

SEARCHING FOR THE TRUTH
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Characters:

1. Savary: This character should be an Everywoman. Represent with very neutral clothing/face (very little expression, don't want to mask as have to do that later anyway in courtroom). She wears loose green clothing that brings to mind the Khmer Rouge uniform. -- Ket
2. Investigating Judge 1--Sideth
3. Investigating Judge 2: these two should operate as a unit, but Judge 1 should always be a step behind 2, watching him, following his lead. Judge 1 should carry maps, lists, and rule books. -- Chantha
4. Defense Counsel--Vanny
5. Prosecutor -- Phalla
6. Trial Judge -- Seiha
7. Defendant: The Defendant is Angkar. He should be wearing a crow or vulture mask, and the black uniform, but old and tattered. -- David

SCENE ONE: *X Province. Co-Investigating Judges, in robes, are consulting map.*

Co-Judge 1: Where did they say to turn again?

Co-Judge 2: At the road.

Co-Judge 1: Wait. The first road or the second road? I think we were supposed to turn at the first road. We should go back.

Co-Judge 2: The first road was blocked, remember? So we took the second road and then doubled back around.

Co-Judge 1: Who are we looking for?

They pause. Co-Judge 2 pulls out a list.

Co-Judge 2: Ah. There. Savary X.

Co-Judge 1: That's what I thought. (pause) We'll never find her.

Co-Judge 2: We have to find her. (pause) That's our job.

Co-Judge 1: Right. (pause) So who are we looking for?

Co-Judge 2 (consulting his paper): Savary X.

Co-Judge 1: Right. I just forgot for a minute.

Co-Judge 2: Right.

Co-Judge 1: Because we're interviewing so many people.

Co-Judge 2: Right. Investigating is exhausting.

Co-Judge 1: I'm exhausted. Maybe we should just go back.

Co-Judge 2: We should rest for a while.

They sit, yawn, and close their eyes. Savary enters from Right. She sees Co-Judges and stops. Looks around. Clears her throat. Judges, who have been snoozing, start, look up, see her start consulting their map and list very busily.

Co-Judge 1 (loudly, so Savary can hear): So, I believe that if we simply continue down this road for a time we should find the woman we are looking for. Perhaps we should consult with someone we meet on the way.

Savary raises her eyebrows, shrugs, and approaches.

Savary: You seem lost. May I help you?

Co-Judge 2 (defensive): We know exactly who we're looking for.

Co-Judge 1: Absolutely. We know who we're looking for. Just not where.

Co-Judge 2: Abso—no, we know where she is. We just don't know where where she is is.

Co-Judge 1: Precisely.

Savary (very patient): Perhaps, if you tell me who you're looking for, I can help you find where "there" is.

Co-Judge 1: We're looking for a woman.

Co-Judge 2: Maybe you know her.

Savary: I've lived here for thirty years. I know almost everyone. Can you tell me more about her?

Co-Judge 1: Her family was killed by the Khmer Rouge.

Savary: Everyone's family was.

Co-Judge 2 (glaring): We shouldn't be discussing this. We can find her on our own.

Co-Judge 1: Her husband was tortured.

Savary (softly): So was mine.

Co-Judge 2: We shouldn't be discussing this with just anyone. Her identity should remain confidential.

Co-Judge 1: Well, how are we going to find her if we keep her identity confidential?

Co-Judge 2 starts to answer, then closes his mouth, stumped.

Co-Judge 2: During the Khmer Rouge period she was working in a collective. She had three children, but we believe they all died. Her husband was killed. Tortured. She was a member of a work party assigned to dig a mass grave somewhere in this area. She may have been tortured as well.

Savary: Even if they didn't torture you, it's as if they did.

Co-Judge 2: We believe that she may have been married to the collective chief.

Savary: It doesn't matter. Once your husband is killed, you are a criminal. *(To Judges)* You could be looking for any woman in this village. Can you just tell me her name?

Co-Judge 1 (triumphant): We are searching for Savary X.

Pause.

Savary: Here she is.

Co-Judges look around.

