer Rouge leaders. (LiPo Ching/Mercury News).