Savary (clarifying): I am she.

Co-Judge 1 (accusing): We've been looking for you.

Savary: I've been here all along.

Co-Judge 2: For how long?

Savary (beat): About thirty years--

Co-Judge 2 (cutting her off): Be that as it may, we've been looking for you for some time now. We've gone to a great deal of trouble to find you.

Savary: Well...thank you, I suppose.

Co-Judge 1: You're welcome.

Savary: May I ask why you are looking for me?

Co-Judge 2: You are a potential witness, of course.

Savary: I'm sorry?

Co-Judge 1(officious): No need to be sorry. Though we have gone to a great deal of trouble to find you.

Savary: No, I meant, I don't understand. Why are you looking for me?

Co-Judge 2: We are investigating!

Co-Judge 1: We are investigating judges!

Co-Judge 2: We are gathering crucial evidence for use in the Khmer Rouge Tribunal.

Co-Judge 1: Very crucial.

Savary: I would like to help you, but I don't know if I can. I don't understand what you want.

Co-Judge 1: Oh. Well, in that case, we'll be going.

He turns to go.

Co-Judge 2 (to Co-Judge 1): Hold it! (to Savary) We have questions we want you to answer.

Co-Judge 1 (stopping in his tracks): Right. We do.

Co-Judge 2: Yes. A lot of questions.

Co-Judge 1: To ask you.

Co-Judge 2: About your experiences.

Co-Judge 1: Very important questions.

Co-Judge 2: Please be seated.

Co-Judge 1: Answer as fully as possible.

Co-Judge 2: Remember that your answers may be crucial to the ultimate trial.

Savary sits, facing Judges. They continue to stand, looking down at her. If possible, lights darken, leaving a spot over Savary. Voices of the Judges change, become flat. Angkar, masked, emerges slowly while she answers. He stalks her in the background while the Judges question her. Music, soft drums.

Co-Judge 1: When did you meet Angkar?

Co-Judge 2: No leading questions in the investigatory phase.

Co-Judge 1: Did you ever meet anyone?

Savary: Meet anyone? Did I ever meet Angkar? No, of course not. No one met Angkar. You couldn't meet it. Him. Angkar had no face to greet. Angkar had no hand you could shake. There were only people. Sometimes people who took orders. Sometimes people who gave them. Sometimes just people. Why are you asking me this? Everyone knows this.

Co-Judge 1: Who were the people who gave orders?

Co-Judge 2: No leading questions in the investigatory phase.

Co-Judge 1: Did you ever see anyone giving orders?

Savary: Yes.

Co-Judge 2: Who?

Savary closes her eyes and bows her head.

Co-Judge 2: It's important. For your country. For justice.

Savary: I don't know what you think I can tell you. The things that happened, to me, to my family, they happened to everyone. Everyone in my village can tell you a story. Why aren't you asking everyone? Why are you only here, asking me?

Co-Judge 2: We are not seeking stories. We are seeking evidence. We have things to prove.

Co-Judge 1: The story has to be put together in the correct manner.

Co-Judge 2: In linear form. As a series of facts. As proof.

Co-Judge 1: To be used as evidence.

Co-Judge 2: We are seeking pieces of evidence, which will prove or fail to prove the occurrence of the crimes.

Co-Judge 1: Each element

Co-Judge 2: Of the crimes must be met

Co-Judge 1: to prove or fail to prove that the crime itself has occurred.

Co-Judge 2: That it was committed by the defendant.

Co-Judge 1: That it falls within the jurisdiction of the Court.

Co-Judge 2: But let us worry about that.

Co-Judge 1: If you could just answer our questions.

Savary: What will happen if I do?

Co-Judge 1: Well, probably nothing.

Co-Judge 2 (glaring at Co-Judge 1): We will carefully record your statement, which will become part of the Official Record. Your statement will be added to the Dossier, which will become Evidence. (beat) It is possible, though unlikely, that you may be called to Phnom Penh to testify in the trial phase of the proceedings.

Savary: To Phnom Penh? To testify? I can do that?

Co-Judge 2: Possibly. If the trial judge has questions for you.

Savary: But I have a family. Responsibilities.

Co-Judge 1: Oh, we'll arrange everything.

Savary: But these people you are asking me about. They live here. (beat) I'm afraid.

Co-Judges exchange a glance, look back at Savary simultaneously.

Co-Judges (together): We'll arrange everything.

Co-Judge 2: Procedures are in place to ensure your protection.

Co-Judge 1: To ensure your anonymity.

Co-Judge 2: Should you be called to testify.

All exit.

SCENE 2:

The Prosecutor, Defense Counsel, and Trial Judge enter, stand on opposite sides of the stage, looking over the audience.

Trial Judge: So let's see what we've got. The investigating judges have completed the dossier of evidence, which has been made available to all parties. Right?

Prosecutor/Defense Counsel: Right.

Trial Judge: Trial is scheduled to start shortly. The witnesses to testify at trial have been selected. Prosecutor, do you wish to propose any additional witnesses?

Prosecutor: No, Your Honor.

Trial Judge: Defense counsel, does the defendant wish to call any other witnesses?

Defense Counsel: No, Your Honor.

Trial Judge: The Witness Unit will arrange transportation and housing. We will reconvene at 8 am in two weeks to proceed. Please remember that the international community is watching these proceedings carefully.

SCENE 3: COURTROOM

Enter Savary to the courtroom. She is accompanied by Prosecutor. He leads her off left.

Prosecutor: you're going to have to stay in the Waiting Room until you're called. It shouldn't be too long.

Savary: I can't watch?

Prosecutor: No. Not until after you testify. It could influence your testimony. You understand.

Savary: All right. I'll just wait here.

Prosecutor: I'll come get you when you're called to testify. Don't worry, your identity will be protected in the courtroom. No one will recognize you.

She sits on the ground, waiting. Prosecutor enters the Courtroom and sits at his table, across from Defense.

Trial Judge: The defendant may speak.

Angkar, masked, is seated at the defense table. Defense rises.

Defense: The defendant does not wish to testify, Your Honors.

Savary (from left, speaking out to audience): I want to hear what Angkar is saying.

Defense: We would like to proceed directly to evidence.

Savary (from left): I want to hear him defend himself.

Savary goes to the “wall” of the Witness Room and presses her ear against it.

Trial Judge: The Prosecution may proceed with opening statements.

Prosecutor: Thank you, Your Honors.

Genocide. Crimes against humanity. Torture. Murder. Religious persecution. Thirty years ago, This Man committed these acts, or caused them to be committed. Today, the prosecution will prove before this court and country that this individual is responsible for the great suffering of the Cambodian people. Not just morally, but legally responsible.

Savary (to Angkar): how can legal and moral responsibility be separate things? You did this. You killed my family. Tortured my husband. Stole my children.

Prosecutor: Who is morally responsible is not a question before this court. This court is responsible for applying international standards to ensure a fair trial. Therefore, before this court there are several distinct, legal questions. First, are the elements of the crime met?

Savary: All I want from this court is justice. For my family. So I can have some peace.

Prosecutor: We must and will prove that this defendant took the actions alleged, or was responsible for others taking those actions. Second, we must and will prove that the actions taken by this individual fulfill the elements of the alleged crimes.

Savary: Is this justice?

Prosecutor: I ask you to remember that it is not the Khmer Rouge that is only trial here today. The defendant is on trial. Therefore, we will prove not only that the

Khmer Rouge regime engaged in crimes both international and domestic, but that this defendant—this man, who sits before us today—committed those crimes. Justice is elusive. What we seek here is the truth.

Savary: I know the truth. I want the truth told. I want to tell it.

Trial Judge: Witness is called to testify.

Prosecutor crosses to Savary, opens the door, and hands her a mask. She stands, turning it over in her hands before putting it on. She crosses to the witness stand. As she passes Angkar, she stops. They stare at each other for a minute. Savary and Angkar nod to each other. Savary turns away from him and steps onto the stand.

Trial Judge: Do you swear or affirm to tell the truth before this tribunal?

Savary: I have never lied about Angkar. (pause) I've been silent for thirty years because no one has asked, but I have never lied.

Trial Judge: Do you swear or affirm—

Savary: Yes. I do.

Trial Judge: I am going to ask you a series of questions. Please answer them as fully as possible. Then the prosecutor and defense counsel will have the opportunity to ask you further questions. Do you understand?

Savary: I do. I want to answer your questions.

At the defense table, Angkar looks up. He stands slowly. No one takes notice except Savary, who watches him closely.

Trial Judge: I have before me the dossier of evidence, in which there is the statement you gave to the investigating judges, as well as a transcript of your interview with the Co-Prosecutors—

He continues in this vein, quietly, behind Savary. Savary keeps her eyes on Angkar throughout her monologue. Angkar remains standing.

Savary: I waited thirty years for someone to come and ask. I waited thirty years to meet you. I waited thirty years for justice. And here we are.

Trial Judge: On page 34 of the transcript of your interview, you stated that the head of the collective received orders from---

Savary: You have lawyers to defend you. Laws. Rights. I suppose you have to have them. But there were no lawyers to protect my children. You killed them all. My

husband had no rights when you took him away. (pause) I want justice. I want peace.

Angkar does not react. He turns his head slowly, taking in the courtroom.

Trial Judge: To clarify, when you stated that you observed the execution of—

Savary: But I can't help but think that justice would be to judge you by your own laws. I want you to pay for my children. For my parents.

Trial Judge: Are there any questions from the Prosecutors?

Prosecutor: No, your honors.

Trial Judge: Are there any questions from defense counsel?

Defense: Yes, your honors.

Trial Judge: Please proceed.

Defense: On page 57 of the transcript of your original statement, you asserted that on or about July 1976--

Savary: The world is watching this trial.

(Angkar turns to face Savary).

Savary: The world is listening. After thirty years, my country is listening. (pause) I don't know what justice is. I don't know what justice requires of us. But maybe the best we can do is to tell the story. Maybe justice is moving on without forgetting. Maybe the only justice that means anything is creating a society our children will want to live in.

Trial Judge: Are there any other questions for this witness?

Defense: No, your honor.

Trial Judge: The witness is dismissed.

Savary stands, faces Angkar, who sits slowly. She turns away, and exits slowly, not looking back.

Trial Judge: The defense may proceed with closing statements.

Defense: Thank you, Your Honors.

Thirty years ago in Cambodia, one of the worst human rights abuses in recorded history occurred. There is no doubt about that. Terrible things happened here, and we are still trying to recover from those events. However, the purpose of this trial is not to prove that those terrible events occurred. Rather, the purpose of this trial, the purpose of this defense, is twofold. First, to determine whether the events that occurred meet the legal definition of the crimes alleged. Second, to determine whether this defendant—this individual—was legally responsible for those acts.

The Khmer Rouge had a saying. “You can arrest someone by mistake. Never release him by mistake.” (pause) We reject that. We, like the majority of the world, have committed ourselves to the presumption of innocence. To the notion that it is better to let ten guilty men go free than to punish one innocent.

Justice is a process. The process by which we prove or disprove the guilt of the defendant. Without this process, the truth cannot emerge. Without this process, the best that we can hope for is blind outrage leading to revenge. We, as a nation, want more than that. We seek justice. And those who seek justice must seek the rule of law.

If we accept the rule of law, we must also accept that justice, that a fair trial and the presumption of innocence, must be available to all parties. We must commit to applying the rule of law no matter who the defendant is. We must commit to fair trials for all parties, not merely those we sympathize with. As hard as it may be for us to accept, this purpose of this trial is not, ultimately, to find justice for the victims of the Khmer Rouge. The purpose of this trial is to determine if this man—only this man—is guilty of the crimes alleged. The purpose of this trial is to have a fair trial. The process itself is justice. For the man accused, and for the future of this country.

Your Honors, the defense rests.

Trial Judge: The judges will return to chambers to deliberate.